



Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century

2016 ICAOS Annual Business Meeting

Docket Book

Sept 12-14, 2016





INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

2016 ANNUAL BUSINESS MEETING DOCKET BOOK

- Agenda
- Annual Business Meeting Minutes from October 7, 2015
- 2016 Final Rule Amendment Proposal
- Data Collection
- State Dues Assessments
- Budget
- Committee and Region Reports
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- Summary for Robert's Rules of Order
- Presenter Biographies
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- DCA Training Institute



**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
2016 ANNUAL BUSINESS MEETING AGENDA**

**The Westin Cleveland Downtown Hotel
777 Saint Clair Ave. NE • Cleveland, OH 44114
September 12 - 14, 2016**

Monday, September 12

Deputy Compact Administrators Training Institute

Orchid West, 6th Floor

8:30 am – 9:00 am

Welcome & Introductions

- *Sara Andrews (OH), Chairwoman; Anne Precythe (NC), Training, Education and Public Relations Committee Chair; and Tracy Hudrlik (WI), DCA Liaison Committee Chair*

9:00 am - 10:30 am

Compact Office Roles and Responsibilities Panel

- *Moderators: Anne Precythe (NC), Commissioner and Tracy Hudrlik (WI), Commissioner*
- *Presenters: Joe Beaman (MI), DCA; Jim Ingle (UT), DCA; and Judy Mesick (ID), DCA*

10:30 am - 10:45 am

Break

10:45 am – 11:45 am

External Reports/FY 2017 Compliance Audit Discussion

- *Moderator: Harry Hageman, ICAOS Executive Director*
- *Presenters: Matt Billinger (KS), DCA; Natalie Latulippe (CT), DCA; Tim Strickland (FL), DCA; Xavier Donnelly, ICOTS Project Manager, and Mindy Spring, ICAOS Administrative and Training Coordinator.*

11:45 am – 1:00 pm

Lunch [on your own]

1:00 pm – 2:00 pm

External Reports/FY 2017 Compliance Audit Discussion (cont.)

2:00 pm – 3:00 pm

Discretionary Case Review Discussion

Orchid West, 6th Floor

- *Presenters: Lori Meister, ICAOS Assistant Director; Mindy Spring, ICAOS Administrative and Training Coordinator; Tanja Gilmore (WA), DCA; Jacey Nordmeyer (NE), Commissioner.*

3:00 pm - 4:30 pm

Executive Committee Meeting

Cattleya, 6th Floor

4:45 pm – 5:15 pm

Public Hearing

Calypso, 6th Floor

- *Sara Andrews (OH), Chairwoman; Jane Seigel, Rules Committee Chair; and Rick Masters, General Counsel*

Tuesday, September 13

8:30 am – 9:00 am

Opening Remarks

Orchid Ballroom, 6th Floor

- *Mike Buenger, Administrative Director, Supreme Court of Ohio*
- *Discussion points focused on evolution of ICAOS and the importance of interstate compact cooperation, offender management, and public safety as well as recent Judicial Opioid Summit.*

9:00 am – 10:00 am

Violation Sanctions and Retaking Ad Hoc Committee Report and Discussion

Orchid Ballroom, 6th Floor

- *Rules Committee members*

10:00 am – 10:15 am

Break

10:15 am – 11:15 am

State Council Panel

Orchid Ballroom, 6th Floor

- *Moderator: Sara Andrews (OH), Chairwoman*
- *Panelists: Ohio State Council Members: Craig Berry, Chief Probation Officer, Lake County; Julie Doepke, Victim Representative, Hamilton County Probation; Michael Jackson, Ohio Parole Board; Judge Michael Russo, Cuyahoga County Common Pleas Court; Elizabeth Miller, Assistant Director, Ohio Public Defender's Office; Senator William Seitz, Ohio Senate; Harry Hageman, ICAOS Executive Director; Dori Ege (AZ), Commissioner; Gary Roberge (CT), Commissioner; Allen Godfrey (MN), Commissioner.*

- 11:15 am – 11:45 am** **Director Gary Mohr, Ohio Department of Rehabilitation and Correction**
Orchid Ballroom, 6th Floor
- *Remarks focused on risk assessment and release, managing technical violators, and corrections system reform & the impact for community based supervision.*
- 11:45 am - 1:00 pm* *New Commissioners Lunch*
Isabella, 7th Floor
- 1:00 pm – 2:15 pm** **ICOTS VINEWatch Discussion Panel**
Orchid Ballroom, 6th Floor
- *Moderator Pat Tuthill, Victims' Advocate*
 - *Panelists: Julie Lohman (VA), DCA; Jay Lynn (NC), DCA; Allen Griffin (NC), Victim's Representative; Suzanne Elwell (MN), Victims' Representative; Tim Strickland (FL), DCA; and Robert Maccarone (NY), Commissioner.*
- 2:15 pm - 2:30 pm* *Break*
- 2:30 pm – 4:15 pm** **East Region Meeting**
Disa, 7th Floor
- South Region Meeting**
Calypso, 6th Floor
- Midwest Region Meeting**
Eria, 7th Floor
- West Region Meeting**
Laelia, 7th Floor
- 4:30 pm – 6:00 pm** **Reception/Recognition Session**
Orchid Foyer, 6th Floor

Wednesday, September 14

General Session
Orchid Ballroom, 6th Floor

- 8:30 am - 8:45 am** **Call to Order**
- Flag Presentation**
- *Cleveland Police Department*
- Roll Call**

8:45 am – 9:30 am

Welcome & Overview

- *Sara Andrews (OH), Chairwoman*
- *Opening remarks and welcome Senator John Eklund*
- *Video message from Chief Justice Maureen O'Connor*

Approval of Agenda

Approval of Minutes

- *October 7, 2015*

9:30 am – 10:00 am

Committees' Reports

Training, Education & Public Relations Committee

- *Anne Precythe (NC), Chair*

DCA Liaison Committee

- *Tracy Hudrlik (WI), Chair*

Compliance Committee

- *Jeremiah Stromberg (OR), Chair*

Finance Committee

- *Charles Lauterbach (IA), Chair*
 - *FY 2018 Budget*

ABM Workgroup

- *Chris Norman (AL), Commission Vice Chair*

Information & Technology Committee

- *Gary Roberge (CT), Chair*

Victims' Advocate

- *Pat Tuthill, Victims' Advocate*

Legal Counsel

- *Rick Masters, Legal Counsel*

Rules Committee

- *Presenters: Robert MacCarone, Chair, ad hoc Committee on Violation Sanctions and Retaking; Tracy Hudrlik, Vice Chair, ad hoc Committee on Violation Sanctions and Retaking*

10:00 am – 10:15 am

Break

10:15 am – 11:00 am

Committees' reports (cont.)

- 11:00 am – 11:45 am** **Bill Seitz, Ohio State Senator**
- *Remarks focused on national criminal justice reform trends, legislative efforts, overcoming roadblocks and developing strategies to advance public safety.*
- 11:45 am – 1:00 pm* *Lunch [on your own]*
- 1:00 pm – 3:45 pm** **Dr. Edward Latessa, University of Cincinnati and Dr. Christopher T. Lowenkamp, Social Science Analyst for the Administrative Office of the U.S. Courts, Probation and Pretrial Services Office, Panel Presentation**
- *Organizational development/culture change*
 - *Implementation science & sustaining effective offender management*
 - *Risk Assessment/evidence based decision making*
 - *Recidivism trends and the value of data*
 - *Strategies to use program evaluation and effectiveness when making funding decisions*
- 3:45 pm – 4:00 pm* *Break*
- 4:00 pm – 4:30 pm** **Awards Presentation**
- *Executive Chair Award & Peyton Tuthill Award - Chairwoman S. Andrews (OH)*
 - *Executive Director Award – Executive Director H. Hageman*
 - *Officers Recognition Awards – Executive Director H. Hageman*
- 4:30 pm – 5:00 pm** **New Business/Old Business**
- *Election of Officers*
 - *Call to the Public*
- Adjourn**
- 5:15 pm – 6:15 pm** **Executive Committee Meeting**
Caladenia, 7th Floor



INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION ANNUAL BUSINESS MEETING MINUTES

October 7, 2015

Hilton Portland & Executive Tower
921 SW Sixth Ave., Portland, OR 97204

Call to Order

The meeting was called to order by Chairwoman S. Andrews (OH) at 8:34 a.m. PT. Portland Color Guard presented the flags.

Chairwoman S. Andrews (OH) welcomed everyone to the 2015 Annual Business Meeting in Portland, OR.

Roll Call

Roll was called by Executive Director H. Hageman. Fifty out of fifty-three members were present, thereby constituting a quorum.

1. Alabama	Christopher Norman, Commissioner
2. Alaska	Carrie Belden, Commissioner
3. Arizona	Dori Ege, Commissioner
4. Arkansas	Sheila Sharp, Commissioner
5. California	Daniel Stone, Commissioner
6. Colorado	Alison Morgan, Commissioner
7. Connecticut	Gary Roberge, Commissioner
8. Delaware	Alan Grinstead, Commissioner
9. District of Columbia	<i>Not in attendance</i>
10. Florida	Jenny Nimer, Commissioner
11. Georgia	Chris Moore, Commissioner
12. Hawaii	Sidney Nakamoto, Commissioner
13. Idaho	Denton Darrington, Commissioner
14. Illinois	Michelle Buscher, Commissioner

15. Indiana	Jane Seigel, Commissioner
16. Iowa	Charles Lauterbach, Commissioner
17. Kansas	Kathleen Graves, Commissioner
18. Kentucky	Roberto Rodriguez, Commissioner
19. Louisiana	Genie Powers, Commissioner
20. Maine	Scott McCaffery, Commissioner
21. Massachusetts	Paul Treseler, Commissioner
22. Maryland	Judith Sachwald, Commissioner
23. Michigan	Russell Marlan, Commissioner
24. Minnesota	Allen Godfrey, Commissioner
25. Mississippi	Christy Gutherz, Commissioner
26. Missouri	Ellis McSwain, Commissioner
27. Montana	Cathy Gordon, Commissioner
28. Nebraska	Cathy Gibson-Beltz, Commissioner
29. Nevada	Kimberly Madris, Commissioner
30. New Hampshire	Mike McAlister, Commissioner
31. New Jersey	Craig Schindewolf, Designee
32. New Mexico	Roberta Cohen, Commissioner
33. New York	Robert Maccarone, Commissioner
34. North Carolina	Ann Precythe, Commissioner
35. North Dakota	Charles Placek, Commissioner
36. Ohio	Sara Andrews, Commissioner
37. Oklahoma	Milton Gilliam, Commissioner
38. Oregon	Jeremiah Stromberg, Commissioner
39. Pennsylvania	Margaret Thompson, Designee
40. Puerto Rico	Raquel Colón, Commissioner
41. Rhode Island	Laura Queenan, Designee
42. South Carolina	<i>Not in attendance</i>
43. South Dakota	Doug Clark, Commissioner
44. Tennessee	Bobby Straughter, Commissioner
45. Texas	Libby Elliott, Commissioner
46. Utah	Geri Miller-Fox, Commissioner
47. Vermont	Dale Crook, Commissioner
48. Virginia	James Parks, Commissioner
49. Virgin Islands	<i>Not in attendance</i>
50. Washington	Anmarie Aylward, Commissioner
51. West Virginia	Diann Skiles, Commissioner
52. Wisconsin	Tracy Hudrlik, Commissioner
53. Wyoming	Dawn Sides, Commissioner

Executive Director H. Hageman recognized Ex-Officio members:

- National Governor Association - *Not in attendance*
- National Conference Of State Legislatures - Craig Tieszen
- National Organization of State Chief Justices - *Not in attendance*
- National Association of Attorneys General – *Not in attendance*

- National Organization of Crime Victims – Patricia Tuthill
- National Institute of Corrections - *Not in attendance*
- American Probation and Parole Association – *Not in attendance*
- Association of Paroling Authorities International – Keith Hardison
- Interstate Commission for Juveniles – Ashley Lippert
- Conference Of State Court Administrators - *Not in attendance*
- National Organization for Victim Assistance - James Gierke
- Association of Prosecuting Attorneys - David LaBahn
- National Association for Public Defense - Alexander Bassos

Welcome & Overview

Chairwoman S. Andrews (OH) stated that her goal was to preserve the traditions that continue to advance the mission of the Compact while improving and expanding services to the states within the confines of the current budget. She reflected on the Commission's accomplishment in the past year.

Commissioner J. Stromberg (OR) welcomed the Commission to Portland, OR. He introduced Colette S. Peters, Director of Oregon Department of Corrections, who gave the keynote speech.

Chairwoman S. Andrews (OH) instructed the Commission on the rules and procedures of the meeting.

Approval of Agenda

Commissioner C. Gibson-Beltz (NE) moved to approve the agenda as drafted. Commissioner G. Roberge (CT) seconded.

Agenda approved as drafted.

Approval of Minutes

Commissioner M. Gilliam (OK) moved to approve the ABM 2014 minutes as presented. Commissioner K. Graves (KS) seconded.

Minutes approved as presented.

Information Technology Report

Commissioner G. Roberge (CT), Technology Committee Chair, thanked the national office staff and the Technology Committee members for their service to the Committee.

The Information and Technology Committee consists of 12 members, including six commissioners and six ex-officio members. Commissioners include Gary Roberge – Chair (CT), Nancy Ware – Vice Chair (DC), Chris Norman (AL), Sheila Sharp (AR),

Charles Placek (ND), and Michelle Buscher (IL). Ex-officio members include Natalie Latulippe (CT), Matthew Billinger (KS), John Gusz (NJ), Shawn Arruti (NV), Felix Rosa (NY), and Julie Lohman (VA).

Commissioner G. Roberge (CT) presented the highlights of the activities of the Technology Committee for the 2015 fiscal year.

ICOTS Security Releases

Appriss is contractually obligated to keep ICOTS in compliance with CJIS security standards. To meet that obligation, they released two security updates to ICOTS during fiscal year 2015. The first release decreased the idle time-out period from two hours to 30 minutes and created a single session limit for user logins. The second release added security questions to the user password reset process and set a notification to state administrators regarding users that are inactive for more than 90 days.

ICOTS FY 2015 Enhancement Releases

One of the Technology Committee goals for the 2015 fiscal year was overseeing the implementation of the enhancements that were prioritized, and approved, during the 2014 fiscal year. To that end, the committee and the national office managed six code releases involving 13 functional enhancements to ICOTS. Some of the most notable enhancements are the ability to link compact action requests to compact activities, nested display of activity history on the offender profile, and reducing the ability to create duplicate offenders.

ICOTS FY 2017 Enhancements

Another goal for the 2015 fiscal year was to continue to update and prioritize the approved ICOTS enhancement requests. The committee conducted a thorough review of the pending enhancement requests and was able to reduce the number of approved enhancements from over 50 to 37 enhancements. Committee members prioritized the remaining 37 enhancements according to the level of importance with regard to system functionality and increased user proficiency. Appriss then documented each enhancement in a formal statement of work and provided price quotes for each enhancement. The committee will continue to review the enhancements to determine and recommend to the Executive Committee which enhancements should be considered for implementation based upon increased system functionality in conjunction with the cost required to complete the work.

Approved ICOTS Enhancements

The Technology Committee will continue to work closely with the Executive Committee and the National Office to identify funding for the development of the 37 pending enhancements in fiscal year 2017. The Committee realizes that enhancements to the ICOTS system are costly and resources are limited so we will continue to identify and recommend only those enhancements that will increase user efficiency and assist our states in providing better supervision services. To that end, in order for any of the approved enhancements to be developed and implemented in fiscal year 2017, funding will have to be appropriated through the budgetary process.

ICOTS Rule Amendments

The fiscal year 2016 is a rules proposal year for the commission. Therefore, standing committees have proposed several rule amendments during this past fiscal year that will require modifications to the ICOTS application. The national office has reviewed the proposed amendments and has requested that Appriss deliver cost estimates for billable hours, which will be required to make those changes. Appriss has committed to completing all developmental work required by approved rule amendments prior to the March 1, 2016 effective date.

External Reports

Usage of the external reports rose from over 13,300 pageviews in fiscal year 2014 to over 20,000 pageviews in fiscal year 2015, an increase of 50%. This significant increase in external reporting is related to more training modules being offered to ICOTS users as well as additional reports that have been added and are available to end users.

Fusion Center Data Exchange Project

The American Probation and Parole Association (APPA), SEARCH, and the state fusion centers of New York continue to run weekly exports of successful compact transfers. The state fusion center in Georgia joined the project and receives weekly exports of successful compact transfers. The Wisconsin DOJ signed an MOU to join the data-sharing project and will begin receiving weekly exports as well. APPA is continuing to promote the success of the fusion project to other state centers, which should ultimately result in additional fusion center partnerships.

FBI NDex Data Sharing

The National Office began working with NDex last year on a project to export compact case and offense information to their data center. This year the application was successfully tested and implemented, resulting in an ICOTS web-based service exporting compact data to NDex on a monthly basis.

ICOTS Helpdesk Support

The ICOTS helpdesk received approximately 2,000 ICOTS support tickets throughout the 2015 fiscal year. Helpdesk support tickets decreased more than 23% fiscal year 2014. This reduction in helpdesk support tickets can be directly related to the enhancement implementation regarding creating duplicate offenders and other system fixes in each security release throughout this fiscal year.

ICAOS Website

Visits to the website were up over 10% from the previous fiscal year, with over 512,000 visits. Desktop user visits dropped 3.9% with over 355,000 visits, mobile users were up 76% with over 138,000 visits, and tablet users were up 30% with over 17,000 visits. Users on mobile or tablet devices accounted for more than 30% of the visits to the ICAOS website in fiscal year 2015.

Compliance Dashboards

Usage of the compliance dashboards rose from over 1,100 pageviews in fiscal year 2014 to over 3,000 pageviews in fiscal year 2015, an increase of 176%.

Another goal for the 2015 fiscal year was to expand the compliance dashboards. The national office added two new dashboards in the beginning of the 2015 fiscal year. The first dashboard covers compliance of case closure reply activities. The second dashboard covers compliance of the submission of requested progress report activities.

The following are goals and challenges the Commission will face in the 2016 fiscal year.

- Prioritize Releases for Approved ICOTS Enhancements in FY17
- NCIC Subcommittee
 - Chair Matthew Billinger, DCA (KS)
- Expand Compliance Dashboards
- ICOTS Rule Amendments FY18

Commissioner D. Crook (VT) moved to accept the Technology Committee report. Commissioner C. Gibson-Beltz (NE) seconded.

Motion passed.

Training, Education & Public Relations Committee Report

Commissioner A. Precythe (NC), Training Committee Chair, expressed her gratitude towards the Committees members and the national office staff for their work throughout the year.

Training Committee members

Anne L. Precythe, Chair (NC); James Parks (VA); Roberta Cohen (NM); Scott McCaffrey (ME); Bob Rodriguez (KY); Chris Moore (GA); Geri Miller-Fox (UT); Sally Reinhardt-Stewart, ex-officio (NE); and Tim Strickland, ex-officio (FL).

Since the inception of ICAOS, the Training Committee continues to improve and expand training efforts to assist states in educating criminal justice professionals involved in Interstate Compact business. As the demand for training grew year after year, particularly after the launch of ICOTS in 2008, time commitment for assisting with training became very time consuming for committee members. This year, the Training Committee established a trainer group to expand state's access to knowledgeable content experts and assist with delivery of rules and ICOTS training. The Training Committee members continue to focus on policy development and fiscal responsibility in delivering training, while the trainer group members deliver the training and assist in curriculum development.

The goals for the Training Committee this year include distinguishing between the Training Committee and trainer group by recognizing trainers with specific content expertise, expanding On-Demand training options with re-design of current modules in an interactive format as well as emphasizing state compact offices' responsibilities to ensure stakeholders are trained on ICAOS Rules and ICOTS. Current training efforts

highlight the importance of operationalizing the rules and to “Work the Rules, Don’t Let the Rules Work You!” always remembering the purposes of ICAOS to ensure public safety, track offender movement and support offender rehabilitation efforts by providing effective supervision.

Trainers: Tim Strickland (FL); Leslie Thomas (NC); Betty Payton (NC); Ernette Griggs (WI); Margaret Thompson (PA); DeAnna Duff (MO); Stephanie Engel (WI); Janice Young (ND); Roberta Cohen (NM); Rose Ann Bisch (MN); Holly Jo Bills-Atkins (NE); Kelly Nelson (CO); Shari Britton (FL); Ruby M. Bledsoe (NV); Shawn Arruti (NV); Judy Mesick (ID); Matthew Reed (PA); Julie Lohman (VA); Miriam Dyson (GA); Lisa Kinard (FL); Jacey Nordmeyer (NE); Matthew Billinger (KS); Dori Ege (AZ)

Training Committee Responsibilities

- Policy development
- Ensure training efforts are fiscally responsible
- Outline ideas for new curriculum
- Ensure training is targeting appropriate audiences
- Recognize best practices
- Publish Training Bulletins
- Recommend Rule amendments/ICOTS changes
- Review/provide input on Advisory Opinions

Trainer Group Membership

- Content experts with working knowledge of
 - Rules
 - ICOTS
 - Examples used within their own state to improve quality of compact activities/communication
- If not a Commissioner or DCA, must be recommended by Commissioner or DCA of that state
- Present and/or assist with questions during trainings
- Assist in curriculum development
 - Recommend changes for improving curriculum
 - Review On-Demand modules
 - Provide ideas for new trainings

In FY2016, the Training Committee set its goals to:

1. Support/Expand the Trainer Group
 - Rules & ICOTS Experts
2. Reinforce the state compact office role to operationalize the rules when training stakeholders
3. Update current training tools specifically
 - Re-authoring OnDemand Modules-increase interactivity & usage
 - Expanding Admin/Compact office training

Commissioner A. Aylward (WA) moved to accept the Training Committee report. Commissioner S. Nakamoto (HI) seconded.

Motion passed.

Justice Reinvestment Workgroup Report

Commissioner A. Precythe (NC), Justice Reinvestment Workgroup Chair, informed the Commission that the workgroup met twice via WebEx. The group identified areas that might be impacted by the rules: requests for reporting instructions; violation and retaking; closing cases; and reporting time calculation.

The group came to the conclusion that the reporting instructions were not an issue. To clarify the violation and retaking issue, the group requested the issuance of Advisory Opinion 1-2015 on “Whether an offender whose supervision is transferred under the Compact to the state of North Carolina and commits a violation of one or more of the terms and conditions of probation may be subjected to confinement for short periods in lieu of revocation of probation pursuant to a state statute applicable to offenders sentenced in North Carolina?”

The closing cases issue involved how states respond to noncompliance. The group launched a survey on noncompliance with 26 responses. Commissioner A. Precythe (NC) presented the survey results to the Commission. The national office posted each states’ violation grid under the state’s page on the Commission website.

Commissioner A. Precythe (NC) stated that the group agreed that the rules are not a problem, the implementation is.

Chairwoman S. Andrews (OH) accepted the report on the Commission’s behalf.

DCA Liaison Committee Report

Commissioner Geri Miller-Fox (UT), DCA Liaison Committee Chair, presented her report to the Commission. She thanked the national office and the committee members for their work.

Committee Members

DCA Donna Pratt, VT (East Region DCA Chair); DCA Julie Lohman, VA (South Region DCA Chair); DCA Rose Ann Bisch, MN (Midwest Region DCA Chair); DCA Judy Mesick, ID (West Region DCA Chair); Commissioner Alison Morgan, CO; DCA Tim Strickland, FL; Commissioner Michelle Buscher, IL; DCA Joseph Beaman, MI; Commissioner Cathy Gordon, MT; DCA Regina Grimes, TX, Commissioner Diann Skiles, WV; and DCA Elizabeth Powell, DC.

The DCA Liaison Committee’s responsibility is to act as the liaison between the Commissioners and the Deputy Compact Administrators (DCA). The committee ensures

that communication and feedback are forwarded appropriately. The Committee identifies and provides training opportunities for the Deputy Compact Administrators.

The DCA Liaison Committee is working on three goals for this year:

- Mentoring of DCAs
- Training Needs and Ideas
- Communication with Regions, Commissioners, and DCAs

Mentoring: The mission of the mentoring program is to coach, train and counsel new DCAs on the operations of a compact office and to provide guidance to DCAs who need assistance to resolve difficult compliance issues in their state. The mentoring program encourages active participation in commission and regional activities and collaboration with member states to promote successful strategies and best practices.

Training Needs: DCA Region Chairs have identified the need to provide training to partnering agencies within their local areas. This issue was also identified as a goal to be considered by the Training Committee. It is very important that states facilitate training and communication with local entities involved in the compact process.

DCA Region Chairs are reviewing “best practices” during the DCA Region Meetings in an effort to share strategies that work.

The DCA Liaison Committee has also recognized the need to provide additional training around violation procedures. One example of this committee’s work is a recent meeting where Midwest Region DCA Chair, Rose Ann Bisch (MN) provided case scenarios for the DCAs to review during their meeting. DCAs are encouraged to bring sample cases to discuss during the Region DCA Meetings. This provides great training opportunities for everyone.

Communication: The DCA Liaison Committee is committed to facilitating communication. As part of meeting this goal, the committee establishes DCA Region Chairs who then facilitate regional DCA meetings. These meetings are excellent opportunities to identify concerns and collaborate toward solutions. The DCA Region Chair can then bring these issues to the committee where we can tackle the challenges through a variety of mechanisms, including collaboration with the Executive Committee.

Commissioner A. Morgan (CO) moved to accept the DCA Liaison Committee report. Commissioner G. Roberge (CT) seconded.

Motion passed.

Compliance Committee Report

Commissioner J. Stromberg (OR), Compliance Committee Chair, thanked the Committee members for their work: Mike McAlister, NH; Cathy Gibson-Beltz, NE; Charles Placek,

ND; Chris Norman, AL; Ellis McSwain, MO; Genie Powers, LA; Kathleen Graves, KS; and Kim Madris, NV.

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

Commissioner J. Stromberg (OR) stated that the Executive Director was able to resolve all complaints and compliance issues in accordance with the Guidelines for Resolving Compliance Issues Policy (03-2007). There were no issues referred to the Committee this year.

The Committee has set three specific goals for this year:

- Review and update ICAOS Policies
- Implement a compliance process/procedure for handling formal complaints in a fair and consistent manner
- Review compliance trends and patterns and make recommendations for improvements

The Committee is finalizing a Sanction Matrix to guide the Committee when determining the appropriate response or action when a state has been found in violation of the Compact.

Fiscal Year 2014 & 2015 Compliance Audit Comparison

Nationally, six of the seven compliance audit standards increased. This has resulted in a national average that meets or exceeds the expected results in all categories. This is a promising trend that shows continued growth and progress amongst all states and helps explain why there have not been any complaints or compliance issues that could not be resolved at the Executive Director level.

<u>Standard</u>	<u>2014 National Compliance Average</u>	<u>2015 National Compliance Average</u>
RFRI Reply	96%	97%
Transfer Reply	87.9%	89.8%
Closure Notice	89%	95.8%
Case Closure Replies	89.1%	88.8
Requested Progress Reports	88.9%	95.5%
Annual Progress Report	78.2%	84%
Violation Response	81.5%	83.5%

In fiscal year FY 2015, all states were subject to audit on a total of thirteen standards. States that failed four or more standards (including three or more rule standards) were required to provide and successfully complete a corrective action plan addressing the

failed standards. At the conclusion of FY2015, all states required to complete a corrective action plan addressing failed audit standards did so successfully. A list of those standards are posted on the Commission website.

Commissioner A. Precythe (NC) moved to accept the Compliance Committee report. Commissioner G. Roberge (CT) seconded.

Motion passed.

Finance Committee Report

Commissioner C. Lauterbach (IA), Finance Committee Chair and Treasurer, presented the Finance Committee report to the Commission. The Commission continues to maintain a strong financial base for its operations. . The national office staff continues to work diligently to keep the commission expenditures within its budget constraints.

Each year the Commission looks to its resources with current program and service offerings. With costly annual ICOTS enhancements, additional professional development at the annual business meetings, new on-demand training software etc. the Commission's expenses have exceeded its revenue for the last several years. After conducting a detailed review of the Commission's financial situation, the Finance Committee is pleased to report that even though it is necessary at times to expend from the cash reserves to meet the Commission's needs, the Commission is financially sound with a substantial cash reserve and a healthy long term investment fund. In the future, to minimize cash reserve withdrawals, per the Finance Committee recommendation, the Executive Committee reduced the monthly contribution to the long-term fund; the balance of which currently totals nearly \$1.3M. The Commission long-term fund consistently yields a strong return, which is an important part of the Commission's financial picture.

Commissioner C. Lauterbach (IA) moved to accept the proposed FY 2017 budget. Commissioner R. Maccarone (NY) seconded.

Motion passed unanimously.

Commissioner C. Lauterbach (IA) stated that as of today, all but two states and territories paid their dues assessment.

Commissioner C. Lauterbach (IA) thanked the Finance Committee members and the national office for their service: Commissioner Michelle Buscher (IL), Commissioner Bobby Straughter (TN), Commissioner Christy Gutherz (MS), Commissioner Sheila Sharp (AR), Commissioner Kathleen Graves (KS), and Ex-Officio DCA Debbie Duke (TN).

Commissioner C. Lauterbach (IA) moved to accept the Finance Committee report. Commissioner G. Roberge (CT) seconded.

Motion passed.

ABM Planning Workgroup Report

Commissioner C. Norman (AL) informed the Commission that this year's Annual Business Meeting was combined effort of commissioners and DCAs.

Members: Chris Norman (AL), Scott McCaffrey (ME), Raquel Colon (PR), Michelle Buscher (IL), Suzanne Brooks (OH), Matt Billinger (KS), Nancy Ware (DC), Shawn Arruti (NV), Jeremiah Stromberg (OR), Kim Madris (NV), Jenna James (GA), Elizabeth Powell (DC), and Judy Mesick (ID).

Chairwoman S. Andrews (OH) accepted ABM Planning Workgroup report.

Victims' Advocate Report

Victims' Advocate P. Tuthill (NOCV) presented her report to the Commission

Victims' Advocate P. Tuthill (NOCV) thanked the Commission for their support of the ICOTS victims' notification project. Nineteen states have ICOTS VINEWatch accounts. Since its launch, there have been 605 registrations and 548 successful notifications (of all types). In February 2015 an ICOTS VINEWatch webinar was conducted by Suzanne Elwell and Lydia Newlin from the Minnesota Department of Public Safety with VINE Administrators. Observations from webinar and participants indicate there is a need for more coordination between Appriss, ICAOS, and state users to increase participation.

In the past year, P. Tuthill gave presentations at Florida Smart Justice Annual Summit and 2016 New Mexico Victims Annual Conference.

The Peyton Tuthill Foundation Hearts of Hope Scholarships has awarded \$43,000 through 2015 to young homicide survivors.

The commission watched a video about P. Tuthill and the letter addressing her daughter's homicide.

Chairwoman S. Andrews (OH) accepted the Victims' Advocate's Report.

Legal Counsel Report

The General Counsel's Office assists the commission by providing legal guidance to the Interstate Commission and its committees with respect to legal issues that arise in the conduct of their responsibilities under the terms of the Compact, its Bylaws and administrative rules. The provisions of the Compact specifically authorize formal legal opinions concerning the meaning or interpretation of the actions of the Interstate Commission issued through the Executive Director's Office in consultation with the Office of General Counsel. These advisory opinions are made available to state officials who administer the compact for guidance. The General Counsel's office also works with

the Commission and its member states to promote consistent application of and compliance with its requirements including the coordination and active participation in litigation concerning its enforcement and rule-making responsibilities.

Since the last Annual Business Meeting, in addition to day-to-day advice and counsel furnished to the Commission's Executive Director, the Executive Committee, the Rules Committee, the Compliance Committee, the Technology Committee and the Interstate Commission, the General Counsel's Office in conjunction with the Executive Director has issued two Advisory Opinions concerning the interpretation and application of various provisions of the compact and its administrative rules and assisted with a number of informal requests for legal guidance from member states. The Advisory Opinions are public record and are available at the website of the Commission.

Judicial training concerning the Compact and its administrative rules has also been provided in a number of states including Connecticut, New Mexico, and Hawaii under the auspices of the ICAOS Training Committee and the General Counsel. Other activities included assisting in the updates to the 'On-Demand' Judicial Training Modules now available on the ICAOS website, assisting in the update of the ICAOS Bench Book and review and update of Judicial training and New Commissioner training materials as well as Parole and Probation Officer legal and liability training modules used for both WebEx and live training sessions.

In addition, the General Counsel has assisted the Compliance Committee, the Executive Committee and Executive Committee Workgroup in several matters pertaining to investigation, compliance, and enforcement responsibilities under the Compact.

Legal Counsel R. Masters informed the Commission about a CT offender in Massachusetts who has challenged the Compact Rules.

Chairwoman S. Andrews (OH) accepted the Legal Counsel's Report.

Rules Committee Report

Commissioner J. Seigel (IN), Rules Committee Chair, thanked the Rules Committee members and the national office staff for their hard work: Commissioner Dori Ege (AZ); Commissioner Jenny Nimer (FL); Commissioner Chris Moore (GA); Commissioner Bob Maccarone (NY); Commissioner Doug Clark (SD); Commissioner Tracy Hudrlik (WI); Commissioner Dawn Sides (WY); Commissioner Milt Gilliam (OK); Ex-officio members: Compact Administrator Shari Britton (FL); DCA John Gusz (NJ); DCA Jim Ingle (UT); DCA Pat Odell (WY); and DCA Shawn Arruti (NV).

Commissioner J. Seigel (IN) presented the 2015 rule proposals (see the attachment).

Commissioner J. Seigel (IN) presented the proposal 2.105 Misdemeanants.

Commissioner J. Seigel (IN) moved to adopt the proposal 2.105 Misdemeanants - proposed by the East Region. Commissioner M. Gilliam (OK) seconded.

Motion passed by vote 46 to 4.

Commissioner J. Seigel (IN) presented the proposal 3.101-2 Discretionary transfer of supervision.

Commissioner J. Seigel (IN) moved to adopt the proposal 3.101-2 Discretionary transfer of supervision proposed by the West Region and the Rules Committee. Commissioner A. Precythe (NC) seconded.

Motion passed by vote 47 to 3.

Commissioner J. Seigel (IN) presented the proposal 3.101-3 Transfer of supervision of sex offenders.

Commissioner J. Seigel (IN) moved to adopt the proposal 3.101-3 Transfer of supervision of sex offenders by the East Region and the Rules Committee. Commissioner G. Roberge (CT) seconded.

Designee M. Thompson (PA) spoke in favor of this proposal.

Motion passed by vote 49 to 1.

Commissioner J. Seigel (IN) presented the proposal 3.102 Submission of transfer request to a receiving state.

Commissioner J. Seigel (IN) moved to adopt the proposal 3.102 Submission of transfer request to a receiving state by the East Region. Commissioner C. Gibson-Beltz (NE) seconded.

Motion passed by vote 47 to 3.

Commissioner J. Seigel (IN) presented the proposal 3.103 Reporting Instructions.

Commissioner J. Seigel (IN) moved to adopt the proposal 3.103 reporting instructions by the South Region and the Rules Committee. Commissioner A. Precythe (NC) seconded.

Commissioner D. Ege (AZ) spoke against the proposal. The AZ State Council was concerned that the rule did not cover the victims' notification element.

Commissioner A. Precythe (NC) spoke in favor of the proposal, stating that states will share the important information about the residence of offender with the sending states.

Motion passed by vote 37 to 13.

Commissioner J. Seigel (IN) presented the proposal 5.101-2 Discretionary process for disposition of violation in the sending state for a new crime conviction.

Commissioner J. Seigel (IN) moved to adopt the proposal 5.101-2 Discretionary process for disposition of violation in the sending state for a new crime conviction by the Rules Committee. Commissioner D. Clark (SD) seconded.

Ex-officio K. Hardison (APAI) stated that the APAI Executive Committee was for this proposal for its efficient and common way to address a specific set of circumstances in a way that will address public safety and will help us to manage the resources.

Designee C. Schindewolf (NJ) spoke against the proposal, pointing at the lack of empirical evidence in the justification.

Commissioner R. Maccarone (NY) spoke in favor of the proposal, stating that it gives the flexibility to the states.

Motion passed by vote 29 to 21.

Commissioner J. Seigel (IN) presented the proposal 3.101-1, 3.103, 3.106, 4.111, 5.103 Mandatory Reporting Instructions.

Commissioner J. Seigel (IN) moved to adopt the proposal 3.101-1, 3.103, 3.106, 4.111, 5.103 Mandatory Reporting Instructions by the Executive and Rules Committees. Commissioner M. Gilliam (OK) seconded.

Commissioner D. Ege (AZ) stated that AZ State Council liked the proposal, however it thought the proposal lacked a sentence such as “if the receiving state unable to locate the offender that will be communicated to the sending state to immediately issue the warrant”. They also questioned why rule 5.101 was not included in the package and why there was no requirement to provide a copy of the warrant.

Designee M. Thompson (PA) agreed with Arizona.

Ex-Officio P. Tuthill shared Pennsylvania and Arizona’s concerns.

Commissioner A. Precythe (NC) spoke in favor of the rule proposals.

Motion passed by vote 31 to 13.

Commissioner C. Gibson-Beltz (NE), Midwest Region Chair, stated that the Midwest Region decided to withdraw the proposal 4.111, if the proposal to rules 3.101-1, 3.103, 3.106, 4.111, 5.103 passes.

Chairwoman S. Andrews (OH) recognized the withdrawal of the proposal.

Commissioner J. Seigel (IN) presented an amendment to bylaws article 2, section 3.

Commissioner J. Seigel (IN) moved to adopt the amendment to bylaws article 2, section 3 by the Executive Committee. Commissioner M. Buscher (IL) seconded.

Motion passed unanimously.

Commissioner J. Seigel (IN) presented an amendment to bylaws article 7.

Commissioner J. Seigel (IN) moved to adopt the amendment to bylaws article 7 by the Executive Committee. Commissioner C. Moore (GA) seconded.

Motion passed unanimously.

Commissioner C. Gibson-Beltz (NE) moved to recess for lunch. Commissioner C. Moore (GA) seconded.

Motion passed.

Commissioner R. Maccarone (NY) moved to resume the business. Commissioner D. Ege (AZ) seconded.

Motion passed.

Panel Discussion

Panel Discussion - The “Two Second” Rejection, Myth or Truth - Sates and committees are concerned that states are rejecting discretionary cases without consideration or justification and not in the interest of public safety. Recently, the executive committee authorized a study into the rejection rates of discretionary transfers in five pilot states; Georgia, North Carolina, Ohio, Vermont and Oregon. The panel participants represent the pilot states and will discuss the findings for their state and their policies and practices regarding discretionary transfers.

Commissioner and panel moderator Jeremiah Stromberg (OR) introduced panelists to the Commission.

Commissioner Stromberg is currently serving as the Assistant Director of Community Corrections for the Oregon Department of Corrections. This role includes oversight of the community corrections grant in aid funding; development of statewide legislation, policies, and rules that govern community corrections; Jail Inspections; liaison between the Counties of Oregon and the Department of Corrections, and of course Interstate Compact.

Jeremiah served on the Oregon Board of Parole & Post-Prison Supervision from 2009-2012, first as the Executive Director before being appointed by Governor John Kitzhaber as a member of the Board.

From 1997-2009, worked for Multnomah County Department of Community Justice in Portland, Oregon in a variety of roles including: Lead of the Juvenile Sex Offender Treatment Unit within the Juvenile Detention Center; Manager of the Adult Secure Residential Treatment Program; Manager of the START Drug Court; Manager of the Parole and Probation Domestic Violence Unit, and finally Manager of the Local Control Supervision Unit.

Commissioner Moore is a 1988 graduate of Mercer University with a BBA degree. Chris Moore's career with the GA Department of Corrections started in 1989 as a Probation Officer. In 1998, Chris was promoted to the Central Office as a Field Support Specialist. His program areas were Sex Offender Supervision and Intensive Probation Supervision. In 2005, Chris was promoted to Center Administrator of the Griffin Day Reporting Center. While in that capacity, Chris was licensed as a Certified Substance Abuse Counselor by the Alcohol and Drug Abuse Certification Board of GA. In 2009 he was promoted to Chief Probation Officer of the Griffin Judicial Circuit and in 2012 was appointed Compact Administrator/Commissioner for the State of GA.

Commissioner Precythe is the first female Director of Community Corrections. She brings 27 years of service with the agency to her new role. Employed with the Division of Community Corrections since 1988 as a Probation/Parole Officer in Duplin County, since then she has served in many capacities within the Division. In 1999, Anne transitioned into a Quality Assurance role where she assisted managers in using data to manage operations and in 2003, was promoted to Lead Community Corrections Analyst supervising all quality assurance personnel and leading the agency in effective case management strategies. In January 2006, Director Precythe was promoted to the position of Interstate Compact Administrator and named Deputy Commissioner to the Interstate Compact. In 2007, Anne became a national trainer with the Interstate Compact for Adult Offender Supervision office out of Kentucky. In 2008, she was presented with the National Interstate Commission for Adult Offender Supervision Executive Director's Award. She remains active with the National Commission, serving as the current Chair of the Training Committee and sits on the Executive Committee as well. In January 2010, she assumed the responsibility of EBP Project Implementation Manager for the Division of Community Corrections and in August 2011, became the Supervision Services Administrator which also includes oversight of the sex offender management program, technology services, in-service training and all DCC programs (TECS, Transitional Housing, Community Intervention Centers, DART, Black Mountain, Drug Screening and labs, etc) and services. Anne serves and has served on various councils and commissions throughout her career. She is a long standing member of the North Carolina Probation/Parole Association as well as the Correctional Peace Officer Foundation. She was most recently appointed to the North Carolina Interagency Council for Coordinating Homeless Programs (NCICCHP). In 2015, Anne was appointed by United States

Attorney, Eric Holder to the National Institute of Corrections Advisory Board, representing all of Community Corrections across the country.

Commissioner Andrews serves as the Director of the Ohio Criminal Sentencing Commission, effective January 2015. In 1990, the General Assembly created the Ohio Criminal Sentencing Commission by statute. The Commission is chaired by the Chief Justice of the Supreme Court of Ohio. The Commission is responsible for conducting a review of Ohio's sentencing statutes and sentencing patterns, and making recommendations regarding necessary statutory changes. The Commission consists of 31 members, 10 of whom are judges appointed by the Chief Justice. Before her appointment as the Director of the Ohio Criminal Sentencing Commission, Sara was a more than twenty year veteran with the Department of Rehabilitation and Correction, holding a number of leadership positions, most recently as the Deputy Director of the Division of Parole and Community Services (DPCS) and Chief of the Adult Parole Authority (APA). In that role, she managed the Ohio Parole Board, the Office of Victim Services, the Bureau of Research, Office of Offender Reentry and Religious Services, Jail inspection and oversight, community supervision, fugitive and interstate compact operations, and DRC funded community corrections throughout the State of Ohio. She was also the Ohio Commissioner and national Chair of the Interstate Compact for Adult Offender Supervision and continues to serve in that capacity. Sara's academic background includes a B.A. from the University of Northern Colorado and M.S. degree from the University of Dayton, Ohio. She is a member of Ohio Justice Alliance for Community Corrections, the American Probation and Parole Association, serves as an appointed member of the Attorney General's Ohio Law Enforcement Gateway Steering Committee and Advisory Board, the Commission on Technology and the Courts of the Ohio Supreme Court, served as a member of the Ohio Supreme Court's Joint Task Force to Review the Administration of Ohio's Death Penalty and most recently represents the Chief Justice on Governor Kasich's Ohio Task Force on Community-Police Relations. In her community and affiliated with her daughter's High School rowing team Sara serves as a trustee and President of the not for profit organization, Upper Arlington Crew. Sara is also a recipient of the United States Attorney General's William French Smith award, the 2013 Ohio Community Corrections Association President's award, 2013 Ohio Justice Alliance for Community Corrections Bennett J. Cooper award, 2014 Interstate Compact Adult Offender Supervision Executive Director's Leadership award.

Commissioner Crook is a seventeen year veteran with the Vermont Department of Corrections. He has held many different positions within the department. He began his career as a correctional officer, and then moved out into the world of community corrections as a community corrections officer followed by being a probation officer. In 2008 he was went to work in Central Office to work in policy development and managing the Interstate Compact of Adult Offender Supervision (ICAOS) for the VTDOC. In 2010 he was hired as the Director of Classification. He has been in his current role as the Director of Field Services since 2011. His responsibilities include the supervision of 10 Probation and Parole District Offices, which supervises 7,700 offenders on 11 different legal statuses. He is the East Region Chair for ICAOS and a member of NIC's Probation

and Parole Executive Network. He has a BA from Champlain College in Law Enforcement and a MSA from St. Michaels College.

Panelists shared their experiences with the Interstate Compact for Adult Offender on this issue.

Award Presentations

Executive Chair Award presented to Commissioner A. Precythe (NC) by Chairwoman S. Andrews (OH).

Executive Director Award presented to DCA N. Latulippe (CT) by Executive Director H. Hageman and Commissioner G. Roberge (CT).

Peyton Tuthill Award presented to Victims' Advocate L. Hudson (SC) in recognition of her service and commitment to victims by P. Tuthill and Chairwoman S. Andrews (OH).

Region Chairs Recognition

Chairwoman S. Andrews (OH) recognized region chairs for their service and dedication: Dale Crook – East Region, Chris Moore – South Region, Anmarie Aylward – West Region, and Cathy Gibson-Beltz – Midwest Region.

Chairwoman S. Andrews (OH) announced that the 2015 Annual Business meeting is scheduled for September 12-14, 2016 in Cleveland, OH.

New Business/Election of Vice-Chair

Commissioner M. Gilliam (OK) administered the Oath of Office to newly elected region chairs: Dale Crook – East Region, Chris Moore – South Region, Anmarie Aylward – West Region, and Cathy Gibson-Beltz – Midwest Region.

Call to the Public

Chairwoman S. Andrews (OH) opened floor to the public comments. No comments received.

Adjourn

Commissioner C. Gibson –Beltz (NE) made a motion to adjourn. Commissioner G. Roberge (CT) seconded.

Motion passed.

The Commission adjourned at 4:35 pm PDT.

2015 ICAOS Rule Proposals

- ~~A. Rule 1.101 'Offender' & Rule 2.105 (West Region)~~
- B. Rule 2.105 (East Region)
- C. Rule 3.101-2 (West Region & Rules Committee)
- D. Rule 3.101-3 (East Region & Rules Committee)
- E. Rule 3.102 (East Region)
- F. Rule 3.103 (South Region & Rules Committee)
- G. Rule 4.111 (Midwest Region)
- H. Rule 5.101-2 (Rules Committee) *New Rule
- I. Rules 3.101-1, 3.103, 3.106, 4.111, 5.103 (Executive Committee & Rules Committee)
- J. BylawArt2Sec2 (Executive Committee)
- K. BylawArt7 (Executive Committee)

~~Proposal to create/amend rules:~~

~~Rule 2.105 Misdemeanants~~

- (a) A misdemeanor offender whose sentence includes 1 year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied; and the instant offense includes ~~1 or more of the following—~~
- ~~(1) an offense in which a person has incurred direct or threatened physical or psychological harm;~~
 - ~~(2) an offense that involves the use or possession of a firearm;~~
 - ~~(3) a 2nd or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;~~
 - ~~(4) a sexual offense that requires the offender to register as a sex offender in the sending state.~~

Adoption of this amendment would require the following additional changes to existing ICAOS definitions as follows:

Rule 1.101 Definitions

Offender – means an adult placed under, or made subject to, supervision as the result of a felony conviction for a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

As the misdemeanor rule as proposed to be amended would only apply to the misdemeanor offender whose instant offense was a sexual offense that requires the offender to register as a sex offender in the sending state and whose sentence includes 1 year or more of supervision, no change would be required to the existing definition for “Sex Offender” which reflects as follows:

Sex Offender – means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to register as a sex offender either in the sending or receiving state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

Justification:

This proposal would amend the misdemeanor rule to specifically address the misdemeanor offender whose instant offense was a sexual offense that requires the offender to register as a sex offender in the sending state and whose sentence includes 1 year or more of supervision.

There has been extensive discussion by the Commission regarding misdemeanants and their inclusion within the requirements of the Interstate Compact. Debate has centered around whether misdemeanants should continue to be included, whether the qualifiers should be modified or whether misdemeanants should be eliminated from the Compact. Many regions and standing committees have submitted proposed amendments to the misdemeanor rule for consideration. This proposal provides an alternate approach for consideration.

The existing language in ICAOS Rule 3.101-2, Discretionary Transfer of Supervision, already provides us with the language needed to address “misdemeanants” if the misdemeanor rule were to be amended and/or eliminated by the Commission. Additionally, Advisory Opinion 4-2005 already directly supports that sending states may submit offense ineligible offenders for discretionary transfer consideration under the current rules of the Compact. During discussions and training, facilitators would need to emphasize that sending states would still have the ability to submit those cases they deem appropriate, based on the specific circumstances of the case, giving the prospective receiving state the opportunity to supervise those cases.

For sending states with supervised misdemeanants that need to be transferred, nothing in these proposed changes will impact those states from continuing to submit their misdemeanor cases for consideration by a prospective receiving state. However, for those states with lower level misdemeanants that are not supervised by the paroling or probation authority, but still trigger the requirements of the compact, this would remove the liability issue that has previously been discussed by removing those lower level misdemeanor cases, which states may not even be aware of, from the mandatory transfer criteria.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Scope and Metric

Data may be able to be pulled to determine how many transfers will be affected.

Rules Committee action:

March 2015: Motion to recommend that the West Region withdraw or revise the proposal to Rule 2.105 made by T. Hudrlik, seconded by C. Moore. Motion passed. Motion to recommend the proposal not pass should the West Region move the proposal to Rule 2.105 forward as written, made by E. Ligtenberg, seconded by R. Maccarone. Motion passed.

Effective date:

March 1, 2016

Attachment

Proposal to create/amend rules:

Rule 2.105 Misdemeanants

- (a) A misdemeanor offender whose sentence includes 1 year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied; and the instant offense includes 1 or more of the following—
- (1) an offense in which a person has incurred direct or threatened physical or psychological harm;
 - (2) an offense that involves the use or possession of a firearm;
 - (3) a 2nd or subsequent misdemeanor ~~offense~~ conviction of driving while impaired by drugs or alcohol;
 - (4) a sexual offense that requires the offender to register as a sex offender in the sending state.

Justification:

Changing the word ‘offense’ to ‘conviction’ clarifies that there has to be a conviction on a previous DUI in order for the instant offense to be considered a 2nd or subsequent offense and an eligible misdemeanor. This question is asked frequently, especially by new or casual users, because the word offense does not necessarily mean a conviction occurred. During ICAOS rules trainings the fact that this rule refers to convictions only is always stated to clarify what this means because with the existing language it is not clear.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Scope and Metric

N/A

Rules Committee action:

March 2015: Motion to recommend proposal from East Region to amend Rule 2.105 as drafted made by R. Maccarone, seconded by J. Nimer. This proposal will be considered for vote after the West Region proposal to Rule 2.105.

Effective date:

March 1, 2016

Attachment

Proposal to create/amend rules:

Rule 3.101-2 Discretionary transfer of supervision

- (a) A sending state may request transfer of supervision of an offender who does not meet the eligibility requirements in Rule 3.101, where acceptance in the receiving state would support successful completion of supervision, rehabilitation of the offender, promote public safety, and protect the rights of victims.
- (b) The sending state ~~must~~ shall provide sufficient documentation to justify the requested transfer.
- (c) The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact specifying the discretionary reasons for rejection.

Justification:

Increases the likelihood for acceptances of discretionary case by providing more information that supports the purpose of the compact.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Scope and Metric

N/A

Rules Committee action:

Rules Committee March 2015: Recommend Rules Committee alternative to West Region and recommend its version be withdrawn made by R. Maccarone, seconded by J. Nimer. Motion passed.

West Region April 2015: Motion to withdraw original proposal to Rule 3.101-2 and support the Rules Committee alternate language made by D. Ege, seconded by K. Madris. Motion passed.

July Rules Committee 2015:

Issues discussed:

- Providing risk assessment for discretionary cases
- Concerns for receiving state to use risk level as reason for denying a case
- Interpretation of what 'level of supervision' mean

Motion to revise the proposal D-2015_3101_1WESTRULES by removing added language 'to include the current level of supervision' and request the West Region support the change made by D. Clark, seconded by J. Nimer. Motion passed 7-2.

August West Region:

Motion to accept proposed changes recommend by the rules committee to remove 'to include the current level of supervision' from section (b) made by K. Madris, seconded by D. Sides. Motion passed.

Effective date:

March 1, 2016

Attachment

Proposal to create/amend rules:

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, in an application for transfer of supervision of a sex offender the sending state shall provide the following information, if available, to assist the receiving state in supervising the offender:
- (1) assessment information, including sex offender specific assessments;
 - (2) social history;
 - (3) information relevant to the sex offender's criminal sexual behavior;
 - (4) law enforcement report that provides specific details of sex offense;
 - (5) victim information
 - (A) the name, sex, age and relationship to the offender;
 - (B) the statement of the victim or victim's representative;
 - (6) the sending state's current or recommended supervision and treatment plan.
- (c) *Reporting instructions for sex offenders ~~living in the receiving state at the time of sentencing~~*- Rules 3.101-1, 3.103 and 3.106 apply to the transfer of sex offenders, as defined by the compact, except for the following:
- (1) The receiving state shall have 5 business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instruction. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
 - (2) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except for 3.102 (c).

Justification:

The current language only applies to sex offenders living in the receiving state at the time of sentencing; therefore, that language was removed from the proposed amendment to make this section of the rule apply to all sex offenders. The language of 'as defined by the compact' was also added to emphasize that, in order to know if this rule applies in lieu of 3.103, the registration requirements of both state must be known.

When a receiving state receives an RFRI for a reason other than 'living in the receiving state at the time of sentencing' and only has 2 business days to respond, the tendency is to

deny without taking the reasons for the request into consideration. If the receiving state has 5 business days to determine the suitability of the home plan for any sex offender request for reporting instructions, it is more likely the request will be given fair consideration. Additionally, the language ‘ except for 3.102 (c)’ was added under (c)(2) to clarify that sex offenders may be permitted to be in the receiving state, like any other offender, for the reasons outlined under rule 3.102(c). It is a common misconception that 3.101-3(c)(2) trumps all other rules with regard to sex offender travel when, in fact, offenders can be in the receiving state per 3.102(c) if they meet the condition of that rule.

Example 1: Receiving state receives a RFRI for a sex offender who has been under supervision in the sentencing state for several years and is doing well. The request is being submitted as expedited because the offender has received a job offer in the receiving state that is a great opportunity financially. The new employer is fully aware of the offender’s legal issues and situation. The employer would like him to start in 2 weeks and the company has found a residence for the offender in the receiving state. Since the receiving state has only 2 business days to respond, they deny because they want to have an opportunity to check out the residence to determine if it is appropriate for a sex offender and does not violate any local or state ordinances. If the receiving state had 5 business days to conduct a preliminary investigation of the home, they would be more likely to consider this request and entertain this opportunity for this offender.

Example 2: Receiving state receives a RFRI for a sex offender who lives in the sending state with his wife who is an active member of the US Navy. After 6 months of compliant supervision the offender’s wife receives military orders to relocate to a receiving state. The sending state submits a RFRI to the receiving state who denies because they will not grant RI’s without checking out the residence to determine if it is appropriate for a sex offender and does not violate any local or state ordinances. If the receiving state were given the 5 business days to preliminarily review the residence, they would be less likely to go directly to a denial and, if approved, the offender’s residential stability would be maintained.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

Est \$18,000: Change Compact Office users’ Compact Workload and email notifications to distinguish sex offenders of having a 5 business day due date for providing reporting instructions.

Scope and Metric

ICOTS external compliance reports already account for 5 business days.

Rules Committee action:

Rules Committee March 2015: Recommend modified proposal to East region as alternate to 3.101-3 made by E. Ligtenberg, seconded by D. Ege. Motion passed.

East Region April 2015: Motion to withdraw original proposal to Rule 3.101-3 and support the Rules Committee amended version made by G. Roberge, seconded by R. Maccarone. Motion passed.

Rules Committee July 2015: The committee agreed that the proposal should include the ICOTS impact (est at \$18,000) to modify the compact workload due dates. Proposal to move forward for final comment as written.

Effective date:

March 1, 2016

Attachment

Proposal to create/amend rules:

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 supervision of an offender to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the offender 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 offender to travel to the receiving state until the receiving state has replied to the transfer request.
- (c) An offender 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 ~~the employment, treatment or medical appointments purposes~~ may be permitted to continue to travel to the receiving state for the employment 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 offender shall return to the sending state daily, immediately upon completion of the appointment or employment during non-working hours, and
 - (3) The Transfer Request shall include notice that the offender 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 an offender is released from incarceration in a receiving state and the offender requests to relocate there and the offender 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 offender'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 offender's signature on the "Application for Interstate Compact Transfer" and any other forms that may be 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:

Offenders who reside close to state borders are often forced to seek treatment or attend medical appointments across state lines due to limited options or because the location in the other state is the closest facility that meets their specific needs. These offenders need to be in the receiving state during the investigation so treatment is not interrupted and they can return to the sending state daily similarly to the offenders working in the receiving state. It is counterproductive to have an offender under these circumstances discontinue needed treatment pending the time it takes to complete an investigation.

Real example: A sending state had an offender who was undergoing cancer treatments in a nearby border state. The offender decided to relocate to that border state and had family there who were willing and able to assist so a TR was submitted. A request for RI's was also submitted because of the medical issues, but it was denied as not being an emergency. A TR was submitted and included a statement that the offender needed to be in the receiving state several days per week for ongoing cancer treatments. The receiving state indicated that the offender could not be there during the investigation despite the medical issues. The sending state's compact office spoke with the receiving state's compact office who continued to insist that the offender not be permitted to travel to the receiving state until the TR investigation was completed. The sending state asked then if RI's would be reconsidered and they were told 'no.' To interrupt this type of treatment is completely counterproductive and detrimental to an offender's health and well-being. Luckily the receiving state did expedite the investigation, but all of that could be avoided had the proposal to this rule existed.

Real example: A sending state had an offender who was attending D&A treatment at the closest provider to their rural home area which happened to be in a border state. That offender later receive a job offer in that same border state and was hoping to start the new job as soon as possible. A request for RI's was denied as not an emergency. A TR was submitted and denied because the sending state officer realized, through a review of the documents submitted, that the offender was attending treatment twice weekly (one individual and one group session per week) in the receiving state. The offender was only in the receiving state for the purposes of treatment and would return after each appointment. To insist this offender discontinue treatment, even for 30 or 45 days, is counterproductive and can negatively affect their stability, which is what we strive to maintain as these offender relocate from one state to another.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None.

Scope and Metric

N/A

Rules Committee action:

Rules Committee: Motion to recommend adoption of East Region's proposal for Rule 3.102 made by D. Ege, seconded T. Hudrlik. Motion passed.

Effective date:

March 1, 2016

Attachment

Proposal to create/amend rules:

Rule 3.103 Reporting instructions; offender living in the receiving state at the time of sentencing or after disposition of a violation or revocation proceeding

- (a)
- (1) A request for reporting instructions ~~request~~ for 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 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 an offender, the sending state shall verify that the 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 offender signs all forms requiring the offender's signature under Rule 3.107 prior to granting a travel permit to the 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 offenders incarcerated for 6 months or less and released to probation supervision.
- (b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.
- (c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the 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 an offender granted reporting instructions no later than 15 business days following the granting to the offender of the reporting instructions.
- (e)
- (1) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 15th business day following the granting of reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state within

15 business days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.

- (2) If the offender does not return to the sending state, as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in all states without limitation as to specific geographic area, no later than 10 business days following the offender's failure to appear in the sending state.

Justification:

When offenders given Reporting Instructions under Rule 3.103 (Living in the Receiving State at the Time of Sentencing) are retaken by the sending state to face revocation and are then returned to supervision after serving 6 months or less on the revocation, they currently do not qualify again as Living in the RS at Sentencing because "sentencing" has been interpreted to mean the initial sentencing only and not the revocation sentencing.

This often creates a hardship for an offender who still has no ties to the sending state and may have to wait up to 45 calendar days before being allowed to return to their home and job if discretionary Reporting Instructions are not approved.

The new, mandatory Request for Reporting Instructions would be submitted under a new case number since the old one would have been closed out when the offender was retaken. A transfer request investigation of the plan would still be conducted. New Notices of Departure and Arrival would still be submitted.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

Requires ICOTS enhancement. Estimate: \$2,300.

Due to application and title change, text change should be made to the RFRI builder and PDFs 'reason for reporting instructions.' Currently users select "Probationer living in the receiving state" for cases qualifying under this rule.

Scope and Metric

N/A

Rules Committee action:

Rules Committee March 2015: Motion to recommend alternate proposal to the South Region for Rule 3.103 made by M. Gilliam, seconded by E. Ligtenberg. Motion passed.

South Region April 2015: Motion to support Rules Committee version to Rule 3.103 adding language to the title and requesting clarification from the Rules Committee about the impact of leaving 'probation' in section (a) made by A. Precythe, seconded by G. Powers. Motion passed.

Rules Committee April 2015: Motion to accept the South Region's recommendation for title change and to strike the last paragraph of the justification made by D. Ege, seconded by R. Maccarone. Motion passed. It was also discussed that 'probation' should remain in section (a) as it pertains to those offenders qualifying under the rule at initial sentencing.

Effective date:

March 1, 2016

Attachment

Proposal to create/amend rules:

Rule 4.111 Offender requesting return to the sending state

- (a) Upon an offender's request to return 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 criminal offense in the receiving state. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) Except as provided in subsection (c), the sending state shall grant the request and provide reporting instructions no later than 2 business days following receipt of the request for reporting instructions from the receiving state.
- (c) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.
- (d) A receiving state shall notify the sending state as required in Rule 4.105 (a).
- (e) A sending state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the offender's departure from the receiving state. A sending state shall notify the receiving state as required in Rule 4.105 (b).

Justification:

When an offender returns to the sending state on approved reporting instructions, the Notice of Departure is submitted upon the offender's departure by the receiving state per Rule 4.111 (d). Rule 4.112 (a) provides the receiving state may close its supervision of an offender and cease supervision upon (5) Return to sending state. Since it is not required by Rule, at the sending state's discretion, a Notice of Arrival may or may not be submitted notifying the receiving state of the offender's arrival. Therefore, the receiving state may not receive confirmation of the offender's return. Although the Case Closure Notice reply may include this information when it is submitted to the receiving state, which by Rule must occur within 10 business days of receipt, there is no requirement the offender's arrival or failure to arrive be documented. In the interest of public safety and sound accountability practices, it needs to be clear that the sending state has assumed supervision upon the offender's return to the sending state. This Rule Amendment would provide clear direction to the sending state that a Notice of Arrival must be submitted upon the offender's arrival or failure to do so.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

Estimate: \$11, 250

Requires ICOTS enhancement. As stated in the justification, the region requests that for returning offenders that the ‘supervising state’ label reflects the ‘sending state’ upon transmission of a Notice of Departure by the receiving state after issuance of reporting instructions for a returning offender.

Current design of ICOTS changes the ‘supervising state’ status upon a ‘successful’ Notice of Arrival. In most instances for returning offenders, case closures are sent along with the Notice of Departure indicating the receiving state is no longer actively supervising the offender. The change noted above would simply reflect the supervising state assignment on the offender’s profile summary.

Scope and Metric

External data for compact cases can be modified to display reporting instructions information separate from the transfer request information.

Rules Committee action:

Rules Committee January 2015: Commissioner D. Ege (AZ) moved to forward the proposal 2015-MIDWEST – 4.111 for the Commission’s review. Commissioner C. Norman (AL) seconded. Motion passed.

Rules Committee April 2015: Committee recommends that the region review the ICOTS impact. The Committee also discussed the Executive Committee’s proposal to Rule 4.111 and presenting this proposal first for vote.

Effective date:

March 1, 2016

Proposal to create/amend rules:

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

Notwithstanding any other rule, a sentence imposing a period of incarceration on 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 offender.

- (a) Unless waived by the 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 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 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).

Justification:

This new rule is intended to:

- promote joint and cooperative supervision of offenders who commit new crimes outside the sending state
- provide for offender accountability
- promote victim safety
- allocate supervision responsibility between sending and receiving states in the interest of public safety
- reduce costs to states associated with retaking offenders where imposition of sentence can best be carried out by the supervising state
- promote "swift and certain" violation sanctions as advocated by justice reinvestment
- increase the likelihood that supervision is continued in lieu of early termination of supervision

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None.

Scope and Metric

N/A

Rules Committee action:

Rules Committee March 2015: Motion to recommend new Rule 5.101-2 as an alternate proposal to the West Region's proposal for a new rule made by D. Ege, seconded by C. Moore. Motion passed.

Rules Committee July 2015: Motion to revise the proposal 2015_5101_2RULES by adding 'or releasing authority' made by R. Maccarone, seconded by J. Nimer. Motion passed unanimously. Motion to revise the title to proposal J-2015_5101_2RULES to 'Discretionary process for disposition of violation in the sending state for a new crime conviction' made by D. Ege, seconded by T. Hurdlik. Motion passed unanimously.

Effective date:

March 1, 2016

Proposal to create/amend rules:

Rule 3.101-1 Mandatory reporting instructions and transfers of military, families of military, family members employed, employment transfer, and veterans for medical or mental health services

- (a) At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer for:
- (1) *Transfers of military members*- An offender who is a member of the military and has been deployed by the military to another state, shall be eligible for reporting instructions and transfer of supervision.
 - (2) *Transfer of offenders who live with family who are members of the military*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and who lives with a family member who has been deployed to another state, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state.
 - (3) *Employment transfer of family member to another state*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state.
 - (4) *Employment transfer of the offender to another state* – An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision.
 - (5) *Transfers of veterans for medical or mental health services*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and who is a veteran of the United States military services who is eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health

Administration and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state shall be eligible for reporting instructions and transfer of supervision provided:

- (A) the sending state provides documentation to the receiving state of the medical and/or mental health referral; and
 - (B) the transfer of supervision will be accepted if the offender is approved for care at the receiving state Veterans Health Administration facility.
- (b) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
- (c) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
- (d) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.

Rule 3.103 Reporting instructions; offender living in the receiving state at the time of sentencing

- (a)
- (1) A reporting instructions request for an offender who was living in the receiving state at the time of sentencing shall be submitted by the sending state within 7 business days of the sentencing date or release from incarceration to probation supervision. The sending state may grant a 7 day travel permit to an offender who was living in the receiving state at the time of sentencing. Prior to granting a travel permit to an offender, the sending state shall verify that the 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 offender sign all forms requiring the offender's signature under Rule 3.107 prior to granting a travel permit to the 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 offenders incarcerated for 6 months or less and released to probation supervision.
- (b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.
- (c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the 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 an offender granted reporting instructions no later than 15 business days following the granting to the offender of the reporting instructions.
- (e) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
- (f) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.
- ~~(1) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 15 business day following the granting of reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state within 15 business days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.~~
- ~~(2) If the offender does not return to the sending state, as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in all states without limitation as to specific geographic area, no later than 10 business days following the offender's failure to appear in the sending state.~~

Rule 3.106 Request for expedited reporting instructions

- (a)
- (1) A sending state may request that a receiving state agree to expedited reporting instructions for an offender if the sending state believes that emergency

- circumstances exist and the receiving state agrees with that determination. If the receiving state does not agree with that determination, the offender shall not proceed to the receiving state until an acceptance is received under Rule 3.104-1.
- (2)
- (A) A receiving state shall provide a response for expedited reporting instructions to the sending state no later than 2 business days following receipt of such a request. The sending state shall transmit a departure notice to the receiving state upon the offender's departure.
- (B) The sending state shall ensure that the offender signs all forms requiring the offender's signature under Rule 3.107 prior to granting reporting instructions to the offender. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.
- (b) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender's plan of supervision upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.
- (c) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than the 7th business day following the granting to the offender of the reporting instructions.
- (d) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
- (e) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.
- ~~(1) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 7th business day following the granting of reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state within 15 business days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.~~
- ~~(2) If the offender does not return to the sending state, as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in~~

~~all states without limitation as to specific geographic area, no later than 10 business days following the offender's failure to appear in the sending state.~~

Rule 4.111 Offender requesting Offenders returning to the sending state

- (a) ~~Upon an offender's request to return~~ 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 criminal offense in the receiving state. 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 granted 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.
- (c) Except as provided in subsection ~~(e)-(d)~~, the sending state shall grant the request and provide reporting instructions no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The sending state shall direct the offender to return to the sending state within 15 business days of the reporting instructions request.
- (d) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.
- (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, a 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).
- (f) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

Rule 5.103 Mandatory retaking for violation of conditions of supervision

- (a) Upon a request by the receiving state and a showing that the offender has committed 3 or more significant violations, as defined by the compact, arising from separate incidents that establish a pattern of non-compliance of the conditions of supervision, 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 request by the receiving state.

(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 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 business days following the offender's failure to appear in the sending state.

Justification:

Currently states are uniformly using the "returning to the sending state" reason for reporting instructions when offenders *request* to return as required by Rule 4.111. This process tracks and monitors information and offender movement using notice of departure and notice of arrivals as well as prompts the sending state to inform any known victim's before the offenders return.

Although recognizing it is not required by rule, some states use the existing functionality for requesting reporting instructions for offenders returning after a rejection or violation exceeding rule requirements. A few states upon receipt of the reporting instructions requests insist those requests be withdrawn due to the rules not requiring the process which is counterintuitive to the Commission's efforts to track offenders and protect the public.

Using the existing functionality for offenders returning due to a rejection and/or violation makes sense as part of the Commission's goal to enhance public safety by tracking offender movement.

The use of reporting instructions ensures the offender is returned timely while tracking the movement of the offender in ICOTS. The changes also allow the receiving state to clearly indicate whether the rejection was due to incompleteness allowing the offender to remain or is a rejection in which the offender will be required to return to the sending state.

Requiring a warrant for any instance where an offender fails to appear back in the sending state as ordered enhances public safety.

Intended Rule Application:

This proposal references Rule 4.111 as a standard procedure for requesting reporting instructions for offenders returning to a sending state. Each scenario and Rule covers three different circumstances for why an offender supervised in a receiving state would return to a sending state.

#1 offenders returning based on a rejected Transfer Request after approval of reporting instructions

#2 returning based on an offender's request to return

#3 returning an offender under Rule 5.103 in lieu of retaking

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None. This proposal would not require an enhancement to ICOTS as functionality already exists for returning offenders using the Request for Reporting Instruction functionality. This process allows for transmission of a Notice of Departure and Notice of Arrival to track the offender's movement.

Scope and Metric

Each scenario and reason for returning should be able to be tracked and distinguished from one another in ICOTS using various data elements concerning compact case statuses and other activities existing on the records. However, the process regardless of the reason will be consistent for the user managing the return.

Rules Committee action:

Rules Committee March 2015: Motion to recommendation that the Executive Committee accept the Rules Committee version of the proposal for Rules 3.101-1, 3.103, 3.106 & 4.111 made by D. Ege, seconded by E.Ligtenberg. Motion passed. This would include Rule 5.103 to be voted separately (includes Rules Committee version and Executive Committee version) and 3.101-1 added to the alternate language as recommended by the Rules Committee.

Executive Committee April 2015: Motion to accept the Rules Committee version for the Executive Committees alternate proposal for Rules 3.101-1, 3.103, 3.106 & 4.111 and requesting that 4.111 (g) be removed from the proposal made by A. Precythe, seconded by G. Miller Fox. Motion Passed.

Rules Committee April 2015: Motion to accept the request to remove 4.111 (g) from the proposal, switch order of sections (a) & (b) and modify the title of the rule made by C. Moore, seconded by D. Ege. Motion passed.

Rules Committee July 2015:

Issues discussed:

- Comment concerns about allowing discretion for the receiving state to request return when the sending state fails to send a completed transfer request.
- Comment concerns regarding return addresses. The committee agreed that states can put the sending state's agency address if unknown.

Motion to support and revise the proposal K-2015_3101_1_3103_3106_4111_ EXECRULES by changing the word 'shall' to 'may' in sections 3.101-1 (d), 3.103 (f) and 3.106 (e) and request the Executive Committee to support the changes made by T. Hurdlik, seconded by M. Gilliam. Motion passed unanimously.

Motion to support and revise proposal Ka-2015_5103EXEC with Executive Committee's approval to include additional language to section (b) 'within 7 business days following the receipt of the violation response' made by T. Hurdlik, seconded by D. Ege. Motion passed unanimously.

Effective date:

March 1, 2016

Attachment

Proposal to create/amend rules:

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 ~~member~~ 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. ~~of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims.~~ In addition representatives of the National Institute of Corrections, the American Probation and Parole Association, ~~and~~ 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 and the International Association of Chief of Police ~~shall~~ may be ex-officio members of the Commission.

Justification:

This amendment updates and expands the ex-officio organizations/members to reflect current practice and to allow for additional interested stakeholders to be considered ex-officio members as needed.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None.

Scope and Metric

N/A

Rules Committee action:

Rules Committee January 2015: Commissioner D. Ege (AZ) moved to forward the proposal 2015-EXEC-By-LawArt2Sec2 for the Commission's review. Commissioner J. Nimer (FL) seconded. Motion passed.

Executive Committee August 2015: Motion to remove 'National Association of Defense Attorneys' due to non-response and add 'National Association for Public Defense' to list of ex-officio members

Effective date:

March 1, 2016

Attachment

Proposal to create/amend rules:

Section 1. Executive Committee.

The Commission may establish an executive committee, which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact. The Committee shall be composed of all officers of the Interstate Commission, the chairpersons or vice-chairperson of each committee, the regional representatives or designees, and the ex-officio victims' representative to the Interstate Commission. The immediate past chairperson of the Commission shall also serve as an ex-officio member of the executive committee and both the ex-officio victims' representative and immediate past chairperson shall serve for a term of two years. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

Section 2. Standing Committees.

The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee; Rules Committee; Compliance Committee; Information Technology Committee; and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission. In the event a chairperson of a standing committee is unable to attend a specified meeting of a standing committee or a meeting of the executive committee, each standing committee may designate a vice-chairperson to act on behalf of the standing committee at a specified standing or executive committee meeting.

Section 4. Regional Representatives.

A regional representative of each of the four regions of the United States, Northeastern, Midwestern, Southern, and Western, shall be elected or reelected, beginning with the 2005 annual meeting, by a plurality vote of the commissioners of each region, and shall serve for two years or until a successor is elected by the commissioners of that region. The states and territories comprising each region shall be determined by reference to the regional divisions used by the Council of State Governments. In the event a regional representative is unable to attend a regional meeting or a meeting of the executive committee, that region shall be authorized to designate an alternative representative who is a commissioner from the same region to act on behalf of a regional representative at a specified regional or executive committee meeting.

Justification:

This amendment allows a vice-chair of a committee or a designee of a region to serve in place of a committee chair or regional representative when that chair or representative is

unavailable. This allows for business to be conducted in spite of those absences and therefore creates greater continuity of business. It also encourages an expansion of potential leadership for the Commission and formally defines the role of vice-chair and designee.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None

Scope and Metric

N/A

Rules Committee action:

Rules Committee January 2015: Commissioner D. Ege (AZ) moved to forward the proposal 2015-EXEC-By-LawArt7Sec1,2and4 for the Commission's review. Commissioner J. Nimer (FL) seconded. Motion passed.

Effective date:

March 1, 2016



Notice of Public Hearing

The Interstate Commission for Adult Offender Supervision (ICAOS) will vote on proposals to create or amend ICAOS Rules at the 2016 Annual Business Meeting in Cleveland, OH on Wednesday, September 14, 2016.

In accordance with ICAOS Rule 2.109(c), the Rules Committee shall publish the text of the proposed rules or amendments no later than 30 days prior to the meeting at which the vote on the rule is scheduled. The full text of the proposals is viewable at www.interstatecompact.org.

Interested persons may submit written comments regarding the above proposed rules or amendments. Electronically submitted comments should be sent through the Final 2016 Proposed Rule Amendment Forum on the ICAOS website. If electronic submission is not possible, mail comments to:

Attention:

Lori Meister
Interstate Commission for Adult Offender Supervision
836 Euclid Ave, Suite 322
Lexington, KY 40502

Electronically submitted written comments must be received by 5:00 pm ET on Sunday, September 11, 2016. Mailed comments must be postmarked by Thursday, September 2, 2016 to ensure timely receipt.

Interested persons may testify in person at the Public Hearing. As a courtesy, those interested in testifying in person should please submit notice of their intention to attend to Barno Saturday, bsaturday@interstatecompact.org or by calling 859-721-1056.

Location:

Westin Cleveland Downtown
777 Saint Clair Ave., NE
Cleveland, OH 44114

Time & Date:

4:45 pm–5:15 pm ET on Monday, September 12, 2016

Introduction:

“Charge of the Ad Hoc Committee on Violation Sanctioning & Retaking”

“In the interest of enhancing public safety, the Commission wishes to examine the sanctioning and retaking of offenders who violate conditions of supervision and who commit new crimes in the receiving state. Specifically, the committee is asked to review and recommend changes to Chapter One, “Definitions” and Chapter Five “Retaking” of the ICAOS rules. The national office will support the work of the committee by providing administrative assistance, logistic support, and research.”

Members of the Ad Hoc on Violation Sanctioning & Retaking:

- | | |
|---------------------|----------------|
| 1. Robert Maccarone | Chair, NY |
| 2. Tracy Hudrlik | Vice-chair, WI |
| 3. Anmarie Aylward | WA |
| 4. Sara Andrews | OH |
| 5. Jane Seigel | IN |
| 6. Chris Moore | GA |
| 7. Rick Masters | Legal Counsel |

Proposal Summary:

- *Rule 1.101*
- *Rule 3.108*
- *Rule 4.101*
- *Rule 4.103*
- *Rule 4.103-1*
- *Rule 4.106*
- *Rule 4.109*
- *Rule 4.109-1*
- *Rule 5.103*
- *Rule 5.108*
- *Offender Application for Interstate Compact Transfer (attached)*
- *Offender Violation Report –Mock-up (attached)*
- *Progress Report – redesign as a ‘managed process’ with Mock-up (attached)*

1.101 Definitions

“Behavior Requiring Retaking” – means an act or pattern of non-compliance with conditions of supervision that could not be successfully addressed through the use of documented corrective action or graduated responses and would result in a request for revocation of supervision in the receiving state.

~~“Significant Violation”~~ – means an offender’s failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would result in a request for revocation of supervision.

~~“Special condition”~~ means a condition or term that is added to the standard conditions of parole or probation by either the sending or receiving state.

Rule 3.108 Victim Notification

- (a) *Notification to victims upon transfer of offenders*- Within 1 business day of the issuance of reporting instructions or acceptance of transfer by the receiving state, the sending state shall initiate notification procedures of the transfer of supervision of the offender in accordance with its own laws to known victims in the sending state, and the receiving state shall initiate notification procedures of the transfer of supervision of the offender in accordance with its own laws to victims in the receiving state.
- (b) *Notification to victims upon violation by offender or other change in status*-
- (1) The receiving state is responsible for reporting information to the sending state when an offender-
 - (A) Engages in behavior requiring retaking ~~Commits a significant violation~~;
 - (B) Changes address;
 - (C) Returns to the sending state where an offender’s victim resides;
 - (D) Departs the receiving state under an approved plan of supervision in a subsequent receiving state; or
 - (E) Is issued a temporary travel permit where supervision of the offender has been designated a victim-sensitive matter.
 - (2) Both the sending state and the receiving state shall notify known victims in their respective states of this information in accordance with their own laws or procedures.
- (c) The receiving state shall respond to requests for offender information from the sending state no later than the 5th business day following the receipt of the request.

Rule 4.101 Manner and degree of supervision in the receiving state

A receiving state shall supervise ~~an offender transferred under the interstate compact in a manner determined by the receiving state and~~ offenders consistent with the supervision of other similar offenders sentenced in the receiving state, including the use of incentives, corrective actions, graduated responses and other supervision techniques.

Rule 4.103 ~~Special~~ Conditions of supervision

- (a) At the time of acceptance or during the term of supervision, ~~the compact administrator or supervising authority in the receiving state~~ may impose a special condition on an offender ~~transferred under the interstate compact~~ if that special condition would have been imposed on the an offender if sentenced had been imposed in the receiving state.
- (b) A receiving state shall notify a sending state that it intends to impose or has imposed a special condition on the offender, ~~the nature of the special condition, and the purpose.~~
- (c) A sending state shall inform the receiving state of any special conditions to which the offender is subject at the time the request for transfer is made or at any time thereafter.
- (d) A receiving state that is unable to enforce a special condition imposed in the sending state shall notify the sending state of its inability to enforce a special condition at the time of request for transfer of supervision is made.

Rule 4.103-1 Force and Effect of special conditions imposed by a receiving state or requirements

~~For purposes of revocation or other punitive action against an offender, the probation or paroling authority of a~~ The sending state shall give the same force and effect to a violation of special conditions or requirement imposed by a receiving state as if those conditions or requirement had been imposed by the sending state. Failure of an offender to comply with special conditions or additional requirements imposed by a receiving state shall form the basis of punitive action in the sending state notwithstanding the absence of such conditions or requirements in the original plan of supervision issued by the sending state. For purposes of this rule, the original plan of supervision shall include, but not be limited to, any court orders setting forth the terms and conditions of probation, any orders incorporating a plan of supervision by reference, or any orders or directives of the paroling or probation authority.

4.106 Progress reports on offender compliance and non-compliance

(a) ~~A receiving state shall provide to the sending state a progress report annually, or more frequently, upon the request of the sending state, for good cause shown. The receiving state shall provide the progress report within 30 calendar days of receiving the request.~~

(a) A receiving state shall submit a progress report to the sending state within 30 calendar days of receiving a request.

(b) A receiving state may initiate a progress report to document offender compliant or non-compliant behavior that does not require retaking as well as incentives, corrective actions or graduated responses imposed.

~~(b)~~ (c) A progress report shall include-

- (1) offender's name;
- (2) offender's current residence address;
- (3) offender's current telephone number and current electronic mail address;
- (4) name and address of offender's current employer;
- (5) supervising officer's summary of offender's conduct, progress and attitude, and compliance with conditions of supervision;
- (6) programs of treatment attempted and completed by the offender;
- (7) information about any sanctions that have been imposed on the offender since the previous progress report;
- (8) supervising officer's recommendation;
- (9) any other information requested by the sending state that is available in the receiving state.

4.109 Violation reports(s) requiring a request for retaking

(a) A receiving state shall notify a sending state of an act or pattern of behavior requiring retaking significant violations of conditions of supervision by an offender within 30 calendar days of discovery or determination of the violation by submitting a violation report.

(b) A violation report shall contain-

- (1) offender's name and location;
- (2) offender's state-issued identifying numbers;
- (3) date(s) and description of the behavior requiring retaking ~~offense or infraction that forms the basis of the violation;~~
- ~~(4) description of the offense or infraction;~~

(4) dates, descriptions and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior requiring retaking in the receiving state, and the offender's response to such actions;

(5) dates, descriptions and documentation regarding the status and disposition, if any, of offense(s) or behavior requiring retaking ~~infraction;~~

(6) dates, ~~and~~ descriptions and documentation of previous non-compliance, to include a description of the use of corrective actions, graduated responses or other supervision techniques; ~~of any previous violations;~~

~~(7) receiving state's recommendation of actions sending state may take;~~

~~(8) (7) name and title of the officer making the report; and~~

~~(9) (8) if the offender has absconded, the offender's last known address and telephone number, name and address of the offender's employer, and the date of the offender's last personal contact with the supervising officer and details regarding how the supervising officer determined the offender to be an absconder.~~

~~(10) (9) supporting documentation regarding the violation including but not limited to police reports, toxicology reports, and preliminary findings.~~

(c)

(1) The sending state shall respond to a report of a violation made by the receiving state no later than 10 business days following transmission by the receiving state.

(2) The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.

Rule 4.109-1 Authority to arrest and detain

An offender in violation of the ~~terms and~~ conditions of supervision may be taken into custody or continued in custody by the receiving state.

5.103 Offender behavior requiring retaking Mandatory retaking for violation of conditions of supervision

(a) Upon a request by the receiving state and documentation ~~a showing that the offender's behavior requires retaking has committed 3 or more significant violations, as defined by the compact, arising from separate incidents that establish a pattern of non-compliance of the conditions of supervision,~~ 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 ~~request by the receiving state.~~

(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 business days following the offender's failure to appear in the sending state.

Rule 5.108 Probable cause hearing in receiving state

(a) An offender subject to retaking ~~for violation of conditions of supervision~~ 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 one or more ~~significant~~ violations of the ~~terms or~~ conditions of supervision.

(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, 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:

The logic in supporting proposed changes to the ICAOS Violations, Sanction and Retaking Rules:

1. Enhances community safety by holding *interstate* probationers and parolees accountable for their behaviors in the receiving state, consistent with the supervision of probationers and parolees in the receiving state. This establishes a single standard of supervision *in the respective states* for all probationers and parolees under supervision.
2. Realizes and implements the single standard of supervision described in the enabling legislation-the Crime Control Act of 1934 and the Interstate Commission Rules of 1937.
3. Enhances community supervision by eliminating the three significant violations rules and recognizes that a single act or pattern of non-compliance with the terms and conditions of supervision may now serve as the basis for filing a request for violation with the sending state, provided that similar behavior demonstrated by individuals sentenced in the receiving state would result in a violation and request for revocation in the receiving state.
4. Affirms the authority of receiving state to impose terms and conditions and supervise interstate transfer (probationers and parolees) as they would individuals sentenced in the receiving state, including the use of incentives and graduated sanctions.
5. Incentivizes the use of incentives and graduated sanctions in all states consistent with the principles of evidence-based-practice. The requirement for receiving state/supervising states to document the use of incentives and graduated responses in ICOTS establishes an expectation and incentivizes evidence-based-practices.
6. Documentation of supervision practices in ICOTS, including the use of incentives and graduated responses strengthens the case presented by the receiving state at the probable cause hearing, if one is conducted.
7. Documentation of supervision practices supports the violation hearing and the basis for revocation in the sending state and reduces the likelihood of the sending state allowing the probationer/parolee to return immediately following the violation hearing.

Effect on other rules, advisory opinions or dispute resolutions:

Amendments to each rule in the proposal will be considered together.

ICOTS impact:

This proposal includes enhancements for the Offender Application for Interstate Compact Transfer (attached,) ICOTS Violation Report (mock-up attached) and ICOTS Progress Report (redesign as a managed process-mock-up screens attached). Cost TBD.

Scope and Metric

Included ICOTS proposals will provide new data elements increasing reporting capabilities for supervision techniques.

Committee action:

- Ad Hoc Committee on Violation Sanctioning & Retaking February/March 2016: submitted recommendations to Executive Committee
 - Amendments to rules 1.101, 3.108, 4.101, 4.103, 4.103-1, 4.106, 4.109 & 5.103 to be voted on as a package
 - Amendments to the 'Offender Application for Interstate Compact Transfer'
 - ICOTS enhancement for offender violation report
- Executive Committee March 29, 2016: reviewed and forwarded proposals to Rules Committee
 - **Commissioner A. Precythe (NC) moved to advance the ad hoc rule proposals to the Rules Committee for consideration. Commissioner A. Aylward (WA) seconded.**
- Rules Committee May 10, 2016: reviewed and prepared proposals for initial comment.
 - Additional amendments were added for rules 1.101, 4.109-1 & 5.108
 - **Commissioner D. Ege (AZ) moved to post the rule proposals referred by the Executive Committee to the ICAOS website for initial comment. Commissioner S. Arruti (NV) seconded.**
 - Sub group formed to recommend changes to the ICOTS Progress Report with final proposals in August
- July 1, 2016 initial comments due to be considered by Rules Committee in preparing final drafts
- Rules Committee July 11, 2016: reviewed initial comments and proposal drafts.
 - Many comments noted typos which were corrected.
 - Additional changes were made to Rules 4.109 (a), (b)(4) and (b)(5)

- **Motion to add ‘date, description and documentation regarding’ to Rule 4.109 (b)(4) & (5) made by D. Ege, seconded by T. Hudrlik. Motion passed.**
- **Motion to add ‘by submitting a violation report’ to the end language of Rule 4.109 (a) made by T. Hudrlik, seconded by D. Clark. Motion passed.**
- Other comments/questions will be addressed at the presentation at the annual business meeting training session on the proposals and proposed ICOTS changes
- Progress Report mock-ups were presented and minor changes were made by the committee

- Executive Committee July 19, 2016:
 - **Motion to propose effective date for the proposal to be March 1, 2017 made by J. Seigel, seconded by T. Hudrlik. Motion passed.**

- August 1, 2016 Final proposals to be posted and presented for vote at the 2016 Annual Business Meeting (September 14, 2016)

Effective date: March 1, 2017



Interstate Commission for Adult Offender Supervision

OFFENDER'S APPLICATION FOR INTERSTATE COMPACT TRANSFER

To:	Date:	Type of supervision: <input type="checkbox"/> Parole <input type="checkbox"/> Probation	Is this case: <input type="checkbox"/> Registered Sex Offender <input type="checkbox"/> Victim sensitive
From:	Phone #:	Fax #:	

OFFENDER INFORMATION

Offender's full name (last, first, MI):		Offender number:		
		Sending state#:	Receiving state#:	
AKA:				
SS#: (if available)	FBI#: (if available)	Sex:	Race:	DOB:

I, _____, am applying for transfer of my parole/probation/other supervision from _____ (sending state) to _____ (receiving state). I understand that ~~this~~ the transfer of my supervision is a privilege and not a right, and that my transfer and supervision will be subject to the rules of the Interstate Commission for Adult Offender Supervision.

I understand that my supervision in another state may be different than the supervision I would be subject to in this state, and that the receiving state will determine the manner in which I will be supervised. I agree to accept any differences that may exist because I believe that transferring my supervision to _____ (receiving state) will improve my chances for making a good adjustment in the community. **I FULLY UNDERSTAND AND ACKNOWLEDGE ALL OF THE ABOVE CONDITIONS AND FREELY AND KNOWINGLY WAIVE ANY CHALLENGE TO THESE REQUIREMENTS OF TRANSFER, INCLUDING THE CONDITIONS OF SUPERVISION IN THE STATE TO WHICH I REQUEST TRANSFER.** In doing so I respectfully request ~~ask that~~ the authorities to whom this application is made to ~~recognize this fact and grant~~ consider my request for transfer of supervision.

In support of my application for transfer, I make the following statements:

1. If I am allowed to transfer my supervision to _____ (receiving state), I plan to live with _____, at (full address/telephone #) _____ until I am allowed by the supervising authorities to change my residence.
2. I will comply with the terms and conditions of my supervision that have been placed on me, or that will be placed on me by _____ (sending state) and _____ (receiving state).
3. I understand that if I do not comply with all the terms and conditions that the sending state or the receiving state, or both, placed on me, that it will be considered a violation and ~~I there may be consequences including returned~~ to the sending state.
4. I agree to the release of any drug or alcohol treatment information from _____ (sending state) to any authorized person in _____ (receiving state) for the purpose of transferring my supervision. This consent remains in effect from this date _____ (today's date) until I revoke this consent.
5. I agree to return to _____ (sending state) at any time I am directed to by the sending state or the receiving state. I know that I may have a constitutional right to insist that the sending state extradite me from the receiving state or any other state where I may be found. This is commonly called the right to extradition. But I also understand and acknowledge that I have agreed to return to the sending state when ordered to do so either by the sending or receiving state. Therefore, I agree that I will not resist or fight any effort by any state to return me to the sending state and I AGREE TO WAIVE ANY RIGHT I MAY HAVE TO EXTRADITION. I WAIVE THIS RIGHT FREELY, VOLUNTARILY AND INTELLIGENTLY.

Offender's signature: _____ Date: _____

Printed name: _____

Witness: _____ Date: _____

Printed name: _____

Violation Information for John Q. Smith

Violations that may be listed on this report are new felony convictions, conviction of a violent crime, behavior requiring retaking, and absconding. **Any violations that do not fall into one of the listed categories should be reported on a Progress Report.**

** Behavior requiring retaking is an act or pattern of behavior that would result in a request for revocation in North Carolina.*

Violation Information

Select the type of violation: Behavior Requiring Retaking

Discovery/Determination Date: MM/DD/YYYY

Detail the act or pattern of behavior that would result in a request for revocation:

[Empty text box for detailing behavior]

Select all the incentive actions taken to address the offender's behavior:

- Written letter of recognition
- Fewer drug screens
- Verbal praise
- Modification of supervision conditions
- Waive program fees
- Decreased reporting requirements
- Submit positive letter to the court

Other, describe: [Empty text box]

Select all the corrective actions taken to address the offender's behavior:

- Verbal reprimand/Warning
- Travel Restriction
- Community service
- Report violation to sending state through Progress Report
- Behavioral contract
- GPS/House Arrest/EM
- Increased reporting
- Increased drug screens
- Brief period of incarceration
- Loss of privilege
- Impose curfew
- Cognitive behavioral intervention
- Treatment referral

Other, describe: [Empty text box]

Describe in detail how all the corrective actions and/or incentives selected above did not successfully address the offender's behavior:

[Empty text box for describing corrective actions]



Progress Report for John Lennon

Select **Start** next to the topic that you want to visit. When you're finished entering all of the information, select **Submit**.

Topics	Progress	
Review Offender Information	—	View
Current Residence	<input type="checkbox"/>	Start
Current Employment	<input type="checkbox"/>	Start
Progress, Performance, and Attitude	<input type="checkbox"/>	Start
Additional Supervision Conditions Imposed by the Receiving State	<input type="checkbox"/>	Start
Recommendations	<input type="checkbox"/>	Start

[Delete](#)

[Preview](#)

[Submit](#)



- Assistants
- Compact Workload
- Offenders
- Reports
- Users
- Administrators
- Help

Progress Report

Supervision Conditions Imposed by the Receiving State for John Lennon

Does your state wish to impose any additional Supervision Conditions on the offender?

- Yes
- No

New Record

Condition:

Alcohol/Drug Treatment

Attachment:

Choose File No file chosen

Add

Back

Save & Continue

Progress, Performance and Attitude for John Lennon

Please enter the offender's status below, including conditions compliance.

Progress, Performance and Attitude

Does this progress update involve a new arrest?

- Yes
- No

- Violation Discovery Date:
- Arrest Date:
- Arresting agency:
- Case #:
- City:
- State:
- County:

• Arrest Description:

► Attachments (0)

Progress, Performance and Attitude for John Lennon

Please enter the offender's status below, including conditions compliance.

Progress, Performance and Attitude

Does this progress update involve a new arrest?

- Yes
- No

Review each of the offender's conditions of supervision and indicate those which the offender has violated.

Conditions imposed by Kentucky					
Violated	Update	No Update/NA	Supervision Condition	Attachment	PDF
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Employment Readiness	—	—
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Special Condition: see conditions from judgment		—

Description/update on conditions imposed by Kentucky:

Conditions of Supervision required by North Carolina					
Violated	Update	No Update/NA	Supervision Condition	Attachment	PDF
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	DNA Registration	—	—

Description/update on conditions imposed by North Carolina:

Additionally Imposed Conditions					
Violated	Update	No Update/NA	Supervision Condition	Attachment	PDF
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Alcohol/Drug Treatment	—	—

Description/update on additionally imposed conditions:

Select all the incentive actions taken to address the offender's behavior:

- Written letter of recognition
- Modification of supervision conditions
- Decreased reporting requirements
- Other, describe:
- Fewer drug screens
- Waive program fees
- Submit positive letter to the court
- Verbal praise

Select all the corrective actions taken to address the offender's behavior:

- Verbal reprimand/Warning
- Report violation to sending state through Progress Report
- Increased reporting
- Loss of privilege
- Travel Restriction
- Behavioral contract
- Increased drug screens
- Impose curfew
- Treatment referral
- Community service
- GPS/House Arrest/EM
- Brief period of incarceration
- Cognitive behavioral intervention
- Other, describe:

Describe in detail how all the corrective actions and/or incentives selected above influenced the offender's behavior:

► Attachments (0)



Recommendations for Roger Waters

What course of action does your state recommend?

- Consider early termination of supervision for good behavior
- Remove conditions/requirements for good behavior
- Review status with the sentencing/paroling authority for possible recommendations/extension of supervision
- Await outcome/update of new pending charges
- Notification purposes only - Continue to supervise
- Other requests/Recommendations - provide explanation below

Additional Information:

New Record

Attachment Type:

Other Documentation ▼

Description:

Attachment:

Choose File No file chosen

Add

Back

Save & Continue

**INCOMING AND OUTGOING CASES INVOLVING OFFENDERS ON COMPACT SUPERVISION AS OF
THE CLOSE OF FY 2016**

State	Incoming Compact Cases			Incoming Offenders	Outgoing Compact Cases			Outgoing Offenders	Total Offenders
	Parole Only	Probation Only	Probation & Parole		Parole Only	Probation Only	Probation & Parole		
Alabama	1,101	3,542	38	3,871	572	1,551	12	1,931	5,802
Alaska	78	143	9	209	52	141	65	208	417
Arizona	808	1,728	3	2,208	359	2,718	-	2,827	5,035
Arkansas	931	1,970	20	2,473	2,229	1,503	22	3,195	5,668
California	1,674	4,596	62	5,785	703	2,404	3	2,947	8,732
Colorado	476	1,450	6	1,692	1,001	2,553	5	3,156	4,848
Connecticut	233	871	-	957	243	1,218	-	1,235	2,192
Delaware	304	810	23	872	18	393	24	381	1,253
District of Columbia	294	1,179	40	1,086	1	492	-	451	1,537
Florida	2,849	6,411	74	7,936	247	6,589	10	6,093	14,029
Georgia	1,396	4,221	10	4,953	2,672	9,246	17	9,435	14,388
Hawaii	41	155	-	182	128	308	1	372	554
Idaho	180	461	33	612	657	1,404	11	1,829	2,441
Illinois	1,686	3,916	11	4,834	1,191	2,406	1	3,301	8,135
Indiana	990	2,726	11	3,192	470	2,398	3	2,513	5,705
Iowa	428	1,292	14	1,487	446	1,123	9	1,428	2,915
Kansas	646	1,484	9	1,751	673	1,579	7	1,894	3,645
Kentucky	673	2,241	19	2,530	1,403	3,041	25	3,722	6,252
Louisiana	1,067	2,255	24	2,882	1,756	2,070	26	3,113	5,995
Maine	98	360	3	396	4	259	-	248	644
Maryland	766	3,611	40	3,620	778	1,885	108	1,942	5,562
Massachusetts	293	1,560	-	1,620	175	1,184	-	1,166	2,786
Michigan	894	2,222	25	2,715	811	1,339	23	1,933	4,648
Minnesota	470	1,640	39	1,888	528	2,786	2	2,791	4,679
Mississippi	906	1,847	24	2,396	942	1,932	22	2,192	4,588
Missouri	1,249	2,881	27	3,578	2,022	4,210	8	4,912	8,490
Montana	122	389	19	477	248	701	244	1,002	1,479
Nebraska	304	711	-	884	124	350	-	439	1,323
Nevada	264	827	14	998	470	1,321	4	1,651	2,649
New Hampshire	128	629	1	656	255	334	3	504	1,160
New Jersey	808	2,397	8	2,782	1,020	2,702	6	3,232	6,014
New Mexico	338	1,017	3	1,189	462	1,027	7	987	2,176
New York	1,090	4,581	9	4,924	1,859	1,940	14	3,468	8,392
North Carolina	1,340	4,432	57	4,963	388	1,371	24	1,580	6,543
North Dakota	161	816	22	856	123	821	89	860	1,716
Ohio	1,710	3,556	44	4,517	912	2,135	9	2,749	7,266
Oklahoma	1,165	2,104	42	2,894	238	1,664	6	1,752	4,646
Oregon	384	1,022	53	1,337	602	876	52	1,391	2,728
Pennsylvania	827	2,708	30	3,076	2,323	4,986	21	5,972	9,048
Puerto Rico	151	179	-	301	24	113	-	123	424
Rhode Island	72	482	-	500	90	965	1	862	1,362
South Carolina	830	2,447	20	2,832	157	1,017	10	1,070	3,902
South Dakota	152	513	2	563	294	532	3	723	1,286
Tennessee	1,575	4,620	42	5,144	583	2,750	18	2,977	8,121
Texas	3,174	5,465	14	7,326	3,423	7,649	37	9,685	17,011
Utah	212	650	8	781	203	406	4	568	1,349
Vermont	86	216	1	263	135	311	2	403	666
Virgin Islands	16	43	-	51	6	7	-	13	64
Virginia	868	2,104	47	2,601	425	8,342	60	6,951	9,552
Washington	553	1,543	96	2,001	182	560	9	696	2,697
West Virginia	313	1,500	13	1,454	995	408	25	1,084	2,538
Wisconsin	426	1,698	11	1,877	1,913	2,019	84	3,311	5,188
Wyoming	123	413	20	473	188	595	4	678	1,151
Total	37,723	102,634	1,140	121,445	37,723	102,634	1,140	119,946	241,391

**Interstate Compact for Adult Offender Supervision
State Dues Assessment FY17**

State	State Dues Ratio	State Population	US Population	FY13 State		State Dues
				Offender Transfers	US Offender Transfers	
U.S. Virgin Islands	0.000280358	102,000	312,573,327	54	230,382	\$10,314.65
Alaska	0.002182192	710,231	312,573,327	482	230,382	\$20,629.30
Vermont	0.002333520	625,741	312,573,327	614	230,382	\$20,629.30
Wyoming	0.003074069	563,626	312,573,327	1,001	230,382	\$20,629.30
Maine	0.003325060	1,328,361	312,573,327	553	230,382	\$20,629.30
Hawaii	0.003478156	1,360,301	312,573,327	600	230,382	\$20,629.30
North Dakota	0.003910316	672,591	312,573,327	1,306	230,382	\$20,629.30
Delaware	0.003979959	897,934	312,573,327	1,172	230,382	\$20,629.30
Dist. of Columbia	0.004003133	601,723	312,573,327	1,401	230,382	\$20,629.30
South Dakota	0.004076037	814,180	312,573,327	1,278	230,382	\$20,629.30
Rhode Island	0.004444344	1,052,567	312,573,327	1,272	230,382	\$20,629.30
New Hampshire	0.004536603	1,316,470	312,573,327	1,120	230,382	\$20,629.30
Montana	0.004545164	989,415	312,573,327	1,365	230,382	\$20,629.30
Nebraska	0.005623494	1,826,341	312,573,327	1,245	230,382	\$20,629.30
West Virginia	0.006677493	1,852,994	312,573,327	1,711	230,382	\$20,629.30
Puerto Rico	0.006956036	3,725,789	312,573,327	459	230,382	\$20,629.30
Utah	0.006982143	2,763,885	312,573,327	1,180	230,382	\$20,629.30
Idaho	0.007392907	1,567,582	312,573,327	2,251	230,382	\$20,629.30
New Mexico	0.007877605	2,059,179	312,573,327	2,112	230,382	\$20,629.30
Nevada	0.009480861	2,700,551	312,573,327	2,378	230,382	\$28,651.80
Connecticut	0.010253158	3,574,097	312,573,327	2,090	230,382	\$28,651.80
Iowa	0.011030190	3,046,355	312,573,327	2,837	230,382	\$28,651.80
Kansas	0.011426433	2,853,118	312,573,327	3,162	230,382	\$28,651.80
Oregon	0.012517668	3,831,074	312,573,327	2,944	230,382	\$28,651.80
Mississippi	0.015244343	2,967,297	312,573,327	4,837	230,382	\$28,651.80
Oklahoma	0.015359124	3,751,351	312,573,327	4,312	230,382	\$28,651.80
Massachusetts	0.016003695	6,547,629	312,573,327	2,548	230,382	\$28,651.80
South Carolina	0.016334006	4,625,364	312,573,327	4,117	230,382	\$28,651.80
Washington	0.016707726	6,724,540	312,573,327	2,742	230,382	\$28,651.80
Arkansas	0.016724778	2,915,918	312,573,327	5,557	230,382	\$28,651.80
Minnesota	0.017452004	5,303,925	312,573,327	4,132	230,382	\$28,651.80
Colorado	0.017945773	5,029,196	312,573,327	4,562	230,382	\$28,651.80
Kentucky	0.019461868	4,339,367	312,573,327	5,769	230,382	\$28,651.80
Wisconsin	0.019486310	5,686,986	312,573,327	4,787	230,382	\$28,651.80
Maryland	0.020058844	5,773,552	312,573,327	4,987	230,382	\$28,651.80
Arizona	0.020112753	6,392,017	312,573,327	4,556	230,382	\$28,651.80
Alabama	0.020448433	4,779,736	312,573,327	5,899	230,382	\$28,651.80
Louisiana	0.020488405	4,533,372	312,573,327	6,099	230,382	\$28,651.80
Indiana	0.023033229	6,483,802	312,573,327	5,834	230,382	\$28,651.80
Michigan	0.025454965	9,883,640	312,573,327	4,444	230,382	\$28,651.80
New Jersey	0.026592921	8,791,894	312,573,327	5,773	230,382	\$36,674.30
Tennessee	0.026925700	6,346,105	312,573,327	7,729	230,382	\$36,674.30
Missouri	0.028023316	5,988,927	312,573,327	8,498	230,382	\$36,674.30
North Carolina	0.028650508	9,535,483	312,573,327	6,173	230,382	\$36,674.30
Virginia	0.030480138	8,001,024	312,573,327	8,147	230,382	\$36,674.30
Ohio	0.032545889	11,536,504	312,573,327	6,493	230,382	\$36,674.30
Illinois	0.037723890	12,830,632	312,573,327	7,925	230,382	\$36,674.30
Pennsylvania	0.038037437	12,702,379	312,573,327	8,164	230,382	\$36,674.30
Georgia	0.047580278	9,687,653	312,573,327	14,783	230,382	\$44,696.81
New York	0.047869668	19,378,102	312,573,327	7,774	230,382	\$44,696.81
Florida	0.059862522	18,801,310	312,573,327	13,725	230,382	\$44,696.81
California	0.077241295	37,253,956	312,573,327	8,132	230,382	\$52,719.31
Texas	0.077602682	25,145,561	312,573,327	17,223	230,382	\$52,719.31

\$1,516,253.26

Proposed ICAOS - FY 2018 Budget

	<u>FY16</u> Actual Budget	<u>FY17</u> Proposed Budget	<u>FY18</u> Proposed Budget
<u>REVENUE</u>			
Dues Assessment	\$1,516,675.61	\$1,516,253.26	\$1,516,253.26
ICJ MOU			
Cash Reserve	\$90,000.00	\$147,511.74	\$73,796.74
Dividend Income	\$15,548.88	\$12,000.00	\$12,000.00
INTEREST INCOME**	\$14,454.24	\$15,600.00	\$14,000.00
Total Administration Revenue	\$1,636,678.73	\$1,691,365.00	\$1,616,050.00
<u>EXPENSE</u>			
60000 SALARIES & WAGES	\$398,550.74	\$435,000.00	\$440,000.00
61000 EMPLOYEE BENEFITS	\$222,591.24	\$226,200.00	\$225,000.00
61079 EDUCATION, ACCREDITATION	\$750.00	\$2,000.00	\$2,000.00
61089 PROFESSIONAL MEMBERSHIPS	\$1,018.85	\$600.00	\$750.00
62000 SUPPLIES	\$4,057.47	\$4,500.00	\$4,500.00
62010 POSTAGE	\$930.91	\$1,500.00	\$1,500.00
62090 COMPUTER SERVICES	\$11,866.84	\$15,000.00	\$12,000.00
62130 OUTSIDE WEB SUPPORT	\$6,029.85	\$6,500.00	\$7,000.00
62140 SOFTWARE PURCHASE	\$2,349.91	\$2,500.00	\$2,500.00
62280 INSURANCE	\$6,678.00	\$9,000.00	\$10,000.00
62310 PHOTOCOPY	\$1,211.09	\$1,300.00	\$1,300.00
62320 MISCELLANEOUS	\$437.33	\$500.00	\$500.00
62340 CREDIT CARD MERCHANT FEES	\$33.74	\$0.00	\$0.00
62360 DIRECT TELEPHONE EXPENSE	\$6,545.46	\$6,300.00	\$6,500.00
62370 CELL PHONE EXPENSE	\$3,703.24	\$1,750.00	\$2,500.00
62410 MARKETING/ADVERTISING	\$0.00	\$250.00	\$0.00
66000 EQUIPMENT PURCHASE	\$8,650.50	\$10,000.00	\$10,000.00
68200 WEB/VIDEO CONFERENCE	\$9,586.78	\$27,000.00	\$27,000.00
72000 CONSULTANT SERVICES	\$885.57	\$10,000.00	\$10,000.00
74000 STAFF TRAVEL	\$4,002.47	\$5,000.00	\$5,000.00
78050 PRINTING	\$0.00	\$500.00	\$500.00
80000 LEGAL SERVICES	\$23,875.00	\$25,000.00	\$25,000.00
85000 RENT	\$32,192.00	\$31,000.00	\$33,000.00
91010 INDIRECT COST	\$59,701.14	\$82,140.00	\$50,000.00
Total Administration Expenditures	\$805,648.13	\$903,540.00	\$876,550.00
<u>OTHER EXPENSE</u>			
11356 Executive Committee Meetings	\$28,139.83	\$20,000.00	\$15,000.00
11363 Annual Meeting	\$172,083.90	\$175,000.00	\$175,000.00
11364 Compliance Committee	\$192.24	\$1,000.00	\$1,000.00
11365 Finance Committee	\$47.70	\$500.00	\$500.00
11366 Rules Committee	\$26,004.16	\$20,000.00	\$10,000.00
11367 Technology Committee	\$366.22	\$1,000.00	\$1,000.00
11368 Training/Education Committee	\$13,768.04	\$5,000.00	\$10,000.00
11371 DCA Liaison Committee	\$144.69	\$1,000.00	\$1,000.00
11372 Annual Report	\$1,260.00	\$3,000.00	\$2,000.00
11569 DCA Training Institute	\$0.00	\$0.00	\$0.00
11373 Shop ICAOS	-\$3.50	\$0.00	\$0.00
11352 Defense Litigation	\$6,658.46	\$10,000.00	\$10,000.00
11354 ICOTS	\$425,566.03	\$410,000.00	\$500,000.00
Long-term Investment Fund	\$7,500.00	\$90,000.00	\$0.00
Other Indirect Cost	\$19,893.23	\$51,325.00	\$14,000.00
Total Other Expense	\$701,621.00	\$787,825.00	\$739,500.00
Total Commission Expenses	\$1,507,269.13	\$1,691,365.00	\$1,616,050.00



Training, Education & Public Relations Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
CLEVELAND, OHIO

SEPTEMBER 14, 2016

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

**FROM: Anne L. Precythe, Chair, Training, Education & Public Relations Committee and
Commissioner, State of North Carolina**

The Training Committee continues to improve and expand training efforts to assist states in educating criminal justice professionals involved in Interstate Compact business. This year, the Training Committee's focus has been on expanding and redesigning the On-Demand trainings, updating, consolidation and review of training materials available as well as emphasizing the state compact offices' roles and responsibilities. Last year, the Training Committee established a trainer group recognizing trainers with specific content expertise. These trainers continue to highlight the importance of operationalizing the rules and to "Work the Rules, Don't Let the Rules Work You!" always remembering the purposes of ICAOS to ensure public safety, track offender movement and support offender rehabilitation efforts by providing effective supervision.

Trainings this year included amendment training for compact staff, general rules training for field staff, and a special compact staff training in May specifically highlighting the significant roles and authority compact offices possess and the importance of quality information and communication between states. Discussions from the May Compact Staff training will continue at the DCA Training Institute in Cleveland. Stats show states are expanding their usage of the ICAOS On-Demand training available and requests for Technical and Training Assistance to use ICAOS's WebEx services to supplementing their own state's training efforts.

Other notable accomplishments

- Published Training Bulletin 1-2016 - *Managing Returning Offenders*

- Reviewed and archived old Training Bulletins
- Presented at the Winter APPA Training Institute
- Along with the Rules Committee, clarified questions regarding Rule 5.101-2
- Worked with the DCA Liaison Committee to develop workshop curriculum based on suggestions provided by the ABM workgroup

Training Committee Members: Anne L. Precythe, Chair (NC); James Parks (VA); Roberta Cohen (NM); Scott McCaffrey (ME); Dara Matson (IL); Chris Moore (GA); Joseph Clocker (MD); Russell Marlan (MI); Mark Patterson, ex-officio (OR); Sally Reinhardt-Stewart, ex-officio (NE); Tim Strickland, ex-officio (FL).

Trainers: Tim Strickland (FL); Leslie Thomas (NC); Betty Payton (NC); Ernette Griggs (WI); Margaret Thompson (PA); Jim Ingle (UT); Janice Young (ND); Roberta Cohen (NM); Rose Ann Bisch (MN); Holly Kassube (IL); Shawn Arruti (NV); Judy Mesick (ID); Matthew Reed (PA); Julie Lohman (VA); Jacey Nordmeyer (NE); Matthew Billinger (KS); Dori Ege (AZ).

Looking ahead in FY2017

- Assist in development of training for rule changes including impacts to ICOTS
- Expand compact office/administrator trainings in conjunction with the DCA Liaison Committee
- Support state compact offices' responsibilities to train stakeholders in their state on ICAOS Rules and purpose
- Reinforce the authority of the compact offices'
- Emphasize the goals of the Compact
 - What's in the best interest of public safety?
 - What's in the best interest of the offender?

Respectfully submitted,

Anne L. Precythe

Anne L. Precythe

Chair, Training, Education & Public Relations
Committee



Deputy Compact Administrators Liaison Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
CLEVELAND, OHIO

SEPTEMBER 14, 2016

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

**FROM: Tracy Hudrlik, Chair, Deputy Compact Administrators Liaison Committee and
Commissioner, State of Wisconsin**

Committee Members

Tracy Hudrlik (WI) – Commissioner (DCA Liaison Committee Chair)
Alison Morgan (CO)- Commissioner (DCA Liaison Committee Vice-Chair)

Donna Pratt (VT) – DCA (East Region DCA Chair)
Julie Lohman (VA) – DCA (South Region DCA Chair)
Judy Mesick (ID) – DCA (West Region DCA Chair)
VACANT- (Midwest Region DCA Chair)

Cathy Gordon (MT) – Commissioner / DCA
Diann Skiles (WV) – Commissioner
Anthony Rowell (OK)- Commissioner
Tim Strickland (FL) – DCA
Joseph Beaman (MI) – DCA
Regina Grimes (TX) – DCA
Elizabeth Powell (DC) – DCA

Mission

The DCA Liaison Committee is responsible to act as the liaison between the Commissioners and the Deputy Compact Administrators (DCA). The committee should ensure that communication and feedback is forwarded appropriately. The Committee identifies and provides training opportunities for the Deputy Compact Administrators.

Goals

The DCA Liaison Committee is working on three goals for this year:

1. Define the DCA Mentoring process for notifications
2. Establishing a formal mentoring process via worksheet/checklist
3. Work with the Training Committee on the DCA Training Institute and ongoing training

DCA 2016 Updates:

East Region:

Maine – Bill Goodwin

New Jersey - Robin Stacy, Parole

South Region:

Kentucky – Don Werner, Parole

Maryland – Cornelius Woodson

Midwest Region:

Illinois – Dara Matson, Parole

West Region:

Colorado – Meredith McGrath, Parole

Nevada – Deon McDaniel

Washington- Tanja Gilmore

Mentoring

The mission of the mentoring program is to coach, train, and counsel new and existing DCAs on the operations of a compact office and to provide guidance to DCAs who need assistance to resolve difficult compliance issues in their state. The mentoring program should encourage active participation in Commission and regional activities and collaboration with member states to promote successful strategies and best practices.

- *Participant*: Any DCA who is either new or requests (through Commissioner) additional coaching or assistance.
- *Mentor*: The DCA Liaison Committee Regional Chair or another DCA in good standing. Mentors will communicate regularly and offer feedback, guidance, and support.
- *Mentoring period*: Typically, one year. Extensions may be granted, if needed.

Committee Work

The committee met on April 26, 2016 and on July 26, 2016. In April, the goals for the coming year were determined as indicated above. The committee is currently working on the communication process for DCAs and commissioners to ensure that new DCAs are welcomed and encouraged to participate in the mentoring program in a consistent manner. Further communication is being developed so that Commissioners and existing DCAs are aware of the referral process and ongoing benefits available through mentoring for existing DCAs who may need the additional resources. This process will be shared with Commissioners when final. The committee is working with national office staff to place all mentoring materials and information in one location so that DCA mentees will have easy access to all materials electronically.

Committee members also worked with the Training Committee to develop and present the topics at the DCA Training institute at this year's ABM.

The DCA liaison committee works with the regional committees to establish DCA Region Chairs who then facilitate regional DCA meetings. These meetings are excellent opportunities to identify concerns and collaborate toward solutions. The DCA Region Chair can then bring these issues to the DCA Liaison committee where they can further be addressed.

Respectfully submitted,

Tracy Hudrlik

Tracy Hudrlik,

Chair, Deputy Compact Administrators Liaison Committee



Compliance Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
CLEVELAND, OHIO

SEPTEMBER 14, 2016

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Jeremiah Stromberg, Chair, Compliance Committee and Commissioner, State of Oregon

Compliance Committee Members

Jeremiah Stromberg, Chair, OR
Mike McAlister, NH
Charles Placek, ND
Chris Norman, AL
Ellis McSwain, MO
Cathy Gordon, MT
Margaret Thompson, PA
James Hudspeth, UT
Genie Powers, LA*
Kathleen Graves, KS*
Kim Madris, NV*
Cathy Gibson-Beltz, NE*

*Denotes retired or left position during 2016

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

Goals and Objectives

The Committee has set four specific goals for this year:

- Continue to review compliance trends and make recommendations regarding rules and training as necessary.
- Increase committee participation to at least 2 members from each region.

- Set goal of initial complaint reviews to be conducted within 30 days of notification
- Develop a more formal review process regarding Corrective Action Plans.

Compliance Issues and Outcomes

During the reporting year, the Committee reviewed and made recommendations to the Executive Committee on the following matters:

- **April 2016:** Recommended the closure of Georgia’s corrective action plan as Georgia met all the conditions and expectations. Executive Committee approved.
- **April 2016:** Recommended Legal Counsel to engage in Federal action by which the State of Maryland shall be forced to comply with the rules of Compact and a fine of \$10,000 for violation of ICAOS rules 5.103, 5.108, and 5.111. Executive Committee voted to have Legal Counsel author a demand letter to the Maryland Chief Justice, Governor, and Commissioner to comply with the rules of the Compact and imposed a fine in the amount of \$10,000. Maryland has responded that they are attempting to rectify through education, training, and direction the violations noted above.
- **May 2016:** Recommended Legal Counsel to engage in Federal action by which the Virgin Islands shall be forced to comply with the appointing of a Commissioner. Executive Committee voted to have Legal Counsel author a demand letter to the Governor to comply with the appointment of a Commissioner. The Governor has responded that he will do so and will move to have the appointment approved through the Senate as soon as possible.

Dashboard Trends

States’ adherence to the outcomes measured across the compliance dashboard continued to trend upward in all seven primary categories. Between FY 2015 and FY 2016, significant compliance increases are seen in Closure Notices (7%), Annual Progress Reports (6%), and Violation Responses (4%).

<u>Standard</u>	<u>FY 2014 Compliance Average</u>	<u>FY 2015 Compliance Average</u>	<u>FY 2016 Compliance Average</u>
3.101-1, 3.103 & 3.106-RFRI Reply	95.6%	96%	97.3%
3.104-Transfer Reply	85.6%	87.9%	90.3%
4.102 & 4.112-Closure Notice	88.9%	89%	96.6%
4.112 Closure Reply	85.8%	88.7%	90.1%
4.106 Requested Progress Report	88.9%	95.1%	96%
4.106 Annual Progress Report	76.8%	78.2%	84.7%
4.109 Violation Response	78.4%	81.5%	85.3%

Respectfully submitted,

Jeremiah Stromberg

Jeremiah Stromberg

Chair, Compliance Committee



Treasurer Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
CLEVELAND, OHIO

SEPTEMBER 14, 2016

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

**FROM: Charles Lauterbach, Commission Treasurer and Finance Committee Chair
Commissioner, State of Iowa**

The Commission continues to be in strong financial condition as FY 2017 draws closer. The balance in the Commission's reserve fund is \$1,210,740. In addition the Commission maintains a separate legal reserve of \$50,000 to cover litigation expenses. The Commission also participates in a long-term investment program managed by the Council of State Governments. The Commission's balance in this long-term portfolio is currently \$1,340,800.74. Due to the gradually declining balance in the reserve fund over the past few years, the Commission stopped making new contributions to the long-term portfolio in FY2015 although portfolio's balance has continued to grow over the past year.

Maintaining and enhancing the ICOTS information system is probably the most important financial challenge facing the Commission. So far in FY 2015 the Commission has invested in excess of \$500,000 in ICOTS. In FY 2016 \$410,000 is budgeted for ICOTS. Another growing area of concern involves costs associated with accounting services, payroll, legal assistance, and human resources. In June, 2016 the Executive Committee made the difficult decision to terminate the Commission's long affiliation with the Council of State Governments. As a result, the Commission will need to explore various management services options in an effort of conserve funds.

It should be noted that the Commission has not needed to increase membership dues since 2008 and no dues increase is being recommended for FY 2017. In recent years the Commission has been spending slightly more than it has collected in revenue however the reserve fund has been more than adequate to

cover the deficit. It is to be hoped the Commission will be able to identify strategies that will reduce Commission expenses and prevent any dues increase, at least in the near term.

Respectfully submitted,

Charles Lauterbach

Charles Lauterbach

Commission Treasurer and the Finance Committee Chair



Information and Technology Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
CLEVELAND, OHIO

SEPTEMBER 14, 2016

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

**FROM: Gary Roberge, Chair, Information and Technology Committee and
Commissioner, State of Connecticut**

The Information and Technology Committee met by telephone and WebEx conference five times since last year's Annual Business Meeting.

The Information and Technology Committee consists of 11 members, including six commissioners and five ex-officio members. Commissioners include Gary Roberge – Chair (CT), Nancy Ware – Vice Chair (DC), Chris Norman (AL), Sheila Sharp (AR), Charles Placek (ND), and Shawn Arruti (NV). Ex-officio members include Natalie Latulippe (CT), Matthew Billinger (KS), John Gusz (NJ), Felix Rosa (NY), and Julie Lohman (VA).

The following are highlights of the activities of the Information and Technology Committee during the 2016 fiscal year:

FBI NDex Data Sharing

The National Office successfully implemented a comprehensive data export to the FBI NDex data center last fiscal year. Each month over 200,000 Compact records, which include offender case and offense information, are exported to the FBI data center.

Fusion Center Data Exchange Project

The Fusion Center Data Exchange project continues to expand and now includes the Rocky Mountain Information Network, which maintains a centralized data-sharing network for several states including Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming. The Connecticut state fusion center is in the process of finalizing their ICOTS data exchange and should be completed in the Fall of 2016.

ICOTS Offender Photos

Throughout this past fiscal year, the national office worked in conjunction with Appriss to develop a process to export ICOTS offender photos to a data warehouse accessible to the national office. Upon completion of the photo warehouse in the Fall of 2016, the national office Technology Committee, and Compliance Committee will conduct an analysis of the current state and quality of photos within the ICOTS application. The primary goal of the photo analysis is to identify issues with the current photos in the ICOTS system and to develop standards for offender photos uploaded into ICOTS. This is an extremely important exercise as ICOTS photos are exported to numerous databases. It is imperative for safety and intelligence purposes that photos are current and meet certain quality standards.

ICOTS VINEWatch

Appriss enhanced the victim notification system this past year to include SMS text messages to the list of victim notification options in ICOTS VINEWatch. In addition, the Commission is working with Appriss to enhance the functionality of the ICOTS VINEWatch system to allow for self-registration.

ICOTS Data Exports

Connecticut and Virginia continue to collaborate with Appriss and are now receiving data exports of ICOTS data on a daily basis. Both states will utilize this data in conjunction with their internal case management information systems to create activity reports for their supervision officers and to further enhance compliance with ICAOS supervision and reporting activities. Both states are also in the process of cataloging the work they are doing with Appriss on this project and the information will be available to other states that may be interested in establishing similar data exchanges with Appriss.

ICOTS FY 2017 Enhancements

In the fiscal year 2017, the Executive Committee approved a \$90,000 appropriation for ICOTS enhancements. The Information and Technology Committee analyzed the statements of work prepared by Appriss to prioritize the enhancements that will have the most significant impacts for end users and recommended to the Executive Committee three-system enhancements that include multiple enhancements in each system upgrade. The Executive Committee approved the recommended enhancements for FY 2017.

The Information and Technology Committee was made aware that the Rules Committee would be proposing a rule amendment during this year's Annual Business meeting, which may impact the \$90,000 appropriation if passed. If the proposed rule amendment is passed, the Information and Technology Committee will modify the approved enhancements to remain within the \$90,000 appropriation.

ICOTS Helpdesk Support

The ICOTS Helpdesk received approximately 1,058 ICOTS support tickets throughout the 2016 fiscal year, which is approximately a 50% reduction from FY 2015. This reduction in helpdesk support tickets can be attributed to the following three areas: the ICOTS enhancement limiting the creation of duplicate offenders, continued bug fix releases from Appriss, and increased ICOTS training initiatives from the Training Committee.

External Reports

Usage of the external reports rose from over 20,000 page views in FY 2015 to over 22,000 page views in FY 2016; an increase of 10%.

Compliance Dashboards

Use of the compliance dashboards rose from over 3,000 page views in FY 2015 to over 3,700 page views in FY 2016; an increase of 23%.

ICAOS Website

Visits to the website were up by 2.5% from the previous fiscal year, with over 525,000 visits. Desktop users dropped 8.7% to 324,000 visits, mobile users were up 32% to 200,000 visits, and tablet users were up 6% to 18,000 visits. Users on mobile or tablet devices accounted for more than 38% of the visits to the ICAOS website in FY 2016.

The following are identified goals and challenges for FY 2017:

- Ensure that the necessary ICOTS system changes are developed and implemented prior to the effective date of any rules changes that are adopted during the 2016 Annual Business Meeting.
- Provide guidance to the Commission with respect to future ICOTS system enhancements.
- Continue to explore options to expand and enhance data sharing opportunities with federal and local criminal justice agencies.
- Continue to collaborate with the Commission and Appriss to enhance VINEWatch functionality.
- Document the work Connecticut and Virginia are doing with Appriss to obtain ICOTS offender and case information.
- Assist the Commission in identifying potential issues related to photos in ICOTS and developing minimum standards for future photos entered into the system.
- Continue to work on the NCIC initiative to improve the Wanted Person File related to IC warrants and bond information for re-taking purposes.

Thank you for your attention and continued support of the Commission's technology projects.

Respectfully submitted,

Gary Roberge

Gary Roberge

Chair, Information and Technology Committee



General Counsel Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
CLEVELAND, OHIO

SEPTEMBER 14, 2016

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Richard Masters, General Counsel

General Legal Work:

The General Counsel's Office assists the Commission by providing legal guidance to the Interstate Commission and its committees with respect to legal issues, which arise in the conduct of their responsibilities under the terms of the Compact, its Bylaws, and administrative rules. The provisions of the Compact specifically authorize formal legal opinions concerning the meaning or interpretation of the actions of the Interstate Commission that are issued through the Executive Director's Office in consultation with the Office of General Counsel. These advisory opinions are made available to state officials who administer the compact for guidance. The General Counsel's office also works with the Commission and its member states to promote consistent application of and compliance with its requirements including the coordination and active participation in litigation concerning its enforcement and rule-making responsibilities.

Since the last annual business meeting, in addition to day to day advice and counsel furnished to the Commission's Executive Director, the Executive Committee, the Rules Committee, the Compliance Committee, the Technology Committee, and the Interstate Commission, the General Counsel's Office in conjunction with the Executive Director has reviewed requests for advisory opinions concerning the interpretation and application of various provisions of the Compact and its administrative rules and has assisted with a number of informal requests for legal guidance from member states. The advisory opinions are public record and are available at the website of the Commission.

Judicial training concerning the Compact and its administrative rules has also been provided in a number of states under the auspices of the ICAOS Training Committee and the General Counsel. Other activities included assisting in the updates to the 'On-Demand' Judicial Training Modules now available on the ICAOS website, assisting in the update of the ICAOS Bench Book, and review and update of Judicial training and New Commissioner training materials as well as Parole and Probation Officer legal and liability training modules used for both WebEx and live training sessions.

In addition, the General Counsel has assisted the Compliance Committee, the Executive Committee and Executive Committee Workgroup in several matters pertaining to investigation, compliance, and enforcement responsibilities under the Compact.

Litigation Matters:

At the request of two (2) compact member states, the Commission, through the General Counsel, has filed an amicus brief and participated in oral argument before the Massachusetts Supreme Court and provided guidance in another case in which the California Commissioner was named as a Defendant in a lawsuit regarding the interpretation and application of various compact provisions and rules.

***Goe v. Commissioner of Probation et al.*, 46 N.E.3d 997 (2016)**

The Massachusetts Supreme Court held that a probationer transferred under ICAOS is entitled to raise the issue of whether Massachusetts law mandated a probation condition added by Massachusetts law.

The opinion is narrowly limited to its facts in which the offender, although convicted as an adult, was not an adult when he committed sexual offenses in Connecticut; he was fourteen years old. Therefore, in Massachusetts criminal proceedings could only have proceeded against him as a juvenile and while a juvenile court judge, in the exercise of discretion, could order GPS monitoring as a condition of probation, it could not be mandated under Massachusetts law. However, had the offender been an adult when he committed these sexual offenses, GPS monitoring would be required under Massachusetts law.

The Court also held that the Massachusetts Department of Probation was prohibited from imposing global positioning system (GPS) monitoring as a mandatory probation condition since it cannot apply such a condition to its own offenders citing ICAOS Rule 4.101. The Court reasoned that under ICAOS Rule 4.103(a) at the time Massachusetts accepts the probationer, or during the term of supervision, the State may add a special condition, but only “if that special condition would have been imposed on the offender if sentence had been imposed in the receiving state.” Supporting its position under the terms of ICAOS the Court noted that “Allowing a Massachusetts court to make this determination neither impairs the jurisdiction of the sending State court nor undermines the judgment or conditions imposed by the sentencing court.”

In reaching this conclusion the Court also cited the reasoning in ICAOS Advisory Opinion 1-2015 that a North Carolina statute allowing probationers who violate conditions of probation to be confined for up to three days in lieu of revocation proceedings constitutes an additional condition imposed by North Carolina when applied to out-of-State offenders transferred there under ICAOS. Finally, and perhaps most significantly, the Court held that the proper forum for a probationer to seek permission for interstate travel is the sending state.

***Fielding v. Daniel Stone and California Department of Corrections and Rehabilitation*, 2:15-CV-07086, USDC, Central Dist. of California (2016)**

This federal case involved a challenge to California’s authority to impose GPS monitoring on a Connecticut sex offender as being ultra vires and a deprivation of his constitutional due process guarantees, even though California indicates that it would have imposed such conditions on an offender sentenced in California.

The matter was settled earlier this year with the offender agreeing that the County probation department retains the authority to impose conditions of supervision required under applicable law, including GPS monitoring, and that nothing in the settlement agreement shall be construed as altering, amending or

modifying the rules and regulations of the Interstate Compact for Adult Offender Supervision (ICAOS) and further that the offender's supervision while in the State of California shall remain at all times subject to ICAOS Rules and regulations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard P. Masters". The signature is written in a cursive style with a prominent initial "R".

Richard Masters,

General Counsel



Ex-officio Victims' Representative Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
CLEVELAND, OHIO

SEPTEMBER 14, 2016

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Pat Tuthill, Ex-Officio Victims' Representative

ICOTS VINEWatch National Automated Victim Notification System

- Attended ACA conference to meet with Victims' Committee to present ICOTS VINE Watch, market the benefits to victims and their families, and to request the groups assistance to encourage support for states to implement ICOTS VINE Watch.
- In March met with Appriss to discuss ICOTS VINE Watch observations from webinar and participants indicate there is a need for more coordination between Appriss, ICAOS and state users to increase participation.
- Attending the Appriss Vine administrators meeting in September to further promote, listen, and learn reason for some states not implementing yet.

ICOTS VINEWatch Statistics as of August 2016

- 33 states that have VINE Watch accounts
- 85 separate user accounts, only 30 of which have logged into VINEWatch since the start of the year
- Since its launch, there have been 695 registrations and 1109 successful notifications (of all types)
- 695 active registrations. Below is the breakdown. The assumption is states with fewer than three (3) registrations are in testing mode

Agency	Type Of Registration			
	Phone	Email	Text	Total
Virginia Interstate Compact Office	259	25	1	285
North Carolina Interstate Compact Office	68	78	6	152
Ohio Interstate Compact Office	20	11	0	31
Connecticut Probation Interstate Compact Office	6	12	12	30
West Virginia Interstate Compact Office	16	14	0	30
Iowa Interstate Compact Office	11	8	1	20
New Jersey Parole Interstate Compact Office	11	7	0	18
South Carolina Interstate Compact Office	8	10	0	18
New Mexico Interstate Compact Office	4	8	1	13
Delaware Interstate Compact Office	3	5	3	11
Minnesota Interstate Compact Office	4	5	2	11
Kansas Interstate Compact Office	5	5	0	10
Vermont Interstate Compact Office	4	6	0	10
Arkansas Interstate Compact Office	3	4	0	7
Kentucky Interstate Compact Office	2	4	0	6
Nebraska Probation Interstate Compact Office	5	0	0	5
Texas Interstate Compact Office	0	5	0	5
Maine Interstate Compact Office	1	3	0	4
Alabama Interstate Compact Office	2	1	0	3
Florida Interstate Compact Office	1	2	0	3
Missouri Interstate Compact Office	2	1	0	3
Pennsylvania Interstate Compact Office	0	3	0	3
Wisconsin Interstate Compact Office	0	3	0	3
Georgia Parole Interstate Compact Office	1	1	0	2
Georgia Probation Interstate Compact Office	0	2	0	2
Hawaii Probation Interstate Compact Office	0	2	0	2
New Jersey Probation Interstate Compact Office	1	1	0	2
Arizona Parole Interstate Compact Office	0	1	0	1
Colorado Parole Interstate Compact Office	1	0	0	1
Maryland Interstate Compact Office	0	1	0	1
Michigan Interstate Compact Office	0	1	0	1
Nebraska Parole Interstate Compact Office	1	0	0	1
Tennessee Interstate Compact Office	0	0	1	1
Totals	439	229	27	695

Criminal Justice and Victim Outreach

- ACA delegate

Presentations

- American Corrections Association Annual Conference – Victims Committee
- The Peyton Tuthill Foundation *Hearts of Hope Scholarships* has awarded \$50,000 through July 1, 2016 to young homicide survivors. Beginning January 2017 applications will be accepted for the 2016-17 academic years. Spread the word in your state – www.peytontuthill.org
 - Recipients are from: NM, AR, SC, CA, VA, OH, PA, FL, CT, NY, GA, TX

Respectfully submitted,

Pat Tuthill

Pat Tuthill, Ex-Officio Victims' Representative



Rules Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
CLEVELAND, OH

SEPTEMBER 14, 2016

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Jane Seigel, Chair, Rules Committee Report and Commissioner, State of Indiana

Members

Commissioner Dori Ege (AZ); Commissioner Jenny Nimer (FL); Commissioner Chris Moore (GA); Commissioner Robert Maccarone (NY); Commissioner Doug Clark (SD); Commissioner Tracy Hudrlik (WI); Commissioner Coltan Harrington (WY); Commissioner Shawn Arruti (NV) Commissioner Libby Elliot (TX) (*New Member as of July 2016*); Ex-officio members: DCA John Gusz (NJ); DCA Jim Ingle (UT); and DCA Pat Odell (WY).

FY2017 Goals

1. Review victim notification rules
2. Promote purposes of the Compact in the rules making process (give examples, encourage conversation)
3. Ongoing-Incorporating Evidenced Based Practices into rule making and decision making
4. "How-to" rule making guide. 'rule making for dummies': Training module outlining the process
5. Examine warrant compliance and rules requiring warrants and tools for tracking
6. Preparation of rule proposals for Cleveland 2016 ABM

Discussion

Per Rule 2.109, the Rules Committee continues to solicit proposals through the regions and standing committees. Last year at the Rules Committee recommendation, an ad hoc committee was established and charged to study and address ongoing issues surrounding the definition of 'significant violation' and retaking. The Ad Hoc Committee on Violation Sanctions and Retaking's work resulted in a proposal for several rule amendments as well as ICOTS enhancements. This proposal was formally referred to the Rules Committee in March by the Executive Committee and will be presented in Cleveland for the

Commission's consideration. The Rules Committee met several times via WebEx and had face-to face meetings in Indianapolis in May of 2016. During the meetings, the discussions mainly focused on the ad hoc committee's proposals and establishing goals for the upcoming year.

Respectfully submitted,

Jane Seigel

Jane Seigel

Chair, Rules Committee



Ad Hoc Committee on Violation Sanctions & Retaking Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
CLEVELAND, OHIO

SEPTEMBER 14, 2016

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Robert Maccarone, Chair, Ad Hoc Committee Violation Sanctions and Retaking,
Commissioner, State of New York

Membership

Chair Robert Maccarone (NY) Commissioner, Vice Chair Tracy Hudrlik (WI) Commissioner, Commissioner Annmarie Aylward (WA), Commissioner Sara Andrews (OH), Commissioner Jane Seigel (IN), Commissioner Chris Moore (GA), and Rick Masters ICAOS Legal Counsel.

Charge of the Committee

In the interest of enhancing public safety, the Commission wishes to examine the sanctioning and retaking of offenders who violate conditions of supervision and who commit new crimes in the receiving state. Specifically, the committee is asked to review and recommend changes to Chapter One, "Definitions" and Chapter Five "Retaking" of the ICAOS Rules. The national office will support the work of the committee by providing administrative assistance, logistic support, and research.

Discussion

The ad hoc committee on violations, sanctions and retaking met six times: once in person and five using WebEx. The in person meeting took place in Louisville, KY on February 23, 2016. The committee members discussed the issues at length and developed new definitions and rule amendments, as well as some recommendations on ICOTS modifications. On March 29, 2016 Committee Chair Maccarone presented the ad hoc committee's work to the ICAOS Executive Committee.

During the in person meeting on February 23, 2016 the committee voted on and approved the following recommendations and forwarded to the Executive Committee for consideration.

Recommendations submitted to the Executive Committee

See attached minutes from February 23rd

Respectfully submitted,

Robert Maccarone

Robert Maccarone

Chair, Ad Hoc on Violation Sanctions & Retaking Committee



**Interstate Commission for Adult Offender Supervision
ICAOS Violation Sanctions and Retaking Ad Hoc Committee Meeting Minutes
Tuesday, February 23, 2016
Face-to-Face Meeting
The Brown Hotel
335 West Broadway
Louisville, KY 40202**

Members in Attendance:

- | | |
|---------------------|----------------|
| 1. Robert Maccarone | Chair, NY |
| 2. Anmarie Aylward | WA |
| 3. Tracy Hudrlik | Vice-chair, WI |
| 4. Sara Andrews | OH |
| 5. Jane Seigel | IN |
| 6. Chris Moore | GA |
| 7. Rick Masters | Legal Counsel |

Staff:

1. Harry Hageman
2. Lori Meister
3. Mindy Spring

Call to Order

Commissioner R. Maccarone (NY) called the meeting to order at 8:31 am ET; six voting members were present, establishing a quorum.

Agenda

Commissioner S. Andrews (OH) moved to approve the agenda. Commissioner J. Seigel (IN) seconded. Agenda approved.

Minutes

Commissioner S. Andrews (OH) moved to approve the minutes from January 19, 2016. Commissioner J. Seigel (IN) seconded.

Minutes approved.

Discussion

The committee reviewed the “Charge of the Committee”

“In the interest of enhancing public safety, the Commission wishes to examine the sanctioning and retaking of offenders who violate conditions of supervision and who commit new crimes in the receiving state. Specifically, the committee is asked to review and recommend changes to Chapter One, “Definitions” and Chapter Five “Retaking” of the ICAOS rules. The national office will support the work of the committee by providing administrative assistance, logistic support, and research.”

Commissioner R. Maccarone (NY) requested the members review the incentive and graduated response document provided by Indiana for consideration during discussion with agenda and worksheet items.

With reference to the draft proposals presented in the worksheet, the Committee discussed:

- Lack of consistency in applying the definition of ‘significant violation’ and lack of consistency in what behavior results in a request for revocation or retake.
 - Need to shift definition to relate to behavior, not particular action.
- Relationship between offenders and supervising authority
 - Incentives versus sanctions for offenders
 - R. Maccarone noted a recent study showed offenders preferred incentives related to privileges and that relationship between offender and supervising officers is important to offenders.
- States may initially perceive proposal as more work on a receiving state, but if applied properly the proposal should improve relationships between states
- Need to distinguish between violation and non-compliant behavior and more focus on receiving state’s responsibility for supervising interstate offenders as the majority are residents of the receiving state.
 - More focus on helping the offender and public safety
- Need requirement for receiving state to provide more detail and description when reporting non-compliant behavior.
- Definition of ‘significant violation’ is not in tandem with process of reporting technical violations
 - Lack of training illustrating behavior and action attempted to correct behavior. S. Andrews suggested training efforts should use detailed examples emphasizing the receiving state’s responsibility is to assist the offender in being successful.

1.101 Definitions

The Committee reviewed a proposal for Rule 1.101 replacing the definition of “significant violation” with a new definition regarding non-compliant behavior. It was considered whether the new definition should reference terms and conditions of supervision. The Committee agreed it is behavior, not necessarily an act which results in revocation of supervision.

Motion to forward proposal to Rule 1.101 to the Executive Committee for consideration made by S. Andrews, seconded by C. Moore. Motion carried.

Rule 1.101

~~“Significant Violation” means an offender’s failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would result in a request for revocation of supervision.~~

“Behavior Requiring Retaking” – means an act or pattern of non-compliance that could not be successfully addressed through corrective action or the use of graduated responses and would result in a request for revocation of supervision in the receiving state.

Chapter 3 – Transfer of Supervision

The Committee reviewed a proposal for Rule 3.108 to replace the term “significant violation” with the drafted definition for “behavior requiring retaking.”

Motion to forward proposal to Rule 3.108 to the Executive Committee for consideration made by S. Andrews, seconded by J. Seigel. Motion carried.

Rule 3.108 Victim Notification

(b) *Notification to victims upon violation by offender or other change in status-*

(1) The receiving state is responsible for reporting information to the sending state when an offender-

(A) Engages in behavior requiring retaking ~~Commits a significant violation;~~

Chapter 4 –Supervision in Receiving State

The Committee reviewed a proposal for Rule 4.101, which is intended to strengthen the receiving state’s ability to impose graduated sanction or corrective actions on interstate transfers. The proposal reinforces what states can use to address non-compliant behavior.

Motion to forward proposal to Rule 4.101 to the Executive Committee for consideration made T. Hudrlik, seconded by S. Andrews. Motion carried.

Rule 4.101 Manner and degree of supervision in the receiving state

A receiving state shall supervise offenders consistent with the supervision of similar offenders sentenced in the receiving state, including the use of incentives, corrective actions, graduated responses and other supervision techniques.

The Committee reviewed a proposal for Rule 4.103 discussing Advisory Opinion 1-2015, Rule 4.103-1 and impact of requiring the receiving state to notify any time an offender is subjected to a new condition, corrective action or use of graduated sanction. The offender application was also taken into consideration as the offender agrees to conditions imposed by both sending and receiving states as it is a privilege for offenders to be supervised in another state.

Motion to forward proposal to Rule 4.103 and 4.103-1 to the Executive Committee for consideration made S. Andrews, seconded by J. Seigel. Motion carried.

4.103-Special Conditions of Supervision

- (a) A sending state shall inform the receiving state of ~~any special~~ conditions to which the offender is subject at the time the request for transfer is made or at any time thereafter.
- (b) A receiving state that is unable to enforce any a special condition imposed ~~in~~ by the sending state shall notify the sending state of its inability to enforce the a special condition(s) at the time of when the request for transfer of supervision is made.
- (c) The sending state will give the same effect to conditions of supervision, including the use of incentives, corrective actions, graduated responses and other supervision techniques imposed by the receiving state.

Rule 4.103-1 Effect of special conditions or requirements

~~For purposes of revocation or other punitive action against an offender, the probation or paroling authority of a sending state shall give the same effect to a violation of special conditions or requirement imposed by a receiving state as if those conditions or requirement had been imposed by the sending state. Failure of an offender to comply with special conditions or additional requirements imposed by a receiving state shall form the basis of punitive action in the sending state notwithstanding the absence of such conditions or requirements in the original plan of supervision issued by the sending state. For purposes of this rule, the original plan of supervision shall include, but not be limited to, any court orders setting forth the terms and conditions of probation, any orders incorporating a plan of supervision by reference, or any orders or directives of the paroling or probation authority.~~

The Committee reviewed a proposal for Rule 4.106 discussing it should be emphasized the importance of descriptive information and that the form should be used to report both compliant and non-compliant behavior that does not require retaking. Field staff should be trained to ensure progress reports are reviewed upon submission and progress reports should also include incentives afforded to the offender. Progress reports are a tool for communicating offender progress good and bad and should not be considered to be burdensome for field staff and compact offices.

Motion to forward proposal to Rule 4.106 to the Executive Committee for consideration made A. Aylward, seconded by C. Moore. Motion carried.

4.106 Progress reports on offender compliance and non-compliance

(a) A receiving state shall provide to the sending state a progress report on offender compliance and non-compliance at least annually, or more frequently, upon the request of the sending state, or for good cause shown. The receiving state shall provide the progress report within 30 calendar days of receiving the request.

(b) Progress reports are to be used by the receiving state to describe offender non-compliant behavior that does not require retaking and to document corrective actions or graduated responses imposed.

~~(b)~~ (c) A progress report shall include-

- (1) offender's name;
- (2) offender's residence address;
- (3) offender's telephone number and electronic mail address;
- (4) name and address of offender's employer;
- (5) supervising officer's summary of offender's conduct, progress and attitude, and compliance with conditions of supervision;
- (6) programs of treatment attempted and completed by the offender;
- (7) information about any sanctions that have been imposed on the offender since the previous progress report;
- (8) supervising officer's recommendation;
- (9) any other information requested by the sending state that is available in the receiving state.

The Committee reviewed proposal for Rule 4.109 which is intended to require the receiving state show the actions it has taken in attempting to address the offender's non-compliant behavior *prior* to the submission of a violation that requires retaking.

It was also discussed that responses to violation report under the proposal for Rule 5.103 limits the sending state to issuing a warrant, request probable cause hearing and order to return. All other responses will be removed. It was also clarified that the 30 days of discovery is determined by the receiving state's ability to no longer address the non-compliant behavior and that ICOTS also captures availability status to assist the sending state in timing for warrant issuing for cases when pending charges exist and the offender is not available for retaking.

Motion to forward proposal to Rule 4.109 to the Executive Committee for consideration made S. Andrews, seconded by C. Moore. Motion carried.

4.109 Violation Report [s] Requiring a Request for Retaking

(a) A receiving state shall notify a sending state of an act or pattern of behavior requiring retaking ~~significant violations of conditions of supervision by an offender~~ within 30 calendar days of discovery ~~of the violation~~.

(b) A violation report shall contain-

- (1) offender's name and location;
- (2) offender's state-issued identifying numbers;
- (3) date of the offense(s) or infraction(s) that forms the basis of the behavior requiring retaking violation;
- (4) description of the offense(s) or infraction(s);
- (5) the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior requiring retaking in the receiving state, and the offender's response to such actions;
- ~~(5) (6) status and disposition, if any, of offense(s) or infraction(s);~~
- ~~(6) (7) dates, and descriptions and documentation of previous non-compliance, to include a description of the use of corrective actions, graduated responses or other supervision techniques; of any previous violations;~~
- ~~(7) receiving state's recommendation of actions sending state may take;~~
- (8) name and title of the officer making the report; and
- (9) if the offender has absconded, the offender's last known address and telephone number, name and address of the offender's employer, and the date of the offender's last personal contact with the supervising officer and details regarding how the supervising officer determined the offender to be an absconder.
- (10) Supporting documentation regarding the violation including but not limited to police reports, toxicology reports, and preliminary findings.

(c)

- (1) The sending state shall respond to a report of a violation made by the receiving

state no later than 10 business days following transmission by the receiving state.

(2) The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion

Chapter 5 –Retaking

The Committee reviewed a proposal for Rule 5.103 which requires the sending state to retake at the time it is determined the offender’s non-compliant behavior is no longer able to be successfully addressed in the receiving state.

It was considered that resistance for this proposal from states may stem from subjectivity of the proposal. However, the focus should rather be that the requirement for proper documentation should substantially decrease violation reports if applied properly and align supervision techniques with evidence based practices.

Also considered was if the option to ‘order the return’ in lieu of retaking should remain in the rule. Based on the newly adopted rules requiring reporting instructions for returning offenders, the committee asked the national office to review future stats on the percentage of offenders returning as ordered after violations. At this time, it was determined to leave the option in the proposal.

Motion to forward proposal to Rule 5.103 to the Executive Committee for consideration made S. Andrews, seconded by A. Aylward. Motion carried.

Motion to include an amendment to the title of Rule 5.103 with the proposal for Rule 5.103 to the Executive Committee for consideration T. Hudrlik, seconded by J. Seigel. Motion carried.

5.103 Offender behavior requiring Mandatory retaking for violation of conditions of supervision

(a) Upon a request by the receiving state and documentation ~~a showing~~ that the offender’s behavior requires retaking ~~has committed 3 or more significant violations, as defined by the compact, arising from separate incidents that establish a pattern of non-compliance of the conditions of supervision,~~ 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 request by the receiving state.

- (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 business days following the offender's failure to appear in the sending state.

Incentives, Corrective Actions and Graduated Responses

The Committee discussed templates for best practices for reporting what sanctions were attempted to correct non-compliant behavior when using the violation report to report "behavior requiring retaking." The list provided with the worksheet was reviewed and screens in ICOTS were reviewed to see if such a list could be included in ICOTS.

The national office will provide mock up screens for the violation report and possibly the progress report at the next committee meeting. The ICOTS changes are intended to provide users with check boxes for reporting what sanctions have been imposed and prompt for detailed information as to how the offender responded to those sanctions. Considering the draft list, the Committee decided the list in ICOTS should not include 'referral to services' and should include an option for 'other.' R. Maccaroni requested the national office contact Matt Charton or Kelly Palmateer if clarification is needed.

Verbal reprimand/warning
Report violation to sending state through Progress Report
Increased reporting
Loss of privilege
Travel restriction
Behavioral contract
Increased Urine Drug Screens
Impose curfew
Impose upward modification of conditions
Referral to services
Community Service
GPS/House Arrest/EM
Brief period of incarceration
Other [User to provide a description]

The Committee discussed the importance of quality supervision and that the perception for the proposals from this committee should not be perceived as 'more work' but rather an effort to eliminate repetitive non-compliant behavior.

Offender Application for Interstate Compact Transfer

The Committee discussed the proposed changes provided to the Offender Application for Interstate Compact Transfer. The changes are intended to emphasize the notice of provisions and expectations of the transferee that he/she may be supervised in the receiving state in a manner consistent with other individuals being supervised in the state. It is also emphasized that transfer is a privilege.

Motion to forward amended Offender Application for Interstate Compact Transfer (attached) to the Executive Committee for consideration made by A. Aylward, seconded by C. Moore. Motion carried.

Next Steps and future Ad Hoc Committee calls

The Committee is scheduled to meet via WebEx March 8th and 15th.

The work of the Committee will be reported to the Executive Committee at its upcoming face-to-face meeting March 29, 2016. The Executive Committee will determine whether to forward the proposals to the Rules Committee for consideration at the 2016 Annual Business Meeting.

In anticipation the rules will be forwarded to the Commission for vote, Rules Committee Chair J. Seigel indicated the Rules Committee will meet to discuss the proposals tentatively May 10th to prepare the proposals to post for Commission initial comment June 1st, review the comments received mid-July and prepare the final proposals for public post by August 1st, 2016.

H. Hageman suggested a newsletter be sent to Commissioners to report out on the committee's work and request the region chairs provide justification for the rule proposals at upcoming region meetings.

It was discussed that the purposes for the work of the ad hoc committee were intended to:

- address issues arising with retaking offenders
- continue conversations initiated at the 2015 Annual Business Meeting in the workshop provided by Dr. Latessa on aligning justice reinvestment initiatives with the field supervising offenders
- emphasize evidence based practices with focus on offender behavior in seeking better outcomes with offender rehabilitation and public safety
- highlight the importance of quality driven reporting for non-compliant behavior
- address recent legal challenges with rules related to conditions and supervision responsibilities of the receiving state

Adjourn

Motion to adjourn made by A. Aylward, seconded by C. Moore.

Meeting adjourned at 3:37 pm ET.

Ad hoc Committee Minutes



East Region Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
CLEVELAND, OHIO

SEPTEMBER 14, 2016

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Dale Crook, Chair, East Region and Commissioner, State of Vermont

The East Region goals are:

- 1) Continue to have quorums at each meeting,
- 2) Continue to expand the East Region presence on committees, and
- 3) Have region meetings that are productive with discussion and feedback from all members.

We have met three times since the last ABM. The East Region has increased presence and impact on the Commission. We have increased our numbers on the committees from previous years.

East Region Meetings:

- October 6, 2015
- April 05, 2016
- June 28, 2016

Agenda items and topics of discussion at the meetings included:

- Region Chair Election
- Rule Proposals Discussion
- Other Region Issues
- AO 3-2015
- Ad hoc committee on violation sanctions and retaking
- Vine Watch Enhancements
- FY 2016 Discretionary cases review
- FY 2017 Compliance Audit
- ABM 2017 Location
- East Region Victims' Representative
- U.S. Virgin Islands non-compliance

- New Rules Amendments Discussions
- States Update

East Region Commissioners and Deputy Compact Administrators serve on the following Committees:

Executive Committee

- Commissioner Dale Crook (VT)
- Commissioner Gary Roberge (CT)

Compliance Committee

- Commissioner Mike McAlister (NH)
- Commissioner Margaret Thompson (PA)

DCA Liaison Committee

- Deputy Compact Administrator Donna Pratt (VT)

Rules Committee

- Commissioner Robert Maccarone (NY)
- Deputy Compact Administrator John Gusz (NJ)

Technology Committee

- Commissioner Gary Roberge (CT)
- Deputy Compact Administrator Natalie Latulippe (CT)
- Deputy Compact Administrator John Gusz (NJ)
- Deputy Compact Administrator Felix Rosa (NY)

Training Committee

- Commissioner Scott McCaffery (ME)

Violation Sanctions and Retaking Ad Hoc

- Commissioner Robert Maccarone (NY)

The East Region has not had any new commissioners appointed since the last Annual Business Meeting.

Respectfully submitted,

Dale Crook

Dale Crook

Chair, East Region



Midwest Region Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
CLEVELAND, OHIO

SEPTEMBER 14, 2016

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Doug Clark, Chair, Midwest Region and Commissioner, State of South Dakota

The Midwest Region Commissioners and Deputy Compact Administrators met three times since the last Annual Business Meeting in Portland, Oregon. The Region had a quorum at each of these meetings, demonstrating consistency with one of its established goals.

Midwest Region Meetings:

October 6, 2015, ABM Portland, Oregon, met in person with all 11 commissioners in attendance and 16 DCAs and guests. Commissioner C. Gibson-Beltz (NE) was elected unanimously as to continue as the Midwest Region Chair. Following a presentation by Commissioner Jane Seigel (IN) on the new rule proposals, the Region moved to withdraw a Midwest Region rule proposal if the Commission voted favorably for the proposed amendment rule package. Each state provided jurisdictional updates that included discussions regarding establishing meetings between border-states to discuss ongoing issues, implementation of Justice Reinvestment strategies, and ongoing training.

January 21, 2016, met via WebEx with 8 commissioners in attendance (2 absent and 1 vacant) and 10 guests, many of which were DCAs. State updates included information regarding respective state council additions, strategies for training on the new rule amendments, strategies for training district and circuit courts, and a review/discussion of Advisory Opinion 3-2015. Exe. Dir. Hageman provided information regarding ABM 2015 survey results, commissioner vacancies, signed MOU with RMIN, and an update regarding the discretionary case audits being completed by the National Office.

May 16, 2016, met via WebEx with 7 commissioners in attendance (4 absent). We also benefited by the inclusion of 11 guests, many of which were DCAs and the much appreciated National Office staff. The Midwest Region received updates regarding discretionary compliance review, the Compliance Audit in FY17, the upcoming ABM and approved DCA Training Institute, as well as a reminder to report any compact related court cases to the National Office. Following an update on the Ad hoc Committee on

Violation Sanctions and Retaking, a lively discussion of the new rule proposals took place. Prior to state updates, Commissioner Doug Clark (SD) was unanimously elected as Midwest Region Chair with the planned, upcoming retirement of Commissioner C. Gibson-Beltz (NE). The Region plans to elect a Vice Chair at its next meeting.

Discussion took place regarding the Region's goals, which resulted in the decision to maintain the same goals for the current year: have a quorum at each meeting; and expand the sharing of best practices and training opportunities between states. These will be revisited as part of our next meeting in Cleveland.

The Midwest Region continues to be well represented within the Commission with the following Commissioners and Deputy Compact Administrators serving on the noted committees:

Executive Committee

- Commissioner Sara Andrews (OH), Chair
- Commissioner Charles Lauterbach (IA), Treasurer
- Commissioner Jane Seigel (IN)
- Commissioner Doug Clark (SD)
- Commissioner Tracy Hudrlik (WI)

Compliance Committee

- Commissioner Charles Placek (ND)

DCA Liaison Committee

- Commissioner Tracy Hudrlik (WI), Chair
- DCA Joseph Beaman (MI)

Finance Committee

- Commissioner Charles Lauterbach (IA), Chair

Rules Committee

- Commissioner Jane Seigel (IN), Chair
- Commissioner Doug Clark (SD)
- Commissioner Tracy Hudrlik (WI)

Information Technology Committee

- Commissioner Charles Placek (ND)
- DCA Matthew Billinger (KS)

Training & Education Committee

- Commissioner Dara Matson (IL)
- Commissioner Russell Marlan (MI)
- DCA Sally Reinhardt-Stewart (NE)

Ad hoc Committee on Violation Sanctions and Retaking

- Commissioner Jane Seigel (IN)
- Commissioner Sara Andrews (OH)
- Commissioner Tracy Hudrlik (WI)

The Midwest Region also welcomed 3 new commissioners in the past year:

Dara Matson (IL)

Tammy Richardson (KS)

Jacey Nordmeyer (NE)

I am honored to serve as the chair of the Midwest Region and look forward to the opportunity to chair my first meeting in Cleveland and continue working alongside such a group of dedicated, creative, and motivated people.

Respectfully submitted,

Doug Clark

Doug Clark,

Chair, Midwest Region



South Region Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
CLEVELAND, OHIO

SEPTEMBER 14, 2016

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Chris Moore, Chair, South Region and Commissioner, State of Georgia

The South Region met two times since the 2015 ABM in Portland, OR. A quorum was established at our first meeting on February 10, 2016 with eleven members present. The discussion at that meeting began with reports from each state. There was a report out on the work of the Violation Sanctions and Retaking Ad Hoc Committee and Commissioners and DCAs were encouraged to provide feedback and recommendations to the Ad Hoc Committee. Commissioner Adger of South Carolina agreed to serve as the South Region Vice Chair.

On June 2, 2016, there was not a quorum. In spite of not having a quorum, there was a great deal of discussion centered on the rule proposals recommended by the Rules Committee. The proposals are scheduled for vote at this year's ABM. Again, everyone was encouraged to make the Rules Committee aware of questions or recommendations regarding rule proposal.

The South Region is no exception to Commissioner turnover but at the time of this report, KY is the only vacant slot in the region.

The South Region has representatives on the Executive Committee and each of the Standing Committees.

Rules Committee

Commissioner Jenny Nimer, FL
Commissioner Chris Moore, GA
Commissioner Elizabeth Elliott, TX

Compliance Committee

Commissioner Chris Norman, AL
Commissioner Ellis McSwain, MO

Finance Committee

Commissioner Bobby Straughter, TN
Commissioner Sheila Sharp, AR
Commissioner Christy Gutherz, MS
DCA Debbie Duke, TN

Technology Committee

Commissioner Nancy Ware, DC (Vice Chair)
Commissioner Chris Norman, AL
Commissioner Sheila Sharp, AR
DCA Julie Lohman, VA

Training Committee

Commissioner Anne Precythe, NC (Chair)
Commissioner Chris Moore, GA
Commissioner Joseph Clocker, MD
Commissioner James Parks, VA
DCA Tim Strickland, FL

DCA Liaison Committee

Commissioner Anthony Rowell, OK
Commissioner Diane Skiles, WV
DCA Julie Lohman, VA (South Region DCA Regional Rep)
DCA Elizabeth Powell, DC
DCA Tim Strickland, FL
DCA Regina Grimes, TX

Violations Sanctions and Retaking Ad Hoc

Commissioner Chris Moore, GA

Executive Committee

Commissioner Chris Norman, AL (Vice Chair)
Commissioner Anne Precythe, NC (Standing Chair - Training)
Commissioner Chris Moore, GA (South Region Rep)

Victim's Advocate

Pat Tuthill, FL

Respectfully submitted,

Chris Moore

Chris Moore

Chair, South Region



West Region Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
CLEVELAND, OHIO

SEPTEMBER 14, 2016

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Anmarie Aylward, Chair, West Region and Commissioner, State of Washington

Chairwoman and Members of the Commission:

On behalf of the West Region, we present this report regarding the Region's work and activities since the 2015 Annual Business Meeting.

West Region Meetings:

March 22, 2016

August 22, 2016

Agenda items and topics of discussion at the meetings included:

Review Advisory Opinions

Violation Sanctions and Retaking Ad Hoc Committee Update

Commissioner Changes

In follow up to last year's business meeting, the West Region discussed the proposals and outcomes of the ad hoc committee on Violation Sanctions and Retaking. The ad hoc committee came up with comprehensive rule proposals and recommendations for the Executive Committee to forward to the Rules Committee for consideration.

Concerns around the reporting instructions for Rule 3.103 were discussed. Arizona, Oregon, Washington, and California all expressed difficulties with this rule. Additionally, a request was made to ask the Committee on the Region's behalf to review the quality of progress reports.

Commissioner Aylward committed to follow up on this issue with other regions and report the results to the region. This update will be provided at the August meeting.

Respectfully submitted,

Anmarie Aylward

Anmarie Aylward

Chair, West Region



Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century

ICAOS Rules

General information

Effective Date:
March 01, 2016

Introduction

The Interstate Commission for Adult Offender Supervision is charged with overseeing the day-to-day operations of the Interstate Compact for Adult Offender Supervision, a formal agreement between member states that seeks to promote public safety by systematically controlling the interstate movement of certain adult offenders. As a creature of an interstate compact, the Commission is a quasi-governmental administrative body vested by the states with broad regulatory authority. Additionally, the Interstate Compact for Adult Offender Supervision has congressional consent under Article I, § 10 of the United States Constitution and pursuant to Title 4, Section 112(a) of the United States Code.

Through its rulemaking powers, the Commission seeks to achieve the goals of the compact by creating a regulatory system applicable to the interstate movement of adult offenders, provide an opportunity for input and timely notice to victims of crime and to the jurisdictions where offenders are authorized to travel or to relocate, establish a system of uniform data collection, provide access to information on active cases to authorized criminal justice officials, and coordinate regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators. The Commission is also empowered to monitor compliance with the interstate compact and its duly promulgated rules, and where warranted to initiate interventions to address and correct noncompliance. The Commission will coordinate training and education regarding regulations of interstate movement of offenders for state officials involved in such activity.

These rules are promulgated by the Interstate Commission for Adult Offender Supervision pursuant to Article V and Article VIII of the Interstate Compact for Adult Offender Supervision. The rules are intended to effectuate the purposes of the compact and assist the member states in complying with their obligations by creating a uniform system applicable to all cases and persons subject to the terms and conditions of the compact. Under Article V, Rules promulgated by the Commission “shall have the force and effect of statutory law and shall be binding in the compacting states[.]” All state officials and state courts are required to effectuate the terms of the compact and ensure compliance with these rules. To the extent that state statutes, rules or policies conflict with the terms of the compact or rules duly promulgated by the Commission, such statutes, rules or policies are superseded by these rules to the extent of any conflict.

To further assist state officials in implementing the Compact and complying with its terms and these rules, the Commission has issued a number of advisory opinions. Additionally, informal opinions can be obtained from the Commission as warranted. Advisory opinions, contact information and other important information, can be found on the Commission’s website at <http://www.interstatecompact.org>.

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Chapter 1 Definitions

Rule 1.101 Definitions

As used in these rules, unless the context clearly requires a different construction-

“Abscond” means to be absent from the offender’s approved place of residence or employment and avoiding supervision.

“Adult” means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

“Application fee” means a reasonable sum of money charged an interstate compact offender by the sending state for each application for transfer prepared by the sending state.

“Arrival” means to report to the location and officials designated in reporting instructions given to an offender at the time of the offender’s departure from a sending state under an interstate compact transfer of supervision.

“By-laws” means those by-laws established by the Interstate Commission for Adult Offender Supervision for its governance, or for directing or controlling the Interstate Commission’s actions or conduct.

“Compact” means the Interstate Compact for Adult Offender Supervision.

“Compact administrator” means the individual in each compacting state appointed under the terms of this compact and responsible for the administration and management of the state’s supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council under this compact.

“Compact commissioner” or “commissioner” means the voting representative of each compacting state appointed under the terms of the Interstate Compact for Adult Offender Supervision as adopted in the member state.

“Compliance” means that an offender is abiding by all terms and conditions of supervision, including payment of restitution, family support, fines, court costs or other financial obligations imposed by the sending state.

“Deferred sentence” means a sentence the imposition of which is postponed pending the successful completion by the offender of the terms and conditions of supervision ordered by the court.

“Detainer” means an order to hold an offender in custody.

“Discharge” means the final completion of the sentence that was imposed on an offender by the sending state.

“Extradition” means the return of a fugitive to a state in which the offender is accused, or has been convicted of, committing a criminal offense, by order of the governor of the state to which the fugitive has fled to evade justice or escape prosecution.

References:

ICAOS Dispute Resolution

2-2004 [Offenders not transferred through the ICAOS must be returned through the extradition clause of the U.S. Constitution]

“Offender” means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

References:

ICAOS Advisory Opinion

9-2004 [CSL offenders seeking transfer of supervision are subject to ICAOS-New Jersey]

“Plan of supervision” means the terms under which an offender will be supervised, including proposed residence, proposed employment or viable means of support and the terms and conditions of supervision.

“Probable cause hearing” a hearing in compliance with the decisions of the U.S. Supreme Court, conducted on behalf of an offender accused of violating the terms or conditions of the offender’s parole or probation.

“Receiving state” means a state to which an offender requests transfer of supervision or is transferred.

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

References:

ICAOS Advisory Opinion

4-2012 [‘Relocate’ does not appear to limit the cumulative number of days within which an offender may be permitted to remain in another state to a total of 45 cumulative days during the same 12 month period.]

“Reporting instructions” means the orders given to an offender by a sending or receiving state directing the offender to report to a designated person or place, at a specified date and time, in another state. Reporting instructions shall include place, date, and time on which the offender is directed to report in the receiving state.

“Resident” means a person who—

- (1) 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 on active military 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.

“Resident family” means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who--

- (1) has resided in the receiving state for 180 calendar days or longer as of the date of the transfer request; and
- (2) indicates willingness and ability to assist the offender as specified in the plan of supervision.

“Retaking” means the act of a sending state in physically removing an offender, or causing to have an offender removed, from a receiving state.

“Rules” means acts of the Interstate Commission, which have the force and effect of law in the compacting states, and are promulgated under the Interstate Compact for Adult Offender Supervision, and substantially affect interested parties in addition to the Interstate Commission.

“Sending state” means a state requesting the transfer of an offender, or which transfers supervision of an offender, under the terms of the Compact and its rules.

“Sex offender” means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to register as a sex offender either in the sending or receiving state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

“Shall” means that a state or other actor is required to perform an act, the non-performance of which may result in the imposition of sanctions as permitted by the Interstate Compact for Adult Offender Supervision, its by-laws and rules.

“Significant violation” means an offender’s failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would result in a request for revocation of supervision.

“Special condition” means a condition or term that is added to the standard conditions of parole or probation by either the sending or receiving state.

“Subsequent receiving state” means a state to which an offender is transferred that is not the sending state or the original receiving state.

“Substantial compliance” means that an offender is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.

References:

ICAOS Advisory Opinion

7-2004 [determining “substantial compliance when there are pending charges in a receiving state]

“Supervision” means the oversight exercised by authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which time the offender is required to report to or be monitored by supervising authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the offender at the time of the offender’s release to the community or during the period of supervision in the community.

References:

ICAOS Advisory Opinions

9-2004 [CSL offenders released to the community under the jurisdiction of the Courts]

8-2004 [Suspended sentence requiring payment of monitored restitution]

3-2005 [Requirement to complete a treatment program as a condition of supervision]

3-2010 & 4-2010 [Offenders not subject to supervision by corrections may be subject to ICAOS if reporting to the courts is required.]

“Supervision fee” means a fee collected by the receiving state for the supervision of an offender.

“Temporary travel permit” means, for the purposes of Rule 3.108 (b), the written permission granted to an offender, whose supervision has been designated a “victim-sensitive” matter, to travel outside the supervising state for more than 24 hours but no more than 31 calendar days. A temporary travel permit shall include a starting and ending date for travel.

“Travel permit” means the written permission granted to an offender authorizing the offender to travel from one state to another.

“Victim” means a natural person or the family of a natural person who has incurred direct or threatened physical or psychological harm as a result of an act or omission of an offender.

"Victim-sensitive" means a designation made by the sending state in accordance with its definition of "crime victim" under the statutes governing the rights of crime victims in the sending state. The receiving state shall give notice of offender's movement to the sending state as specified in Rules 3.108 and 3.108-1.

"Violent Crime" means any crime involving the unlawful exertion of physical force with the intent to cause injury or physical harm to a person; or an offense in which a person has incurred direct or threatened physical or psychological harm as defined by the criminal code of the state in which the crime occurred; or the use of a deadly weapon in the commission of a crime; or any sex offense requiring registration.

"Waiver" means the voluntary relinquishment, in writing, of a known constitutional right or other right, claim or privilege by an offender.

"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.

History: Adopted November 3, 2003, effective August 1, 2004; "Compliance" amended October 26, 2004, effective January 1, 2005; "Resident" amended October 26, 2004, effective January 1, 2005; "Resident family" amended October 26, 2004, effective January 1, 2005; "Substantial compliance" adopted October 26, 2004, effective January 1, 2005; "Supervision" amended October 26, 2004, effective January 1, 2005; "Travel permit" amended September 13, 2005, effective January 1, 2006; "Victim" amended September 13, 2005, effective January 1, 2006; "Relocate" adopted September 13, 2005, effective January 1, 2006; "Compact" adopted September 13, 2005, effective January 1, 2006; "Resident" amended September 13, 2005, effective January 1, 2006; "Relocate" amended October 4, 2006, effective January 1, 2007; "Sex offender" adopted September 26, 2007, effective January 1, 2008.; "Supervision" amended November 4, 2009, effective March 1, 2010. "Warrant" adopted October 13, 2010, effective March 1, 2011; "Violent Crime" adopted October 13, 2010, effective March 1, 2011; "Violent Offender" adopted October 13, 2010, effective March 1, 2011; "Resident" amended September 14, 2011, effective March 1, 2012; "Violent Offender" amended September 14, 2011, effective March 1, 2012; "Abscond" amended August 28, 2013, effective March 1, 2014; "Resident Family" amended August 28, 2013, effective March 1, 2014; "Temporary Travel Permit" amended August 28, 2013, effective March 1, 2014; "Warrant" amended August 28, 2013, effective March 1, 2014; "Violent Offender" repealed August 28, 2013, effective March 1, 2014.

Chapter 2 General Provisions

Rule 2.101 Involvement of interstate compact offices

- (a) Acceptance, rejection or termination of supervision of an offender under this compact shall be made only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.
- (b) All formal written, electronic, and oral communication regarding an offender under this compact shall be made only through the office of a state's compact administrator or the compact administrator's designated deputies.
- (c) Transfer, modification or termination of supervision authority for an offender under this compact may be authorized only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.
- (d) Violation reports or other notices regarding offenders under this compact shall be transmitted only through direct communication of the compact offices of the sending and receiving states.

History: Adopted November 3, 2003, effective August 1, 2004.

Rule 2.102 Data collection and reporting [Expired; See history]

- (a) As required by the compact, and as specified by the operational procedures and forms approved by the commission, the states shall gather, maintain and report data regarding the transfer and supervision of offenders supervised under this compact.
- (b)
 - (1) Each state shall report to the commission each month the total number of offenders supervised under the compact in that state.
 - (2) Each state shall report to the commission each month the numbers of offenders transferred to and received from other states in the previous month.
 - (3) Reports required under Rule 2.102 (b)(1) and (2) shall be received by the commission no later than the 15th day of each month.
- (c) This Rule will not expire until the Electronic Information System approved by the commission is fully implemented and functional.

History: Adopted November 3, 2003, effective August 1, 2004; amended September 14, 2005, effective December 31, 2005. On November 4, 2009, the commission found that the electronic information system in (c) is fully implemented and functional, and ordered that this rule expire, effective December 31, 2009.

Rule 2.103 Dues formula

- (a) The commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 calendar days prior to the Commission meeting at which the proposed revision will be considered.
- (b) The commission shall consider the population of the states and the volume of offender transfers between states in determining and adjusting the assessment formula.
- (c) The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.
- (d)
 - (1) The dues formula is the—
(Population of the state **divided by** Population of the United States) **plus**
(Number of offenders sent from and received by a state **divided by** Total number of offenders sent from and received by all states) divided by 2.
 - (2) The resulting ratios derived from the dues formula in Rule 2.103 (d)(1) shall be used to rank the member states and to determine the appropriate level of dues to be paid by each state under a tiered dues structure approved and adjusted by the Commission at its discretion.

History: Adopted November 3, 2003, effective August 1, 2004; amended August 28, 2013, effective March 1, 2014.

Rule 2.104 Forms

- (a) States shall use the forms or electronic information system authorized by the commission.
- (b) The sending state shall retain the original forms containing the offender's signature until the termination of the offender's term of compact supervision.
- (c) Section (a) shall not be construed to prohibit written, electronic or oral communication between compact offices.

History: Adopted November 3, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010.

Rule 2.105 Misdemeanants

- (a) A misdemeanor offender whose sentence includes 1 year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied; and the instant offense includes 1 or more of the following—
- (1) an offense in which a person has incurred direct or threatened physical or psychological harm;
 - (2) an offense that involves the use or possession of a firearm;
 - (3) a 2nd or subsequent misdemeanor conviction of driving while impaired by drugs or alcohol;
 - (4) a sexual offense that requires the offender to register as a sex offender in the sending state.

References:

ICAOS Advisory Opinion

- 4-2005 [Misdemeanant offender not meeting criteria of 2.105 may be transferred under Rule 3.101-2, discretionary transfer]
- 7-2006 [There are no exceptions to applicability of (a)(3) based on either the time period between the first and subsequent offense(s) or the jurisdiction in which the convictions occurred]
- 16-2006 [If the law of the sending state recognizes the use of an automobile as an element in an assault offense and the offender is so adjudicated, Rule 2.105 (a)(1) applies]
- 2-2008 [Based upon the provisions of the ICAOS rules, offenders not subject to ICAOS may, depending on the terms and conditions of their sentences, be free to move across state lines without prior approval from the receiving state and neither judges nor probation officers are prohibited by ICAOS from allowing such offenders to travel from Texas to another state]
- 1-2011 [All violations involving the use or possession of a firearm, including hunting, are subject to Compact transfer.]

History: Adopted November 3, 2003, effective August 1, 2004; amended March 12, 2004; amended October 26, 2004, effective January 1, 2005; amended October 7, 2015, effective March 1, 2016.

Rule 2.106 Offenders subject to deferred sentences

Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirements, terms, and conditions applicable to all other offenders under this compact. Persons subject to supervision pursuant to a pre-trial release program, bail, or similar program are not eligible for transfer under the terms and conditions of this compact.

References:

ICAOS Advisory Opinions

June 30, 2004 [Determining eligibility should be based on legal actions of a court rather than legal definitions]

6-2005 [Deferred prosecution may be equivalent to deferred sentence if a finding or plea of guilt has been entered and all that is left is for the Court to impose sentence]

History: Adopted November 3, 2003, effective August 1, 2004; amended March 12, 2004; amended October 26, 2004, effective January 1, 2005; amended November 4, 2009, effective March 1, 2010.

Rule 2.107 Offenders on furlough, work release

A person who is released from incarceration under furlough, work-release, or other pre-parole program is not eligible for transfer under the compact.

History: Adopted November 3, 2003, effective August 1, 2004.

Rule 2.108 Offenders with disabilities

A receiving state shall continue to supervise offenders who become mentally ill or exhibit signs of mental illness or who develop a physical disability while supervised in the receiving state.

History: Adopted November 3, 2003, effective August 1, 2004.

Rule 2.109 Adoption of rules; amendment

Proposed new rules or amendments to the rules shall be adopted by majority vote of the members of the Interstate Commission in the following manner.

- (a) Proposed new rules and amendments to existing rules shall be submitted to the Interstate Commission office for referral to the Rules Committee in the following manner:
 - (1) Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
 - (2) Standing ICAOS Committees may propose rules or rule amendments by a majority vote of that committee.
 - (3) ICAOS Regions may propose rules or rule amendments by a majority vote of members of that region.
- (b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission's website upon receipt. Based on the comments made by the Commissioners the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission not later than the next annual meeting falling in an odd-numbered year.
- (c) Prior to the Commission voting on any proposed rule or amendment, the text of the proposed rule or amendment shall be published by the Rules Committee not later than 30 calendar days prior to the meeting at which vote on the rule is scheduled, on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.
- (d) Each proposed rule or amendment shall state-
 - (1) The place, time, and date of the scheduled public hearing;
 - (2) The manner in which interested persons may submit notice to the Interstate Commission of their intention to attend the public hearing and any written comments; and
 - (3) The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.
- (e) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This

subsection shall not preclude the Interstate Commission from making a transcript or recording of the public hearing if it so chooses.

- (f) Nothing in this section shall be construed as requiring a separate public hearing on each rule. Rules may be grouped for the convenience of the Interstate Commission at public hearings required by this section.
- (g) Following the scheduled public hearing date, the Interstate Commission shall consider all written and oral comments received.
- (h) The Interstate Commission shall, by majority vote of the commissioners, take final action on the proposed rule or amendment by a vote of yes/no. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
- (i) Not later than 60 calendar days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Interstate Commission's principal office is located. If the court finds that the Interstate Commission's action is not supported by substantial evidence, as defined in the federal Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the Interstate Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
- (j) Upon determination that an emergency exists, the Interstate Commission may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 calendar days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to-
 - (1) Meet an imminent threat to public health, safety, or welfare;
 - (2) Prevent a loss of federal or state funds;
 - (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - (4) Protect human health and the environment.
- (k) The Chair of the Rules Committee may direct revisions to a rule or amendment adopted by the Commission, for purposes of correcting typographical errors, errors in format or grammatical errors. Public notice of any revisions shall be posted on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. For a period of 30 calendar days after posting, the revision is subject to challenge by any commissioner. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice

period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without approval of the commission.

References:

ICAOS Advisory Opinion

3-2006 [No provisions of the compact contemplates that a proposed rule or rule amendment may be officially voted upon at any point in the rulemaking process by anyone other than the duly appointed Commissioner of each state]

History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective September 13, 2005; amended October 4, 2006, effective October 4, 2006; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014.

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 business days following the offender's failure to appear in the sending state.

References:

ICAOS Advisory Opinions

- 3-2004 [Offenders relocating to another state shall not be issued travel permits without the permission of the receiving state as provided by ICAOS rules]
- 9-2006 [States which allow eligible offenders to travel to a receiving state pending investigations are in violation of Rule 2.110 and Rule 3.102. In such circumstances the receiving state may properly reject the request for transfer]
- 2-2008 [The provisions of Rule 2.110 (a) limit the applicability of the ICAOS rules regarding transfer of supervision to eligible offenders who 'relocate' to another state]
- 3-2012 [When an offender's supervision was never transferred to a receiving state under the Compact and no application for transfer or waiver of extradition ever occurred, neither the Compact nor the ICAOS rules apply to this offender who, as a 'fugitive from justice' having absconded from probation in California, must be apprehended and returned under the extradition clause of the U.S. Constitution.]
- 4-2012 ['Relocate' does not appear to limit the cumulative number of days within which an offender may be permitted to remain in another state to a total of 45 cumulative days during the same 12 month period.]

History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014.

Chapter 3 Transfer of Supervision

Rule 3.101 Mandatory transfer of supervision

At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the offender:

- (a) has more than 90 calendar days or an indefinite period of supervision remaining at the time the sending state transmits the transfer request; and
- (b) has a valid plan of supervision; and
- (c) is in substantial compliance with the terms of supervision in the sending state; and
- (d) is a resident of the receiving state; or
- (e)
 - (1) has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and
 - (2) can obtain employment in the receiving state or has means of support.

References:

ICAOS Advisory Opinions

- 7-2004 [While a sending state controls the decision of whether or not to transfer an offender under the Compact, the receiving state has no discretion as to whether or not to accept the case as long as the offender satisfies the criteria provided in this rule]
- 9-2004 [Upon proper application and documentation for verification of mandatory criteria of Rule 3.101, CSL offenders are subject to supervision under the Compact]
- 7-2005 [All mandatory transfers are subject to the requirement that they be pursuant to a “valid plan of supervision”]
- 8-2005 [The sending state determines if an offender is in substantial compliance. If a sending state has taken no action on outstanding warrants or pending charges the offender is considered to be in substantial compliance]
- 13-2006 [An undocumented immigrant who meets the definition of “offender” and seeks transfer under the Compact is subject to its jurisdiction and would not be a per se disqualification as long as the immigrant establishes the prerequisites of Rule 3.101 have been satisfied]
- 15-2006 [There is no obligation of the sending state to retake when requirements of 3.101 are no longer met]
- 2-2007 [A receiving state is not authorized to deny a transfer of an offender based solely on the fact that the offender intends to reside in Section 8 housing]
- 1-2010 [ICAOS member states may not refuse otherwise valid mandatory transfers of supervision under the compact on the basis that additional information, not required by Rule 3.107, has not been provided.]

1-2012 [ICAOS opines that persons ‘acquitted’ by reason of insanity under the New Jersey ‘Carter-Krol’ statute are not eligible for interstate transfer of supervision under the Compact.]

History: Adopted November 3, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014.

Rule 3.101-1 Mandatory reporting instructions and transfers of military, families of military, family members employed, employment transfer, and veterans for medical or mental health services

(a) At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer for:

(1) *Transfers of military members*- An offender who is a member of the military and has been deployed by the military to another state, shall be eligible for reporting instructions and transfer of supervision.

(2) *Transfer of offenders who live with family who are members of the military*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and who lives with a family member who has been deployed to another state, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state.

(3) *Employment transfer of family member to another state*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state.

(4) *Employment transfer of the offender to another state* – An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision.

(5) *Transfers of veterans for medical or mental health services*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and who is a veteran of the United States military services who is eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health Administration and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state shall be eligible for reporting instructions and transfer of supervision provided:

- (A) the sending state provides documentation to the receiving state of the medical and/or mental health referral; and
 - (B) the transfer of supervision will be accepted if the offender is approved for care at the receiving state Veterans Health Administration facility.
- (b) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
 - (c) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
 - (d) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initial the offender's return to the sending state under the requirements of Rule 4.111.

History: Adopted September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016.

Rule 3.101-2 Discretionary transfer of supervision

- (a) A sending state may request transfer of supervision of an offender who does not meet the eligibility requirements in Rule 3.101, where acceptance in the receiving state would support successful completion of supervision, rehabilitation of the offender, promote public safety, and protect the rights of victims.
- (b) The sending state shall provide sufficient documentation to justify the requested transfer.
- (c) The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact specifying the discretionary reasons for rejection.

References:

ICAOS Advisory Opinions

4-2005 [Offenders not eligible for transfer under the provisions of Rule 2.105 and Rule 3.101 are eligible for transfer of supervision as a discretionary transfer]

8-2006 [Special condition(s) imposed on discretionary cases may result in retaking if the offender fails to fulfill requirements of the condition(s)]

History: Adopted September 13, 2005, effective January 1, 2006; amended October 7, 2015, effective March 1, 2016.

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, in an application for transfer of supervision of a sex offender the sending state shall provide the following information, if available, to assist the receiving state in supervising the offender:
- (1) assessment information, including sex offender specific assessments;
 - (2) social history;
 - (3) information relevant to the sex offender's criminal sexual behavior;
 - (4) law enforcement report that provides specific details of sex offense;
 - (5) victim information
 - (A) the name, sex, age and relationship to the offender;
 - (B) the statement of the victim or victim's representative;
 - (6) the sending state's current or recommended supervision and treatment plan.
- (c) *Reporting instructions for sex offenders*- Rules 3.101-1, 3.103 and 3.106 apply to the transfer of sex offenders, as defined by the compact, except for the following:
- (1) The receiving state shall have 5 business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instruction. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
 - (2) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except for Rule 3.102 (c).

References:

ICAOS Advisory Opinions

1-2008 [An investigation in such cases would be largely meaningless without the cooperation of the sending state in providing sufficient details concerning the sex offense in question and a refusal to provide such information so as to allow the receiving state to make a reasonable determination as to whether the proposed residence violates local policies or laws would appear to violate the intent of this rule]

History: Adopted September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008; amended October 7, 2015, effective March 1, 2016.

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 supervision of an offender to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the offender 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 offender to travel to the receiving state until the receiving state has replied to the transfer request.
- (c) An offender 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 offender 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 offender 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 an offender is released from incarceration in a receiving state and the offender requests to relocate there and the offender 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 offender'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 offender's signature on the "Application for Interstate Compact Transfer" and any other forms that may be 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.

References:

ICAOS Advisory Opinions

3-2004 [Once an application has been made under the Compact, an offender may not travel to the receiving state without the receiving state's permission]

9-2006 [States which allow eligible offenders to travel to a receiving state, without the receiving state's permission, are in violation of Rule 2.110 and 3.102. In such

circumstances, the receiving state can properly reject the request for transfer of such an offender]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016.

Rule 3.103 Reporting instructions; offender living in the receiving state at the time of sentencing or after disposition of a violation or revocation proceeding

- (a)
- (1) A request for reporting instructions for 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 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 an offender, the sending state shall verify that the 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 offender signs all forms requiring the offender's signature under Rule 3.107 prior to granting a travel permit to the 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 offenders incarcerated for 6 months or less and released to probation supervision.
- (b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.
- (c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the 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 an offender granted reporting instructions no later than 15 business days following the granting to the offender of the reporting instructions.
- (e) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
- (f) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.

References:

ICAOS Advisory Opinions

3-2004 [Rule 3.103 provides an exemption to 3.102 allowing for certain offenders to obtain reporting instructions pending a reply to a transfer request]

1-2006 [Rule 3.103 is not applicable to offenders released to supervision from prison]

3-2007 [If the investigation has not been completed, reporting instructions are required to be issued as provided in Rule 3.103(a). Upon completion of investigation, if the receiving state subsequently denies the transfer on the same basis or upon failure to satisfy any of the other requirements of Rule 3.101, the provisions of Rule 3.103(e)(1) and (2) clearly require the offender to return to the sending state or be retaken upon issuance of a warrant]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016.

Rule 3.104 Time allowed for investigation by receiving state

- (a) A receiving state shall complete investigation and respond to a sending state's request for an offender's transfer of supervision no later than the 45th calendar day following receipt of a completed transfer request in the receiving state's compact office.
- (b) If a receiving state determines that an offender transfer request is incomplete, the receiving state shall notify the sending state by rejecting the transfer request with the specific reason(s) for the rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request within 15 business days following the rejection.

References:

ICAOS Advisory Opinion

5-2006 [45 calendar days is the maximum time the receiving state has under the rules to respond to a sending state's request for transfer]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective June 1, 2009; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014.

Rule 3.104-1 Acceptance of offender; issuance of reporting instructions

- (a) If a receiving state accepts transfer of the offender, the receiving state's acceptance shall include reporting instructions.
- (b) Upon notice of acceptance of transfer by the receiving state, the sending state shall issue a travel permit to the offender and notify the receiving state of the offender's departure as required under Rule 4.105.
- (c) A receiving state shall assume responsibility for supervision of an offender upon the offender's arrival in the receiving state and shall submit notification of arrival as required under Rule 4.105.
- (d) An acceptance by the receiving state shall be valid for 120 calendar days. If the sending state has not sent a Departure Notice to the receiving state in that time frame, the receiving state may withdraw its acceptance and close interest in the case.
- (e) A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the 5th business day following transmission of notice of departure and shall provide immediate notice of such withdrawal to the sending state.

History: Adopted October 26, 2004, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014.

Rule 3.105 Pre-release transfer request

(a) A sending state may submit a completed request for transfer of supervision no earlier than 120 calendar days prior to an offender's planned release from a correctional facility.

(b) If a pre-release transfer request has been submitted, a sending state shall notify a receiving state:

(1) if the planned release date changes; or

(2) if recommendation for release of the offender has been withdrawn or denied.

(c) A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the 5th business day following the offender's intended date of departure and shall provide immediate notice of such withdrawal to the sending state.

References:

ICAOS Advisory Opinions

5-2005 [A sending state must notify a receiving state if a parolee's release date has been withdrawn or denied]

1-2009 [A sending state may request that a receiving state investigate a request to transfer supervision under the compact prior to the offender's release from incarceration when the offender is subject to a "split sentence" of jail or prison time and release to probation supervision.]

2-2012 [Neither the acceptance of a request for transfer by a receiving state nor approval of reporting instructions can be the basis for either the determination of whether the sending state will release an offender from a correctional facility or the planned release date.]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 14, 2011, effective March 1, 2012; amended August 28, 2013, effective March 1, 2014.

Rule 3.106 Request for expedited reporting instructions

- (a)
- (1) A sending state may request that a receiving state agree to expedited reporting instructions for an offender if the sending state believes that emergency circumstances exist and the receiving state agrees with that determination. If the receiving state does not agree with that determination, the offender shall not proceed to the receiving state until an acceptance is received under Rule 3.104-1.
 - (2)
 - (A) A receiving state shall provide a response for expedited reporting instructions to the sending state no later than 2 business days following receipt of such a request. The sending state shall transmit a departure notice to the receiving state upon the offender's departure.
 - (B) The sending state shall ensure that the offender signs all forms requiring the offender's signature under Rule 3.107 prior to granting reporting instructions to the offender. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.
- (b) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender's plan of supervision upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.
- (c) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than the 7th business day following the granting to the offender of the reporting instructions.
- (d) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
- (e) If the sending state fails to send a completed transfer request by the 7th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016.

Rule 3.107 Transfer request

- (a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain:
- (1) transfer request form;
 - (2) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
 - (3) photograph of offender;
 - (4) conditions of supervision;
 - (5) any orders restricting the offender's contact with victims or any other person;
 - (6) any known orders protecting the offender from contact with any other person;
 - (7) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
 - (8) pre-sentence investigation report, unless distribution is prohibited by law or it does not exist;
 - (9) information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;
 - (10) supervision history, if the offender has been on supervision for more than 30 calendar days at the time the transfer request is submitted;
 - (11) information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.
 - (12) summary of prison discipline and mental health history during the last 2 years, if available, unless distribution is prohibited by law.
- (b) The original signed Offender Application for Interstate Compact Transfer shall be maintained in the sending state. A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.
- (c) Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents within no more than 30 calendar days from the date of the request, unless distribution is prohibited by law or a document does not exist.

References:

ICAOS Advisory Opinions

5-2005 [For paroling offenders a release date is to be required for the transfer application]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee), effective October 6, 2008; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010; amended October 13, 2010, effective March 1, 2011; amended September 14, 2011, effective March 1, 2012; amended August 28, 2013, effective March 1, 2014.

Rule 3.108 Victim notification

- (a) *Notification to victims upon transfer of offenders-* Within 1 business day of the issuance of reporting instructions or acceptance of transfer by the receiving state, the sending state shall initiate notification procedures of the transfer of supervision of the offender in accordance with its own laws to known victims in the sending state, and the receiving state shall initiate notification procedures of the transfer of supervision of the offender in accordance with its own laws to victims in the receiving state.

- (b) *Notification to victims upon violation by offender or other change in status-*
 - (1) The receiving state is responsible for reporting information to the sending state when an offender-
 - (A) Commits a significant violation;
 - (B) Changes address;
 - (C) Returns to the sending state where an offender's victim resides;
 - (D) Departs the receiving state under an approved plan of supervision in a subsequent receiving state; or
 - (E) Is issued a temporary travel permit where supervision of the offender has been designated a victim-sensitive matter.
 - (2) Both the sending state and the receiving state shall notify known victims in their respective states of this information in accordance with their own laws or procedures.

- (c) The receiving state shall respond to requests for offender information from the sending state no later than the 5th business day following the receipt of the request.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 3.108-1 Victims' right to be heard and comment

- (a) When an offender submits a request to transfer to a receiving state or a subsequent receiving state, or to return to a sending state, the victim notification authority in the sending state shall, at the time of notification to the victim as required in Rule 3.108 (a), inform victims of the offender of their right to be heard and comment. Victims of the offender have the right to be heard regarding their concerns relating to the transfer request for their safety and family members' safety. Victims have the right to contact the sending state's interstate compact office at any time by telephone, telefax, or conventional or electronic mail regarding their concerns relating to the transfer request for their safety and family members' safety. The victim notification authority in the sending state shall provide victims of the offender with information regarding how to respond and be heard if the victim chooses.
- (b)
 - (1) Victims shall have 10 business days from receipt of notice required in Rule 3.108-1 (a) to respond to the sending state. Receipt of notice shall be presumed to have occurred by the 5th business day following its sending.
 - (2) The receiving state shall continue to investigate the transfer request while awaiting response from the victim.
- (c) Upon receipt of the comments from victims of the offender, the sending state shall consider comments regarding their concerns relating to the transfer request for their safety and family members' safety. Victims' comments shall be confidential and shall not be disclosed to the public. The sending state or receiving state may impose special conditions of supervision on the offender, if the safety of the offender's victims or family members of victims is deemed to be at risk by the approval of the offender's request for transfer.
- (d) The sending state shall respond to the victim no later than 5 business days following receipt of victims' comments, indicating how victims' concerns will be addressed when transferring supervision of the offender.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 3.109 Waiver of extradition

- (a) An offender applying for interstate supervision shall execute, at the time of application for transfer, a waiver of extradition from any state to which the offender may abscond while under supervision in the receiving state.
- (b) States that are party to this compact waive all legal requirements to extradition of offenders who are fugitives from justice.

References:

ICAOS Advisory Opinion

2-2005 [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at any time and that formal extradition hearings would not be required]

History: Adopted November 4, 2003, effective August 1, 2004.

Chapter 4 Supervision in Receiving State

Rule 4.101 Manner and degree of supervision in receiving state

A receiving state shall supervise an offender transferred under the interstate compact in a manner determined by the receiving state and consistent with the supervision of other similar offenders sentenced in the receiving state.

References:

ICAOS Advisory Opinions

- 2-2005 [Out of state offenders can be arrested and detained for failure to comply with conditions of probation if such a failure would have resulted in an arrest of a similar situated in-state offender]
- 5-2006 [This rule does not permit a state to impose the establishment of sex offender risk level or community notification on offenders transferred under the Compact if the receiving state does not impose these same requirements on its own offenders]
- 1-2007 [This rule does not permit the receiving state to provide no supervision and at a minimum the rules of the Compact contemplate that such an offender will be under some supervision for the duration of the conditions placed upon the offender by the sending state under Rule 4.102]
- 3-2008 [Compact offenders should be subject to the same exceptions as offenders sentenced in the receiving state.]

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 4.102 Duration of supervision in the receiving state

A receiving state shall supervise an offender transferred under the interstate compact for a length of time determined by the sending state.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 4.103 Special conditions

- (a) At the time of acceptance or during the term of supervision, the compact administrator or supervising authority in the receiving state may impose a special condition on an offender transferred under the interstate compact if that special condition would have been imposed on the offender if sentence had been imposed in the receiving state.
- (b) A receiving state shall notify a sending state that it intends to impose or has imposed a special condition on the offender, the nature of the special condition, and the purpose.
- (c) A sending state shall inform the receiving state of any special conditions to which the offender is subject at the time the request for transfer is made or at any time thereafter.
- (d) A receiving state that is unable to enforce a special condition imposed in the sending state shall notify the sending state of its inability to enforce a special condition at the time of request for transfer of supervision is made.

References:

ICAOS Advisory Opinion

2-2005 [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at any time and that formal extradition hearings would not be required and that he or she is subject to the same type of supervision afforded to other offenders in the receiving state.....The receiving state can even add additional requirements on an offender as a condition of transfer]

1-2008 [Rule 4.103 concerning special conditions does not authorize a receiving state to deny a mandatory transfer of an offender under the compact who meets the requirements of such a transfer under Rule 3.101]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006.

Rule 4.103-1 Effect of special conditions or requirements

For purposes of revocation or other punitive action against an offender, the probation or paroling authority of a sending state shall give the same effect to a violation of special conditions or requirement imposed by a receiving state as if those conditions or requirement had been imposed by the sending state. Failure of an offender to comply with special conditions or additional requirements imposed by a receiving state shall form the basis of punitive action in the sending state notwithstanding the absence of such conditions or requirements in the original plan of supervision issued by the sending state. For purposes of this rule, the original plan of supervision shall include, but not be limited to, any court orders setting forth the terms and conditions of probation, any orders incorporating a plan of supervision by reference, or any orders or directives of the paroling or probation authority.

History: Adopted October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007.

Rule 4.104 Offender registration or DNA testing in receiving or sending state

A receiving state shall require that an offender transferred under the interstate compact comply with any offender registration and DNA testing requirements in accordance with the laws or policies of the receiving state and shall assist the sending state to ensure DNA testing requirements and offender registration requirements of a sending state are fulfilled.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008.

Rule 4.105 Arrival and departure notifications; withdrawal of reporting instructions

- (a) *Departure notifications*-At the time of an offender's departure from any state pursuant to a transfer of supervision or the granting of reporting instructions, the state from which the offender departs shall notify the intended receiving state, and, if applicable, the sending state, through the electronic information system of the date and time of the offender's intended departure and the date by which the offender has been instructed to arrive.
- (b) *Arrival notifications*-At the time of an offender's arrival in any state pursuant to a transfer of supervision or the granting of reporting instructions, or upon the failure of an offender to arrive as instructed, the intended receiving state shall immediately notify the state from which the offender departed, and, if applicable, the sending state, through the electronic information system of the offender's arrival or failure to arrive.
- (c) A receiving state may withdraw its reporting instructions if the offender does not report to the receiving state as directed.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective June 1, 2009.

Rule 4.106 Progress reports

- (a) A receiving state shall provide to the sending state a progress report annually, or more frequently, upon the request of the sending state, for good cause shown. The receiving state shall provide the progress report within 30 calendar days of receiving the request.

- (b) A progress report shall include-
 - (1) offender's name;
 - (2) offender's residence address;
 - (3) offender's telephone number and electronic mail address;
 - (4) name and address of offender's employer;
 - (5) supervising officer's summary of offender's conduct, progress and attitude, and compliance with conditions of supervision;
 - (6) programs of treatment attempted and completed by the offender;
 - (7) information about any sanctions that have been imposed on the offender since the previous progress report;
 - (8) supervising officer's recommendation;
 - (9) any other information requested by the sending state that is available in the receiving state.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended November 4, 2009, effective March 1, 2010.

Rule 4.107 Fees

- (a) *Application fee*-A sending state may impose a fee for each transfer application prepared for an offender.
- (b) *Supervision fee*-
- (1) A receiving state may impose a reasonable supervision fee on an offender whom the state accepts for supervision, which shall not be greater than the fee charged to the state's own offenders.
 - (2) A sending state shall not impose a supervision fee on an offender whose supervision has been transferred to a receiving state.

References:

ICAOS Advisory Opinions

2-2006 [The sending state is prohibited from imposing a supervision fee once the offender has been transferred under the Compact]

14-2006[A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a "supervision fee," may be collected on Compact offenders at a sending state's responsibility]

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 4.108 Collection of restitution, fines and other costs

- (a) A sending state is responsible for collecting all fines, family support, restitution, court costs, or other financial obligations imposed by the sending state on the offender.
- (b) Upon notice by the sending state that the offender is not complying with family support and restitution obligations, and financial obligations as set forth in subsection (a), the receiving state shall notify the offender that the offender is in violation of the conditions of supervision and must comply. The receiving state shall inform the offender of the address to which payments are to be sent.

References:

ICAOS Advisory Opinion

14-2006[A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a “supervision fee,” may be collected on Compact offenders at a sending state’s responsibility. A receiving state would be obligated for notifying the offender to comply with such financial responsibility under Rule 4.108 (b)]

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 4.109 Violation reports

- (a) A receiving state shall notify a sending state of significant violations of conditions of supervision by an offender within 30 calendar days of discovery of the violation.
- (b) A violation report shall contain-
 - (1) offender's name and location;
 - (2) offender's state-issued identifying numbers;
 - (3) date of the offense or infraction that forms the basis of the violation;
 - (4) description of the offense or infraction;
 - (5) status and disposition, if any, of offense or infraction;
 - (6) dates and descriptions of any previous violations;
 - (7) receiving state's recommendation of actions sending state may take;
 - (8) name and title of the officer making the report; and
 - (9) if the offender has absconded, the offender's last known address and telephone number, name and address of the offender's employer, and the date of the offender's last personal contact with the supervising officer and details regarding how the supervising officer determined the offender to be an absconder.
 - (10) Supporting documentation regarding the violation including but not limited to police reports, toxicology reports, and preliminary findings.
- (c)
 - (1) The sending state shall respond to a report of a violation made by the receiving state no later than 10 business days following transmission by the receiving state.
 - (2) The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended October 13, 2010, effective March 1, 2011; amended August 28, 2013, effective March 1, 2014.

Rule 4.109-1 Authority to arrest and detain

An offender in violation of the terms and conditions of supervision may be taken into custody or continued in custody by the receiving state.

History: Adopted October 4, 2006, effective January 1, 2007.

References:

ICAOS Advisory Opinion

17-2006[Each state should determine the extent to which authority is vested in parole and probation officers as well as other law enforcement and peace officers to effect such an arrest, including the need for a warrant.]

1-2014[

Rule 4.109-2 Absconding Violation

- (a) If there is reason to believe that an offender has absconded, the receiving state shall attempt to locate the offender. Such activities shall include, but are not limited to:
 - (1) Conducting a field contact at the last known place of residence;
 - (2) Contacting the last known place of employment, if applicable;
 - (3) Contacting known family members and collateral contacts.
- (b) If the offender is not located, the receiving state shall submit a violation report pursuant to Rule 4.109(b) (9).

History: Adopted October 13, 2010, effective March 1, 2011

Rule 4.110 Transfer to a subsequent receiving state

- (a) At the request of an offender for transfer to a subsequent receiving state, and with the approval of the sending state, the sending state shall prepare and transmit a request for transfer to the subsequent state in the same manner as an initial request for transfer is made.
- (b) The receiving state shall assist the sending state in acquiring the offender's signature on the "Application for Interstate Compact Transfer," and any other forms that may be required under Rule 3.107, and shall transmit these forms to the sending state.
- (c) The receiving state shall submit a statement to the sending state summarizing the offender's progress under supervision.
- (d) The receiving state shall issue a travel permit to the offender when the sending state informs the receiving state that the offender's transfer to the subsequent receiving state has been approved.
- (e) Notification of offender's departure and arrival shall be made as required under Rule 4.105.
- (f) Acceptance of the offender's transfer of supervision by a subsequent state and issuance of reporting instructions to the offender terminate the receiving state's supervisory obligations for the offender.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee) amended September 26, 2007, effective January 1, 2008.

Rule 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 criminal offense in the receiving state. 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 granted 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.
- (c) Except as provided in subsection (d), the sending state shall grant the request and provide reporting instructions no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The sending state shall direct the offender to return to the sending state within 15 business days of the reporting instructions request.
- (d) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.
- (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).
- (f) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 26, 2007, effective January 1, 2008 amended September 14, 2011, effective March 1, 2012; amended October 7, 2015, effective March 1, 2016.

Rule 4.112 Closing of supervision by the receiving state

- (a) The receiving state may close its supervision of an offender and cease supervision upon-
- (1) The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;
 - (2) Notification to the sending state of the absconding of the offender from supervision in the receiving state;
 - (3) Notification to the sending state that the offender has been sentenced to incarceration for 180 calendar days or longer, including judgment and sentencing documents and information about the offender's location;
 - (4) Notification of death; or
 - (5) Return to sending state.
- (b) A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender.
- (c) At the time a receiving state closes supervision, a case closure notice shall be provided to the sending state which shall include last known address and employment. The receiving state shall transmit a case closure notice within 10 business days after the maximum expiration date.
- (d) The sending state shall submit the case closure notice reply to the receiving state within 10 business days of receipt.

References:

ICAOS Advisory Opinion

11-2006 [A receiving state closing supervision interest, does not preclude the jurisdiction of the Compact except for cases where the original term of supervision has expired]

2-2010 [If a sending state modifies a sentencing order so that the offender no longer meets the definition of "supervision," no further jurisdiction exists to supervise the offender under the compact and qualifies as a discharge requiring a receiving state to close supervision.]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 26, 2007, effective January 1, 2008; amended September 14, 2011, effective March 1, 2012; amended August 28, 2013, effective March 1, 2014.

Chapter 5 Retaking

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 retake or order the return of an offender.
- (b) If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

References:

ICAOS Advisory Opinion

12-2006[Neither the time frame nor the means by which the retaking of the offender shall occur as outlined in Rule 5.101 (a) are provided]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended October 13, 2010, effective March 1, 2011; amended August 28, 2013, effective March 1, 2014

Rule 5.101-1 Pending felony or violent crime charges

Notwithstanding any other rule, if an offender is charged with a subsequent felony or violent crime, the offender shall not be retaken or ordered to return until criminal charges have been dismissed, sentence has been satisfied, or the offender has been released to supervision for the subsequent offense, unless the sending and receiving states mutually agree to the retaking or return.

History: Adopted August 28, 2013, effective March 1, 2014.

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

Notwithstanding any other rule, a sentence imposing a period of incarceration on 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 offender.

- (a) Unless waived by the 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 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 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).

History: Adopted October 7, 2015, effective March 1, 2016.

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 and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended October 13, 2010, effective March 1, 2011; amended August 28, 2013, effective March 1, 2014.

Rule 5.103 Mandatory retaking for violation of conditions of supervision

- (a) Upon a request by the receiving state and a showing that the offender has committed 3 or more significant violations, as defined by the compact, arising from separate incidents that establish a pattern of non-compliance of the conditions of supervision, 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 request by the receiving state.
- (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 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 business days following the offender's failure to appear in the sending state.

References:

ICAOS Advisory Opinions

2-2005 [An out of state offender may be arrested and detained by a receiving state who are subject to retaking based on violations of supervision, *See* Rule 4.109-1]

10-2006 [Offenders transferred prior to the adoption of ICAOS rules August 1, 2004 may be retaken under the current rules if 1 of the significant violations occurred after August 1, 2004]

4-2007 [It is unreasonable to assume the subsequent application of Rule 5.103 (a) to include violations occurring prior to an application being accepted as a basis to require retaking]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008, amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016.

Rule 5.103-1 Mandatory retaking for offenders who abscond

- (a) Upon 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).

History: Adopted October 13, 2010, effective March 1, 2011.

Rule 5.103-2 Mandatory retaking for violent offenders and violent crimes [REPEALED]

REPEALED effective March 1, 2014

2-2011 [The sending state is not required to make a determination that an offender is violent at the time of transfer.]

History: Adopted October 13, 2010, effective March 1, 2011.

Rule 5.104 Cost of retaking an offender

A sending state shall be responsible for the cost of retaking the offender.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.105 Time allowed for retaking an offender

A sending state shall retake an offender within 30 calendar days after the offender has been taken into custody on the sending state's warrant and the offender is being held solely on the sending state's warrant.

History: Adopted November 4, 2003, effective August 1, 2004; amended August 28, 2013, effective March 1, 2014.

Rule 5.106 Cost of incarceration in receiving state

A receiving state shall be responsible for the cost of detaining the offender in the receiving state pending the offender's retaking by the sending state.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.107 Officers retaking an offender

- (a) Officers authorized under the law of a sending state may enter a state where the offender is found and apprehend and retake the offender, subject to this compact, its rules, and due process requirements.
- (b) The sending state shall be required to establish the authority of the officer and the identity of the offender to be retaken.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.108 Probable cause hearing in receiving state

- (a) An offender subject to retaking for violation of conditions of supervision 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 one or more significant violations of the terms or conditions of supervision.
- (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, 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.

References:

ICAOS Advisory Opinion

2-2005 [Although Rule 5.108 requires that a probable cause hearing take place for an offender subject to retaking for violations of conditions that may result in revocation as outlined in subsection (a), allegations of due process violations in the actual revocation of probation or parole are matters addressed during proceedings in the sending state after the offender's return]

17-2006 [Each state should determine the extent to which authority is vested in parole and probation officers as well as other law enforcement and peace officers to effect such an arrest, including the need for a warrant.]

5-2012 [Rule 5.108 permits the use of 2-way video closed circuit television during probable cause hearings where determined by the hearing officer to be necessary to protect a witness from harm which might result from testifying in person.]

Gagnon v. Scarpelli, 411 U.S. 778 (1973)

Ogden v. Klundt, 550 P.2d 36, 39 (Wash. Ct. App. 1976)

See, People ex rel. Crawford v. State, 329 N.Y.S.2d 739 (N.Y. 1972)

State ex rel. Nagy v. Alvis, 90 N.E.2d 582 (Ohio 1950)

State ex rel. Reddin v. Meekma, 306 N.W.2d 664 (Wis. 1981)

Bills v. Shulsen, 700 P.2d 317 (Utah 1985)

California v. Crump, 433 A.2d 791 (N.J. Super. Ct. App. Div. 1981)

California v. Crump, 433 A.2d at 794, *Fisher v. Crist*, 594 P.2d 1140 (Mont. 1979)

State v. Maglio, 459 A.2d 1209 (N.J. Super. Ct. 1979)

In re Hayes, 468 N.E.2d 1083 (Mass. Ct. App. 1984)

Morrissey v. Brewer, 408 U.S. 471 (1972)

In State v. Hill, 334 N.W.2d 746 (Iowa 1983)

See e.g., State ex rel. Ohio Adult Parole Authority v. Coniglio, 610 N.E.2d 1196, 1198 (Ohio Ct. App. 1993)

History: *Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014.*

Rule 5.109 Transport of offenders

States that are party to this compact shall allow officers authorized by the law of the sending or receiving state to transport offenders through the state without interference.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.110 Retaking offenders from local, state or federal correctional facilities

- (a) Officers authorized by the law of a sending state may take custody of an offender from a local, state or federal correctional facility at the expiration of the sentence or the offender's release from that facility provided that-
 - (1) No detainer has been placed against the offender by the state in which the correctional facility lies; and
 - (2) No extradition proceedings have been initiated against the offender by a third-party state.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.111 Denial of bail or other release conditions to certain offenders

An offender against whom retaking procedures have been instituted by a sending or receiving state shall not be admitted to bail or other release conditions in any state.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008.

Chapter 6 Dispute Resolution and Interpretation of Rules

Rule 6.101 Informal communication to resolve disputes or controversies and obtain interpretation of the rules

- (a) Through the office of a state's compact administrator, states shall attempt to resolve disputes or controversies by communicating with each other by telephone, telefax, or electronic mail.
- (b) *Failure to resolve dispute or controversy-*
 - (1) Following an unsuccessful attempt to resolve controversies or disputes arising under this compact, its by-laws or its rules as required under Rule 6.101 (a), states shall pursue 1 or more of the informal dispute resolution processes set forth in Rule 6.101 (b)(2) prior to resorting to formal dispute resolution alternatives.
 - (2) Parties shall submit a written request to the executive director for assistance in resolving the controversy or dispute. The executive director shall provide a written response to the parties within 10 business days and may, at the executive director's discretion, seek the assistance of legal counsel or the executive committee in resolving the dispute. The executive committee may authorize its standing committees or the executive director to assist in resolving the dispute or controversy.
- (c) *Interpretation of the rules-*Any state may submit an informal written request to the executive director for assistance in interpreting the rules of this compact. The executive director may seek the assistance of legal counsel, the executive committee, or both, in interpreting the rules. The executive committee may authorize its standing committees to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the executive director or the executive committee and shall be circulated to all of the states.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 6.102 Formal resolution of disputes and controversies

- (a) *Alternative dispute resolution*- Any controversy or dispute between or among parties that arises from or relates to this compact that is not resolved under Rule 6.101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

- (b) *Mediation and arbitration*
 - (1) *Mediation*
 - (A) A state that is party to a dispute may request, or the executive committee may require, the submission of a matter in controversy to mediation.
 - (B) Mediation shall be conducted by a mediator appointed by the executive committee from a list of mediators approved by the national organization responsible for setting standards for mediators, and pursuant to procedures customarily used in mediation proceedings.
 - (2) *Arbitration*
 - (A) Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.
 - (B) Arbitration shall be administered by at least 1 neutral arbitrator or a panel of arbitrators not to exceed 3 members. These arbitrators shall be selected from a list of arbitrators maintained by the commission staff.
 - (C) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.
 - (D) Upon the demand of any party to a dispute arising under the compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.
 - (E)
 - (i) The arbitrator in all cases shall assess all costs of arbitration, including fees of the arbitrator and reasonable attorney fees of the prevailing party, against the party that did not prevail.
 - (ii) The arbitrator shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the commission has its principal offices.
 - (F) Judgment on any award may be entered in any court having jurisdiction.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 6.103 Enforcement actions against a defaulting state

- (a) If the Interstate Commission determines that any state has at any time defaulted (“defaulting state”) in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties-
- (1) Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;
 - (2) Remedial training and technical assistance as directed by the Interstate Commission;
 - (3) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state’s legislature, and the state council.
- (b) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the potential penalties that may be imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension.
- (c) Within 60 calendar days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer and the majority and minority leaders of the defaulting state’s legislature and the state council of such termination.
- (d) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.
- (e) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.
- (f) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

History: Adopted November 4, 2003, effective August 1, 2004; amended August 28, 2013, effective March 1, 2014.

Rule 6.104 Judicial Enforcement

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

History: Adopted November 4, 2003, effective August 1, 2004.

A Motion Chart for Robert's Rules

When you're using Robert's Rules to help your meeting run well, the following chart can come in very handy when you're in the thick of debate on a main motion. It's designed to help you choose the right motion for the right reason. (In the chart, the subsidiary and privileged motions are listed in descending order of precedence; that is, motions lower on the list can't be made if anything higher is pending.)

			Can Interrupt	Requires Second	Debatable	Amendable	Vote Required	Can Reconsider	
SECONDARY MOTIONS	PRIVILEGED	Fix the Time to Which to Adjourn		S		A	M	R	
		Adjourn		S			M		
		Recess		S		A	M		
		Raise a Question of Privilege	I				Chair decides		
		Call for Orders of the Day	I				Chair decides		
	SUBSIDIARY	Lay on the Table			S			M	Negative Only*
		Previous Question			S			2/3	R*
		Limit or Extend Limits of Debate			S		A	2/3	R*
		Postpone Definitely			S	D	A	M	R*
		Commit (or Refer)			S	D	A	M	R*
		Amend			S	D*	A*	M	R
		Postpone Indefinitely			S	D		M	Affirmative Only
	Main Motion				S	D	A	M	R
	* See text for exceptions							M = Majority vote	

Consult a book on Robert's Rules for clarification on the exceptions.

Making and Handling Motions According to Robert's Rules

When that light bulb goes off in your head and you have a great idea, you make a motion according to Robert's Rules to get your idea discussed and a decision made. Following are the eight steps required from start to finish to make a motion and get the group to decide whether it agrees. Each step is a required part of the process.

Step	What to Say
1. The member rises and addresses the chair.	"Madam Chairman. . . ."
2. The chair recognizes the member.	"The chair recognizes Ms. Gliggenschlapp."
3. The member makes a motion.	"I move to purchase a copy of <i>Robert's Rules For Dummies</i> for our president."
4. Another member seconds the motion.	"Second."
5. The chair states the motion.	"It is moved and seconded to purchase a copy of <i>Robert's Rules For Dummies</i> for your president. Are you ready for the question?"
6. The members debate the motion.	"The chair recognizes Ms. Gliggenschlapp to speak to her motion. . . ."
7. The chair puts the question and the members vote.	"All those in favor of adopting the motion to buy a copy of <i>Robert's Rules For Dummies</i> for your president will say 'aye,' [pause] those opposed will say 'no'."
8. The chair announces the result of the vote.	"The ayes have it and the motion carries, and a copy of <i>Robert's Rules For Dummies</i> will be purchased for your president."

Guidelines

- Obtain the floor (the right to speak) by being the first to stand when the person speaking has finished; state Mr./Madam Chairman. Raising your hand means nothing, and standing while another has the floor is out of order! Must be recognized by the Chair before speaking!
- Debate cannot begin until the Chair has stated the motion or resolution and asked "are you ready for the question?" If no one rises, the chair calls for the vote!
- Before the motion is stated by the Chair (the question) members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.
- The "immediately pending question" is the last question stated by the Chair!
Motion/Resolution - Amendment - Motion to Postpone
- The member moving the "immediately pending question" is entitled to preference to the floor!
- No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once!
- All remarks must be directed to the Chair. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives!
- The agenda and all committee reports are merely recommendations! When presented to the assembly and the question is stated, debate begins and changes occur!

The Rules

- **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary!
- **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order
- **Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules)
- **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made
- **Main Motion:** Brings new business (the next item on the agenda) before the assembly
- **Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own)
- **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are

considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble can not be considered until debate on the body of the paper has ceased.

- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor
- **Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).
- **Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time
- **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time
- **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated
- **Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending
- **Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table
- **Reconsider:** Can be made only by one on the prevailing side who has changed position or view
- **Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion to reconsider can be made this session
- **Previous Question:** Closes debate if successful - may be moved to "**Close Debate**" if preferred
- **Informal Consideration:** Move that the assembly go into "**Committee of the Whole**" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business
- **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified

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Presenter Biographies



Sara Andrews serves as the Director of the Ohio Criminal Sentencing Commission, effective January 2015. In 1990, the General Assembly created the Ohio Criminal Sentencing Commission by statute. The Commission is chaired by the Chief Justice of the Supreme Court of Ohio. The Commission is responsible for conducting a review of Ohio's sentencing statutes and sentencing patterns, and making recommendations regarding necessary statutory changes. The Commission consists of 31 members, 10 of whom are judges appointed by the Chief Justice.

Before her appointment as the Director of the Ohio Criminal Sentencing Commission, Sara was a more than twenty year veteran with the Department of Rehabilitation and Correction, holding a number of leadership positions, most recently as the Deputy Director of the Division of Parole and Community Services (DPCS) and Chief of the Adult Parole Authority (APA). In that role, she managed the Ohio Parole Board, the Office of Victim Services, the Bureau of Research, Office of Offender Reentry and Religious Services, Jail inspection and oversight, community supervision, fugitive and interstate compact operations, and DRC funded community corrections throughout the State of Ohio. She was also the Ohio Commissioner and national Chair of the Interstate Compact for Adult Offender Supervision and continues to serve in that capacity.

Sara's academic background includes a B.A. from the University of Northern Colorado and M.S. degree from the University of Dayton, Ohio. She is a member of Ohio Justice Alliance for Community Corrections, the American Probation and Parole Association, serves as an appointed member of the Attorney General's Ohio Law Enforcement Gateway Steering Committee and Advisory Board, the Commission on Technology and the Courts of the Ohio Supreme Court, served as a member of the Ohio Supreme Court's Joint Task Force to Review the Administration of Ohio's Death Penalty and most recently represents the Chief Justice on Governor Kasich's Ohio Task Force on Community-Police Relations.

In her community and affiliated with her daughter's High School rowing team Sara serves as a trustee and President of the not for profit organization, Upper Arlington Crew. Sara is also a recipient of the United States Attorney General's William French Smith award, the 2013 Ohio Community Corrections Association President's award, 2013 Ohio Justice Alliance for Community Corrections Bennett J. Cooper award, 2014 Interstate Compact Adult Offender Supervision Executive Director's Leadership award.



Shawn Arruti, Nevada Department of Public Safety Captain, has over 21 years of combined experience in the field of parole and probation. He previously served the Nevada Division of Parole and Probation as a DPS Officer, a DPS Field Training Officer, DPS Sergeant and DPS Lieutenant. Prior to relocating to Nevada in August, 1998, he served as a Juvenile Probation Officer in Maricopa County, Arizona.

Originally assigned to the Nevada Compact Office in April, 2006, he was appointed by Governor Brian Sandoval on April 12, 2016, to serve as the Nevada Commissioner to the Interstate Commission for Adult Offender Supervision (ICAOS) and as Chairman of the Nevada State Council for Interstate Adult Offender Supervision. He previously served as the Deputy Compact Administrator for Nevada.

Captain Arruti currently serves the Interstate Commission for Adult Offender Supervision (ICAOS) as a member of the Rules Committee, Technology Committee, and as a member of the workgroup charged with the design of the Annual Business Meeting. Additionally, he serves as a WebEx facilitator for the training designed and conducted by the National Office and has presented on behalf of the ICAOS before the Association of Paroling Authorities International (APAI). He previously served as an ex-officio member of the Rules Committee, Technology Committee, Training Committee, and the Deputy Compact Administrator Liaison Committee.

Captain Arruti holds a Bachelor of Arts in Criminology and Psychology from the University of New Mexico (1994). He is also a graduate of Northwestern University, Center for Public Safety, School of Police Staff and Command (2009; SPSC #279).



Joseph Beaman has been employed by the Michigan Department of Corrections for the past 15 years working in both the Departments Correctional Facilities Administration and Field Operations Administration in a variety of capacities. A 1995 Graduate of Spring Arbor College, Joseph currently serves as a Commissioner on the Jackson County Parks and Recreation Commission and is a current board member of the Thought 1 Scholarship Fund. Joseph also is the current Michigan Department of Corrections official representative on the Michigan Human Trafficking Taskforce.



Anmarie Aylward is Assistant Secretary of Community Corrections. She has been active in this position for four years. Anmarie was appointed to community corrections based on her success in several divisions, programs and with legislative implementations over the years. Anmarie is a proud public servant and has been for over 25 years with the Department of Corrections. Beginning her tenure as a Research Analyst then moving through direct services particularly in prisons and treatment then offender change many of Anmarie's successes and challenges focus on the management and treatment of sex offenders in the system and in the community. Anmarie has expertise in transition of offenders and the management of sex offenders. She has extensive external stakeholder work in these areas. Her focus as Assistant Secretary has been on relationships and communication.

Anmarie began her career in criminal justice in her native Chicago Illinois with the Illinois Criminal Justice Information Authority after completing her Master's Degree in Sociology at Northern Illinois University. While she has an affinity for Chicago Anmarie moved west making a home in western Washington for over 26 years. Those years have been punctuated with a strong family life. Anmarie values her husband and four sons all native Washingtonians.

Anmarie has been active in and benefitted from the National Institute of Corrections, Executive Excellence Program, Harvard's John F. Kennedy School of Government and The Cascade Center for Public Service and Leadership. Anmarie maintains active memberships in the Association of Treatment for Sexual Abusers (ATSA), Executives of Probation and Parole, Association for Probation and Parole, Interstate Commission for Adult Offender Supervision (ICAOS) to name a few.



Matthew Billinger is a Director of Interstate Community Services for Kansas Department of Corrections, and the Deputy Compact Administrator for the State of Kansas for both the Juvenile and Adult compact. He plays an active role in the ICAOS while also supervising a unit that manages Kansas detainees, in absentia, warrants and extraditions. He co-authored an article with Kansas Assistant Attorney General Steven Karrer entitled “What a Prosecutor Should Know and Why They Should Care”, published in the 2014 Spring edition of the Kansas County and District Attorney Association quarterly magazine. He graduated from Fort Hays State University with a Bachelor’s in Justice Studies. He has worked in the criminal justice field since 2003 starting as a Juvenile Detention Officer, and has also worked in the mental health field for the Wyandotte County Mental Health Center. He worked in the Kansas City Parole office for 5 years, being a Parole Officer II managing the offenders with Severe and Persistent Mental Illness.



Michael L. Buenger serves as Administrative Director of the Ohio Supreme Court since Jan 2015. Buenger brings nearly 25 years of experience in judicial administration, legislative affairs, intergovernmental relations, and operations management. He works as a senior counsel at the National Center for State Courts (NCSC) with the Government Affairs Office and NCSC’s International Division. Previously, he worked as a senior rule of law adviser in Kosovo and as Missouri’s and South Dakota’s state court administrator.

Early in his career, Buenger worked for Ohio’s Second District Court of Appeals in Dayton as law clerk to Judge Thomas J. Grady from 1989 to 1991 and as the administrator/staff counsel from 1991 to 1995. In between working with the courts, he served as an adjunct professor with the University of Dayton and Sinclair Community College and on the drafting team for the Interstate Compact for Adult Offender Supervision and the Interstate Juvenile Compact.

Buenger earned his bachelor’s degree, cum laude, from the University of Dayton; his law degree, cum laude, from St. Louis University School of Law; and his LLM in public international law from the Brussels School of International Studies. An accomplished scholar, he has published widely on state court matters, including authoring five books and manuals, and given presentations throughout the United States and Europe. He previously served as president of the national Conference of State.



Douglas Clark is the Executive Director of the South Dakota Board of Pardons and Paroles for the South Dakota Department of Corrections. He has a BA in Management from the University of Sioux Falls and obtained a Graduate Certificate in Public Administration and Organizational Management from the University of South Dakota in 2014 as part of the SD Governor’s Leadership Excellence program. Doug began his career with the South Dakota Department of Corrections in 1994 as a Correctional Officer in the South Dakota State Penitentiary located in Sioux Falls. He has held numerous positions within security as well as unit management. In 2002, he was hired by the Parole Division to serve as a Corrections Specialist where he oversaw the development and implementation of the Community Risk Assessment/Re-Assessment instrument and process as well as the Policy-Driven Response to Violation Matrix. He was named the Director of Field Operations/SE Regional Supervisor for Parole Services in 2008. Significant initiatives he has been part of directing in South Dakota include: the arming of SD parole agents, expanding the use of evidence based practices in South Dakota Parole Services, and assisting with the development and implementation of system-wide strategies and process changes that came as a result of the state’s Justice Reinvestment Initiative in 2013. In May 2015, Doug was appointed Executive Director of the South Dakota Board of Pardons and Paroles. In this position, he is responsible for the oversight of all Parole Board

operations, Parole Services operations, and serves as South Dakota's Commissioner to the Interstate Commission for Adult Offender Supervision (ICAOS), where he currently serves on the Rules Committee and was recently elected Chair for the Midwest Region. When not working, Doug enjoys spending time with his family, coaching youth sports, and boating.



Xavier Donnelly began working with the Interstate Commission for Adult Supervision in 2005. As Systems Manager, Xavier deals with many technical projects the Commission pursues. On a daily basis, he administrates the helpdesk and manages ongoing development and maintenance for the Interstate Compact Offender Tracking System (ICOTS). Xavier is also responsible for creating data analysis tools for the commission like the ICOTS external reports and Compliance Dashboards. He currently lives in Lexington, Kentucky with his family. Xavier is a graduate of the University of Kentucky where he received a Bachelor of Science in Business and Economics and a Masters of Business Administration.



Dori Ege Dori Ege has held her current position as the Deputy Compact Administrator (DCA) for Arizona Adult Probation since December 1999. Prior to this position, Dori was an adult probation officer with the Gila County Probation Department in Globe, Arizona. As DCA, she is responsible for training and oversight of the interstate compact program. She regularly trains line officers, judges, attorneys and other court personnel on the rules of the interstate compact throughout Arizona. She has also trained criminal justice personnel in Colorado, Texas, Missouri, Nevada, California, Hawaii, North Dakota, Oklahoma, Idaho, Alaska, New Jersey, Kansas, Iowa, Connecticut, New Mexico, and Washington, D.C. Dori was appointed as Arizona's Compact Commissioner in January 2005. She currently serves on the Rules Committee and is a national trainer for the Training Committee. She previously served as Chair of the West Region and Chair of the Training Committee. Dori is a graduate of St. Cloud State University with a B.A. in Criminal Justice.



Suzanne Elwell is the director of the Crime Victim Justice Unit, a victim rights compliance office in the Minnesota Office of Justice Programs. She has been working in the area of crime victimization for over 25 years, with experience spanning prosecution, domestic violence advocacy, and court monitoring. Since 2004 she has investigated complaints from crime victims who feel they have been mistreated or that their statutory rights have been violated. She trains on crime victim related issues, coordinates and participates on statewide multi-disciplinary efforts and teams, and assists with legislative initiatives related to crime victims. Suzanne has been the victim representative on Minnesota's Interstate Compact Advisory Council since 2005, serving as vice chair since 2007, and has overseen the statewide victim notification service (VINE) since 2010.

Tanja Gilmore graduated Southeast Missouri State University in 1990 with a B.S. in Criminal Justice and minor in Psychology. Upon graduation she became employed in her native Missouri Bootheel with the Missouri Department of Corrections as a Probation & Parole Officer before transitioning into the substance abuse field where she was a counselor and program facility manager. Ms. Gilmore returned to the Missouri Department of Corrections in 1995 as a PPO Sex Offender Specialist until 2001. While employed as a PPO Sex Offender Specialist, Ms. Gilmore was a staff trainer for Missouri DOC's CBT Program. During her years of employment in Missouri State Government, Ms. Gilmore was employed by the Division of Family Services and the Department of Rehabilitation. She has several years of experience

as a substitute school teacher and became involved with Kids Across America during the summers of 2007, 2008, and 2009. In 2009, she moved to Virginia where she became employed with the Virginia Department of Corrections as a Probation & Parole Officer from 2010 through 2015 and held the positions of an ICOTS Officer and a Gang Specialist/Intensive Supervision Officer. During her time with VA DOC, she was a T4C facilitator, completed EPICS, MI and Dialogue training. She is also a graduate from the VA Corridors Program. Ms. Gilmore moved to Walla Walla Washington in October 2015 where she held the position of CCO2. She accepted the promotion for WA DCA in May, 2016.

Allen Godfrey, is the Field Services Director for the State of Minnesota which is responsible for the oversight of probation, parole and ICAOS Commissioner. He began his career working with juveniles in Hennepin County's residential facility in 1984 and has held positions as a probation officer, supervisor, deputy director In Dakota County and Scott County Community Corrections Director. Allen has a Master's Degree in Human Services Planning and Administration. While in Dakota County, Allen Initiated the Juvenile Detention Alternative Initiative which led to the reduction of juveniles in detention, and the implementation of specialty courts. Allen, while at the State of Minnesota, led the implementation, training, quality assurance and outcomes of Evidence Based Practices (EBP). Allen is a member of the State EBP Policy Committee and serves on the Minnesota Specialty Court Advisory Committee.

Allen Griffin graduated from Washington High School in Washington, NC in May of 1994. He began his career in Corrections in 2000 as a Data Entry Specialist for Combined Records. His main objective was notifying crime victims when offenders were scheduled for release. He currently works in the Victim Services section for the Department of Public Safety as the lead contact for ICOTS VINEWATCH. He provides backup to the Site Security Administrator for Victim Services. He is also the Victims Services liaison for Appriss, as well as the 56 Prisons and the 100 county jails for the state of North Carolina resolving VINE data issues.



John Gusz began his career with the Burlington County (NJ) Probation Department in 1979. He returned to his probation roots at the New Jersey Administrative Office of the Courts in 1997, after spending sixteen years with the New Jersey Department of Labor and Industry. At the NJDOL he served in the capacity of Project Control Administrator overseeing the establishment and maintenance of multi-million dollar automation projects, prior to assuming his current duties as Deputy Compact Administrator for both the adult and juvenile interstate compacts. John has been actively involved in both the Interstate Compact for Adult Offender Supervision and Interstate Compact for Juveniles serving in various capacities and positions. He held membership to the 2003 Interstate Compact Information Management System Planning Project, which assisted the Commission in the development of the Interstate Compact information management system now known as the ICOTS. He was subsequently selected to participate in the Joint Application and Design of (ICOTS). He has continuously been a member of the ICAOS Technology Committee dating back to the inception of ICOTS. Additionally, he is a member of the ICAOS Rules Committee. John was one of four regional representatives contributing to the development of the Juvenile Interstate Data System (JIDS), a web based forms management system that facilitates the interstate movement of all juveniles under court or paroling authority. His ICJ participation also includes terms on both the Rules and Technology Committees. John is a graduate of Rowan University and Rutgers University respectively, holding a Bachelor of Arts Degree in Law/Justice Studies and Master of Public Administration Degree. He is a New Jersey Certified Public Manager (CPM) and a member of the Rutgers University National Honor Society

for Public Affairs and Administration. He was awarded the 2013 ICAOS Executive Director Award in recognition to his lasting contribution to the Commission.



Harry E. Hageman is the Executive Director for the Interstate Commission for Adult Offender Supervision. Prior to his appointment in September of 2007, Harry served two terms as the Commission's Vice Chair.

Harry has experience as both a practitioner and an educator. His work experience includes both law enforcement and community corrections. Prior to his current assignment, Harry served as a Chief Deputy for one of Ohio's eastern counties and as the Chief Parole Officer for the Ohio Department of Rehabilitation and Corrections. Harry also taught law enforcement and public administration courses for both Kent State University and the University of Akron where he earned a graduate degree in public administration.



Tracy Hudrlik Tracy Hudrlik graduated from University of Wisconsin-Platteville with a Bachelor of Arts Degree in Criminal Justice. She began her career with the Wisconsin Department of Corrections in 1993 as a Probation and Parole Agent. She moved to Minnesota and was employed as a Probation Officer there from 1995-1999. Returning to Wisconsin in 1999, she has served as Probation and Parole Agent, Staff Program Development Specialist, 2nd Chance Act Coordinator, and Reentry Employment

Coordinator before holding her current position as Corrections Services Supervisor/Interstate Compact Administrator. Tracy has been the Interstate Compact Administrator/Corrections Services Supervisor for the Division of Community Corrections since May 2013. In this capacity, Tracy oversees the Interstate Compact functions and chairs the DCA Liaison Committee as well as serving on the Rules and Executive Committees. In addition to the Interstate Compact, Tracy is responsible for the development and oversight of offender programming, education, employment, and reentry activities for the Division of Community Corrections. Tracy also represents the Division on several work groups and planning committees that guide the implementation of evidence based practices and initiatives.



Jim Ingle Jim Ingle has worked for the Utah Department of Corrections for 28 years and was raised in Lehi, Utah. He is a certified Correctional Officer and holds a Masters Degree in Public Administration from the University of Utah. Jim has been responsible for the Utah Sex Offender Registry and the Utah Interstate Compact Unit since 2007. During that time Jim has seen both units through significant changes in both statutory and regulatory requirements, and provides regular training to law enforcement and court personnel in Utah

and across the country. Jim greatly enjoys working with allied stakeholders to accomplish public safety for the citizens of Utah. He firmly believes that it takes quality working relationships to be successful in any job, and he values the opportunity to build those relationships.



Edward J. Latessa received his PhD from Ohio State University and is director and professor in the School of Criminal Justice at the University of Cincinnati. He has published over 150 works in the area of juvenile justice, criminal justice and corrections and is author of eight books including *What Works (and Doesn't) in Reducing Recidivism*, *Corrections in the Community*, and *Corrections in America*. Professor Latessa has directed over 150 funded research projects including studies of day reporting centers, juvenile justice programs, drug

courts, prison programs, intensive supervision programs, halfway houses, and drug programs. He and his staff have also assessed over 600 correctional programs throughout the United States, and he has provided assistance and workshops in over forty-five states. He has also received numerous awards.



Natalie Latulippe is a graduate of Arizona State University with a Bachelor of Arts degree in Psychology who has 18 years of experience in adult probation. In 1998, Natalie began her career as a probation officer in Maricopa County, Arizona. She then moved back to New England and has been with Adult Probation in the Connecticut Judicial Branch Court Support Services Division since 2001. Natalie is currently a Chief Probation Officer II and the Probation Deputy Compact Administrator. Although her primary responsibility is overseeing the day to day operations of the Interstate Compact Office, Natalie is also responsible for managing the ACA accreditation process statewide for adult probation. She continues to be actively involved in the Interstate Commission for Adult Offender Supervision and currently serves on the Technology committee. Natalie was the 2015 recipient of the ICAOS Executive Director award for her professionalism, leadership, and dedication to the Interstate Commission.



Charlie Lauterbach Charles Lauterbach is an Executive Officer with the Iowa Department of Corrections. He has worked in community-based corrections since February, 1988. He has held the positions of Job Developer, Probation/ Parole Officer, Residential Counselor, and Community Corrections Service Representative. Charles was appointed Iowa's Compact Administrator in September, 1997. In that role he served on the Probation and Parole Compact Administrators' Association's Training Committee, Finance Committee, and Nominations Committee. Upon adoption in 2001 of the Interstate Compact for Adult Offender Supervision, Charles continued to serve as Iowa's Compact Administrator. In May, 2009 he was appointed Iowa's Commissioner. Charles holds a Bachelor's Degree from the University of Iowa, Iowa City and a Master's Degree in Business Administration from the University of Phoenix, West Des Moines Campus. From 2008 to 2010 Charles chaired the Commission's Deputy Compact Administrators Liaison Committee. Since 2010 Charles has served as the Commission's Treasurer.



Julie Lohman is Virginia's Deputy Compact Administrator for the Interstate Compact for Adult Offender Supervision. Ms. Lohman oversees the day-to-day operations of the Virginia Interstate Compact Unit which monitors the transfer and community supervision of approximately 9,100 offenders into and out of Virginia. She serves on the Interstate Commission's Technology committee, is an ICAOS trainer, and is the South Region DCA Liaison Chair. She is also the Secretary of the Virginia Probation and Parole Association. Ms. Lohman is a graduate of the University of Richmond.

Christopher T. Lowenkamp is a Social Science Analyst for the Administrative Office of the US Courts, Probation and Pretrial Services Office. He has previously served as the director of the Center for Criminal Justice Research, an assistant director of The Corrections Institute and a research professor at the University of Cincinnati. Dr. Lowenkamp also served as a probation officer and a jail emergency release coordinator in Summit County Ohio, which is when his interests in risk assessment developed. Over the last 20 years Dr. Lowenkamp's research has focused on risk assessment, the evaluation of correctional programs, and innovations in community supervision.



Jay Lynn graduated from Campbell University in 1986 with a Bachelor of Science Degree in Psychology. He began his career in Corrections in 1988 as a Probation/Parole Officer in Nash County, North Carolina. Prior to transferring to the Interstate section in 2007, as the Interstate Manager, he spent 19 years in the field as a Probation/Parole Officer and Chief Probation/Parole Officer. In 2011 he was named as the Deputy Compact Administrator for NC. In 2014 he was named as the Administrator for Special Populations and oversees several sections within Community Corrections, which include Interstate Compact, Post Release/Parole Supervision, Sex Offender Management, Electronic Monitoring, and the Community Correction staff housed at DART and Black Mountain. He is a long time standing member of the North Carolina Probation/Parole Association.



Robert M. Maccarone, Esq., was appointed by Governor Andrew Cuomo in August of 2014 to serve as New York State's Commissioner and Compact Administrator for the Interstate Compact for Adult Offender Supervision. Robert Maccarone also serves as the NY State Director of Probation and is a Deputy Commissioner at the NYS Division of Criminal Justice Services, where he oversees New York's more than 200 alternative to incarceration community corrections programs. He also oversees NYS' juvenile probation interstate transfer unit, the State's Ignition Interlock Device Program, and 19 County Re-entry Task Forces. Mr. Maccarone has served four Governors, working for New York State more than 13 years. Previously, he worked as a Prosecutor--Deputy Bureau Chief-- for the Westchester County District Attorney's Office, and as a Deputy Commissioner for the County's Corrections Department. Mr. Maccarone has undergraduate and graduate degrees in Psychology and Sociology from Fordham University, and a Juris Doctor degree from PACE University.



Rick Masters is General Counsel to the Interstate Commission for Adult Offender Supervision providing legal guidance concerning the compact and its administrative rules, including application and enforcement, to the member state commissioners of ICAOS and other state officials. Rick is also a recognized subject matter expert in the field of interstate compacts and provides legal advice to several other compact governing boards and agencies. He has testified frequently before state legislative committees concerning a wide variety of compact legislation and has also provided testimony to the U.S. Congress concerning compact consent legislation and related interstate compact legal issues. Rick has been counsel of record in a number of federal and state cases involving important interstate compact issues including a recent published decision of the U.S. Court of Appeals for the Tenth (10th) Circuit upholding the validity of the regional low-level radioactive waste compacts to which most of the states are members.

Rick has been involved in extensive research and writing in the field of interstate compacts and has published a wide variety of law review articles, bench books used by state court judges, and other publications concerning the law and use of interstate compacts. He is also the co-author of the most comprehensive compilation of legal authorities and commentary on the subject published by the American Bar Association in 2007 entitled *The Evolving Use and Changing Role of Interstate Compacts: A Practitioner's Guide*.

Rick received his Juris Doctorate from the Brandeis School of Law of the University of Louisville and his B.A. from Asbury University. He is a former Assistant Attorney General for the Commonwealth of Kentucky and also served as General Counsel to the Council of State Governments. He was recently asked

by Kentucky Governor Steve Beshear to serve as a Special Justice to the Kentucky Supreme Court and in November of 2012 was appointed by the Governor to serve a four (4) year term as a member of the Executive Branch Ethics Commission.



Lori Meister is the Assistant Director for the Interstate Commission for Adult Offender Supervision. She earned both a Bachelor of Science Degree in Psychology and a Master of Science Degree in Criminal Justice from Eastern Kentucky University. She has over 20 years of experience in the criminal justice field in various roles, beginning her career as a juvenile court diversion and pretrial officer. After earning her Juris Doctor from the University Of Kentucky College Of Law in 2001, she worked for two years as a staff attorney for the chief circuit judge for one of Kentucky's largest counties. She then spent ten years as a felony prosecutor in that county, earning the Kentucky Commonwealth's Attorneys Association's Sword of Justice Award in 2012. She also volunteers her time to serve as the chair for the Friends of the Lexington Public Library Board, and previously as vice-chair for the Partners for Youth organization.



Judy Mesick has been working in the Corrections field for 21 years and has worked in Interstate Compact for 20 years, serving as the Deputy Compact Administrator for the Idaho Department of Correction for 16 years. Judy also supervises the Limited Supervision Unit which was mandated by Justice Re-investment. She supervises two Interstate Compact Coordinators, three Probation/Parole officers and two Tech Rec II positions. She conducts annual trainings with judges, PA's, DA's, and Felony and Misdemeanor P&P officers.



Gary C. Mohr is director of the Ohio Department of Rehabilitation and Correction (DRC). Appointed by Governor John Kasich in January 2011, he has over 40 years of correctional experience and a national reputation for innovative and efficient prison management. Throughout his career, Director Mohr has served in a number of corrections leadership positions in both public and private sectors.

In 2002, Director Mohr served as deputy director and superintendent of the Ohio Department of Youth Services. Previously, he was DRC deputy director for administration, as well as a deputy director in the agency's Office of Prisons, where he supervised, mentored and advised a region of the state's wardens. In addition, Director Mohr has served as warden at the Ross Correctional Institutional, Chillicothe Correctional Institution, and the Correction Reception Center.

From 1992-1994, Director Mohr served as director of the Governor's Office of Criminal Justice, where he led the investigation into the cause of the 1993 Lucasville riot. Many of his team's recommendations for preventive measures and improved conditions were incorporated into DRC's standard operating policies and adopted by prison systems across the nation. He also chaired the Governor's Task Force on Gun Violence.

In 2005, Director Mohr founded Mohr Correctional Insight, where he advised the Corrections Corporation of America in areas of staff leadership and development, and implementing unit management.

Director Mohr and his wife of 43 years have three adult children and five grandchildren. He is a resident of Chillicothe.



Chris Moore Chris Moore has served as Interstate Compact Administrator/Commissioner for the State of Georgia since 2012. Chris began his career in Community Supervision in 1989 as a Probation Officer. In 1998, he moved to Central Office as a Field Support Specialist and his program area was Sex Offender Supervision. In 2005 he was promoted to Center Administrator of a Day Reporting Center and in 2009 he was promoted to Chief Probation Officer.

Chris received his BBA from Mercer University in 1989. He is also a Certified P.O.S.T Instructor and a Certified Alcohol and Drug Counselor.



Jacey Nordmeyer serves as the Commissioner for the Interstate Compact for Adult Offender Supervision. Jacey graduated from the University of Nebraska at Lincoln in 2002 and has a bachelor's degree in Criminal Justice. She began her career with probation in 2004, and served as a probation officer until 2013, when she was promoted to Compliance Officer with the Administrative Office of Probation. In 2014, she was appointed to the Deputy Compact Administrator position and currently serves as the Commissioner for the Interstate

Compact for Juveniles (ICJ), in addition to her work with the Interstate Compact for Adult Offender Supervision (ICAOS). Jacey serves on the Training Committee and as a nationwide trainer for ICAOS. She also trains nationally for the ICJ and serves on the Compliance Committee. In Nebraska, Jacey has spearheaded the implementation of custodial sanctions on interstate compact transfer offenders and worked to implement a process to ensure interstate compact cases are entered into the statewide JUSTICE system. In addition to her work with the Compact Office, Jacey serves as a Compliance Officer for the Administrative Office of Probation and serves on numerous committees.



Chris Norman serves as the Division Director of the Interstate Compact with the Alabama Board of Pardons and Paroles. In 2007, he was appointed by Gov. Bob Riley to serve on the Interstate Commission for Adult Offender Supervision for the State of Alabama. Mr. Norman began his criminal justice career in 1984 when he was selected to serve as a correctional officer for the Alabama Department of Corrections. In 1988 he was appointed to serve as a Probation and Parole officer with the Alabama Board of Pardons

and Paroles. Prior to his selection as a Division Director he was a Field Office Supervisor.

Additionally, Mr. Norman is a councilman for the City of Bay Minette, Alabama. He is a member of the Baldwin County Alabama Indigent Defense Committee and a charter member of the North Baldwin County Coalition for Excellence in Education. He holds a Bachelor of Science Degree in Sociology from Alabama State University and a Master of Science Degree in Criminal Justice from Troy State University.



Chief Justice Maureen O'Connor is the 10th chief justice and the first woman in Ohio history to lead the Ohio judicial branch.

Since she took office in 2011, Chief Justice O'Connor has led significant reforms and improvements in the Ohio judicial system, including establishing a task force to examine court funding statewide, creating a committee to examine the administration of the death penalty, and proposing improvements to strengthen judicial elections in Ohio.

She first joined the Supreme Court of Ohio as a justice in January 2003. She was re-elected in November 2008 in a landslide victory in which she carried each of Ohio's 88 counties and took approximately 68 percent of the vote. She was elected chief justice in 2010, by a 2-to-1 margin over her challenger and again carried every county.

Her first statewide judicial election in 2002, in which she took more than 57 percent of the vote, made her the 148th justice to the court, the sixth woman to join the court, and gave the court its first-ever female majority.

Born in the nation's capital, but raised in Strongsville and Parma, Chief Justice O'Connor's career in public service and the law spans three decades and includes service as a private lawyer, magistrate, common pleas court judge, prosecutor, and Supreme Court justice.

She earned her bachelor of arts at Seton Hill College in 1973 before going on to earn her law degree from Cleveland-Marshall College of Law in 1980.

While gaining experience in practice as an attorney during the early 1980s, Chief Justice O'Connor created a home for her family and her legal career in Northeast Ohio. Appointed a magistrate in Summit County in 1985, she served in that capacity until becoming a common pleas court judge in 1993. As a busy trial judge, Chief Justice O'Connor was selected by her peers to serve as the administrative judge — a testament to her ability to build coalitions and maintain collegiality while administering to the business of the courts.

She resigned from the bench to become the Summit County prosecuting attorney in 1995. There, she aggressively prosecuted repeat offenders, violent criminals, and public officials who committed ethical violations or improprieties, and lobbied the General Assembly for tougher laws on rape and gang-related offences. Her untiring work received accolades from victims' rights groups and educational institutions, and earned awards from Mothers Against Drunk Driving and Cleveland State University. In 1998, she was elected lieutenant governor — the second-highest official in the state. She became the governor's chief advisor on criminal justice issues, serving as director of the Ohio Department of Public Safety, and as chair of Ohio's Security Task Force and the State Building Security Review Committee.

In the wake of the Sept. 11 attacks, she led the state in its response to new threats of terrorism by working with law enforcement, Ohio EMA, and the Department of Homeland Security, efforts that garnered the praise of federal homeland security officials.

Chief Justice O'Connor also has raised two adult sons, Alex and Ed Kipp, and has four grandchildren, Xavier, Henry, and twin girls Mallory & Maryn.

Chief Justice O'Connor has pursued an extensive agenda for strengthening the third branch of Ohio government in a number of key areas:

- **Judicial Elections:** In 2013, Chief Justice O'Connor announced an 8-point plan for improving judicial selection in Ohio and began a campaign for collecting public input on the ideas. In 2014, she proposed a 3-point plan based on the feedback and began the process of working with legislative leaders on measures. In 2015, Chief Justice O'Connor and partner organizations launched JudicialVotesCount.org to better educate Ohio voters about what judges do and why it is important to all citizens. The website, which fulfills one aspect of her plan by implementing a comprehensive statewide nonpartisan voter information and engagement effort, provides a centralized repository so voters can gain easy access to more information about judges and judicial candidates with an ultimate goal of elevating meaningful voter participation levels in judicial elections.

- **Technology:** Chief Justice O'Connor led efforts to assist local courts with their technology needs by implementing the Ohio Courts Technology Initiative in February 2015. More than \$2.5 million in grants have been awarded to local courts to upgrade technology that ensures the efficient and effective administration of justice.
- **Access to Justice:** The Chief Justice charged the Supreme Court's Task Force on Access to Justice with identifying obstacles to accessing the civil justice system in Ohio. The task force issued 11 recommendations in April 2015, which include more funding and higher fees for out-of-state attorneys to fund civil legal aid work and creating an Access-to-Justice position at the Supreme Court.
- **Budget:** Chief Justice O'Connor appointed a task force on the judicial budget to identify the method and manner by which Ohio courts are funded, to determine the long-term efficacy of the current funding models, and to review possible alternatives that might provide sustained and consistent funding for Ohio courts.
- **Death Penalty:** In a cooperative effort between the Supreme Court of Ohio and the Ohio State Bar Association, Chief Justice O'Connor led the establishment of the Joint Task Force to Review the Administration of Ohio's Death Penalty, a group of 21 judges, prosecuting and defense attorneys, and lawmakers, to examine ways to ensure the administration of capital punishment is fair and judicious. The group issued a final [report](#) containing 56 recommendations on May 21, 2014.
- **Community Involvement:** Chief Justice O'Connor is active in encouraging members of the judiciary to be active members of their communities by volunteering and engaging in worthwhile causes, while dispelling the common misconception that judges are separate and apart from the communities they serve.
- **CLE:** Working with judges and the organized bar associations, Chief Justice O'Connor led an effort to reform and improve the system of continuing legal education for judges and lawyers, including expanded use of technology and distance learning. The new rules went into effect January 1, 2014.
- **Commercial Dockets:** Chief Justice O'Connor led the effort to establish rules that allow certain qualified courts to create separate dockets to resolve business-to-business disputes fairly and efficiently. The rules went into effect in July 2013, and commercial dockets are now successfully operating in Hamilton and Lucas counties.

LEGAL EXPERIENCE

Chief Justice, Supreme Court of Ohio

Elected in November 2010; term began January 1, 2011

Justice, Supreme Court of Ohio

Elected in November 2002 and began term January 2003; re-elected in November 2008 and began term in January 2009

Prosecuting Attorney, Summit County

Served from 1995 to 1999

Judge, Summit County Court of Common Pleas

Served from 1993 to 1995 and elected by her peers to serve as administrative judge

Magistrate, Summit County Probate Court

Appointed in 1985 and served until 1993

Attorney, private practice of law

Practiced from 1981 to 1985 and handled both criminal and civil cases

STATEWIDE PUBLIC SERVICE

Lieutenant Governor and Director of the Ohio Department of Public Safety, State of Ohio

As lieutenant governor from 1999 to 2003, Chief Justice O'Connor also chaired the State of Ohio Security Task Force and the State Building Security Review Committee.

HONORS AND AWARDS

- Esther H. Bocker Award, Capital University Law School, 2015
- Dr. Bennett J. Cooper Award, Ohio Justice Alliance for Community Corrections, 2015
- Public Service Award, Ohio Association for Civil Trial Attorneys, 2014
- Honorary Doctor of Laws, University of Akron School of Law, 2013
- Commencement Speaker for the University of Akron School of Law, 2013
- Alumnus of the Year, Cleveland-Marshall College of Law, 2012
- Founders' Award, Ohio Women's Bar Association, 2011
- Pioneer Award, Akron Bar Association, 2011
- Irish Legal 100, 2010
- Commencement Speaker for Seton Hill College, May, 2001
- Commencement Speaker for Cleveland-Marshall College of Law, 1999
- Cleveland State University Distinguished Alumnae Award for Civic Achievement, 1997
- MADD Law Enforcement Award, Summit County, Ohio, 1997

PROFESSIONAL

Member, Board of Directors, Conference of Chief Justices

Member, American Law Institute



Patricia Lyn Odell is a proud graduate of the Meeteetse High School, Meeteetse, WY. She holds a BA from the University of WY (1982) and JD from the University of WY (1985). She is a member of the WY State Bar Association. Pat has been with the Wyoming Department of Corrections for 25 years.



Anne L. Precythe is the first female Director of Community Corrections. She brings 27 years of service with the agency to her new role. Employed with the Division of Community Corrections since 1988 as a Probation/Parole Officer in Duplin County, since then she has served in many capacities within the Division.

In 1999, Anne transitioned into a Quality Assurance role where she assisted managers in using data to manage operations and in 2003, was promoted to Lead Community Corrections Analyst supervising all quality assurance personnel and leading the agency in effective case management strategies.

In January 2006, Director Precythe was promoted to the position of Interstate Compact Administrator and named Deputy Commissioner to the Interstate Compact. In 2007, Anne became a national trainer with the Interstate Compact for Adult Offender Supervision office out of Kentucky. In 2008, she was presented with the National Interstate Commission for Adult Offender Supervision Executive Director's Award. She remains active with the National Commission, serving as the current Chair of the Training Committee and sits on the Executive Committee as well.

In January 2010, she assumed the responsibility of EBP Project Implementation Manager for the Division of Community Corrections and in August 2011, became the Supervision Services Administrator which also includes oversight of the sex offender management program, technology services, in-service training and all DCC programs (TECS, Transitional Housing, Community Intervention Centers, DART, Black Mountain, Drug Screening and labs, etc) and services.

Anne serves and has served on various councils and commissions throughout her career. She is a long standing member of the North Carolina Probation/Parole Association as well as the Correctional Peace Officer Foundation. She was most recently appointed to the North Carolina Interagency Council for Coordinating Homeless Programs (NCICCHP). In 2015, Anne was appointed by United States Attorney, Eric Holder to the National Institute of Corrections Advisory Board, representing all of Community Corrections across the country.

Anne is married with two married daughters and a grandson. During her spare time she enjoys golfing and spending time at the beach and lake.



Gary Roberge is the Director of Adult Probation and Bail Services for the State of Connecticut – Judicial Branch’s Court Support Services Division as well as the Commissioner of Interstate Compact for Connecticut. He has over 27 years of criminal justice experience within the Branch. Prior to obtaining supervisory and managerial positions, his career began with the Office of the Chief Bail Commissioner as a line officer providing direct service to the courts.

Mr. Roberge has spent the past 16 years working within the Connecticut Judicial Branch’s Court Support Services Division managing and now directing adult probation and bail field operations. He directs over 700 line and supervisory probation and pretrial staff who supervise over 41,000 probationers and 16,000 pretrial release cases.

Mr. Roberge is also a member of the Interstate Compact Executive Committee and is the Chair of the Interstate Compact Technology Committee. He is also the Co-chair of the Sex Offender Assessment and Management Sub-committee for the Connecticut Sentencing Commission.

Mr. Roberge received a Bachelor of Science Degree from Eastern Connecticut State University and Master of Public Administration Degree from the University of Hartford. He is also an adjunct professor in the Central Connecticut State University Criminology Department.



State Senator Bill Seitz, a lifelong resident of Western Hamilton County, has worked to represent the best interests of the Greater Cincinnati area at the Statehouse. Known for his colorful floor speeches and legal acumen, in a ranking of all 132 legislators published by Columbus Monthly Magazine, Seitz was rated best speechmaker, funniest and was recognized for his effectiveness, his knowledge and his hard work. He has put these talents to good use on issues that matter to his constituents.

Seitz began his public service career as a member of the Cincinnati Board of Education and the St. Antoninus Parish Education Commission. He was twice elected Green Township Trustee, where he also served as President of the Hamilton County Township Association. He has never forgotten his local government roots nor wavered in his belief that government governs best when closest to the people. Prior to joining the Ohio Senate in 2007, Seitz served in the Ohio House of Representatives for seven years. There, he rose through the ranks, serving as Majority Whip and Assistant Majority Whip and Chair of the Civil and Commercial Law Committee.

In the Senate, Seitz serves as Chairman of the Public Utilities Committee and Vice-Chairman of the Government Oversight and Reform Committee. He has also been named to the Criminal Justice Committee,

Energy and Natural Resources Committee, Civil Justice Committee, State and Local Government Committee, and the Finance Corrections Subcommittee.

A fiscal conservative, Seitz is a champion of government efficiency. While others in Columbus talk about reducing the size of state government, Senator Seitz has put tangible ideas on the table, including now-enacted proposals that would reduce prison overcrowding and save the state \$578 million through 2015. Throughout his legislative career, Senator Seitz has been at the forefront of criminal and civil justice issues, leading the effort to reform Ohio's criminal sentencing laws and eliminate the barriers to employment many non-violent offenders face following their release from prison. He has also worked to enhance penalties for violent offenders and to keep sex predators away from our children. He was the key architect of Ohio's sweeping tort reforms by which nearly two dozen such bills between 2001-2004 transformed Ohio's civil justice landscape and made Ohio more business-friendly. In these endeavors, he has been aided by his legal background. Seitz is of counsel to the Dinsmore & Shohl, LLP law firm, with which he has been associated since 1978, and for the last several years, he has been listed in the Best Lawyers in America book.

Throughout his adult life, and despite increasing responsibilities in Columbus, Seitz has served organizations that promote livable neighborhoods and strong local communities. He served as President of the Westwood Civic Association and the Western Economic Council; Secretary of the Bridgetown Civic Association; a Cincinnati Recreation Commission Commissioner, and a trustee of Invest in Neighborhoods. He remains active with the Price Hill/Western Hills Kiwanis Club and has also been a strong supporter of law enforcement as a member of the Fraternal Order of Police Associates and past president and secretary of the Cincinnati District 3 Police-Community Relations Committee.

Senator Seitz is an alumnus of the University of Cincinnati, where he graduated summa cum laude with an undergraduate degree in history. He also earned his Juris Doctorate from the University of Cincinnati College of Law, where he distinguished himself as a member of the Order of the Coif and was selected to the Law Review.



Jane Seigel Jane Seigel is the Executive Director of the Indiana Judicial Center. The Indiana Judicial Center conducts education programs for judicial officers, probation officers, court alcohol and drug program staff and problem-solving court staff, and other court employees. Ms. Seigel and staff members regularly attend legislative hearings and testify on upcoming court, probation, interstate compact, criminal and juvenile legislation. Ms. Seigel oversees the staff responsible for providing research services for the judicial branch, administering the interstate compact, certifying probation officers, certifying court alcohol and drug programs, and certifying problem-solving courts. The Center provides staff support for all the committees of the Judicial Conference of Indiana. As the Executive Director, Ms. Seigel chairs the newly created Justice Reinvestment Advisory Council, serves on the Board of Trustees of the Indiana Criminal Justice Institute, serves on the Juvenile Justice State Advisory Group, and serves as Indiana's Commissioner on the Interstate Commission for Adult Offender Supervision and the Interstate Juvenile Compact. She is Chair of the Rules Committee for the Adult Interstate Commission and serves on its Executive Committee. She also serves on the State Steering Committee for the Juvenile Detention Alternatives Initiative (JDAI) and is a member of the Annie E. Casey's JDAI Applied Leadership Network. Prior to assuming this position, she served as the General Counsel for the Indiana Association of Cities and Towns and worked in various legal positions at the Indianapolis-Marion County City-County Legal Division, now known as the Office of Corporation Counsel. Ms. Seigel received her B.A. degree from DePauw University and her J.D. Degree from Indiana University School of Law at Indianapolis. She is married and has two grown children.



Mindy Spring is the Training & Audit Coordinator for the Interstate Commission for Adult Offender Supervision. Mindy began her career with the Interstate Commission for Adult Offender Supervision's National Office in 2004. As the Training & Audit Coordinator, Mindy administrates online trainings, updates training publications, and provides support in onsite trainings through the Commission's Technical and Training Assistance program. Mindy also serves as a project team member in the development and support of the Interstate Compact Offender Tracking System (ICOTS). Mindy is a graduate of the University of Tennessee with a Bachelor of Science Degree in Business Administration.



Tim Strickland, a 1994 graduate from Valdosta State University with a Masters in Public Administration Degree, began his career with the Florida Department of Corrections in 1995 and has served inside the fence as a Corrections Officer and Classification Officer prior to transferring out to Community Corrections where he has served as a Correctional Probation Officer, Senior Officer, Supervisor, Senior Supervisor, and Deputy Circuit Administrator.

Tim is a Florida Department of Law Enforcement Certified Instructor in General Instruction, Defensive Tactics, and Firearms and is a Florida Department of Corrections Certified Range Master.

Tim has worked in 2 Prisons and 4 Circuits throughout his career serving in different areas of the state and in both rural and urban areas prior to his appointment to his current position in the Central Office in February 2015.



Jeremiah Stromberg is currently serving as the Assistant Director of Community Corrections for the Oregon Department of Corrections. This role includes oversight of the community corrections grant in aid funding; development of statewide legislation, policies, and rules that govern community corrections; jail inspections; liaison between the Counties of Oregon and the Department of Corrections, and Interstate Compact.

Jeremiah served on the Oregon Board of Parole & Post-Prison Supervision from 2009-2012, first as the Executive Director before being appointed by Governor John Kitzhaber as a member of the Board.

From 1997-2009, he worked for Multnomah County Department of Community Justice in Portland, Oregon in a variety of roles including: Lead of the Juvenile Sex Offender Treatment Unit within the Juvenile Detention Center; Manager of the Adult Secure Residential Treatment Program; Manager of the START Drug Court; Manager of the Parole and Probation Domestic Violence Unit, and finally Manager of the Local Control Supervision Unit.



Patricia Tuthill: following the murder of her daughter, Peyton Tuthill in 1999, Pat left her career as director of human Resources with a medical center to become a legislative activist, public speaker, and advocate for victims issues and public safety. She lobbied all 50 states to pass a new, tougher Interstate Compact for Adult Offender Supervision (ICAOS) that governs the interstate relocation and transfers of probationers and parolees across the country. In October 2005, she joined Governor Romney as he signed Compact legislation in Massachusetts achieving her dream of enacting the Compact in all states. She has been

referred to as an “outspoken” advocate in promoting public safety and victims’ rights. Pat has become a national speaker and trainer for criminal justice professionals, victims groups, judiciary, and policy makers. Pat has continued her focus on Restorative Justice and speaking to and working with incarcerated inmates on both the Impact of Crime, Accountability, and Returning to Communities. In addition she works with offenders families to listen to concerns regarding transfers and informs them on necessity of Compact and public safety issues.

She received the Ronald Reagan Public Policy Award from US Attorney General Eric Holder in 2014 championing the implementation of a national automated victim notification system. APPA awarded her Judge Joe Kegans Award for Victim Services in 2011. Selected as 1 of 25 Women You Should Know in Florida.

Pat founded the Peyton Tuthill Foundation that awards college scholarships to children who have been left behind by homicide, assist survivors and victims in navigating the criminal justice system to ensure their rights are protected, and promote restorative justice with \$50,000 awarded as of 2016. As a result of her work she has filmed several documentaries. MSNBC, ID Discovery, BBC Discovery Channel, and French documentary titled Human that premiered at the United Nations in September 2015.

Appointments: Ex-Officio Victims’ Representative to the National Commission for the Interstate Compact; appointed by three Florida governors as the victim representative to the Florida State Compact Council; appointed as the victim representative to the Florida State Council for the Interstate Juvenile Compact; and American Corrections Association Delegate. She is a graduate of Southern Illinois University and holds a MS in Human Resources Management and is a member of both APPA and ACA, Victim Issues Committee, POMC, and NOVA.



Annual Business Meeting Compact Member Attendee List

ALABAMA	 Chris Norman Commissioner, Vice Chair	 Lee Ishman DCA	
ALASKA	 Carrie Belden Commissioner	 Kathryn Luth DCA	
ARIZONA	 Dori Ege Commissioner/ DCA Probation	 Lisa Svoboda DCA Parole	
ARKANSAS	 Shelia Sharp Commissioner	 Linda Mustafa DCA	
CALIFORNIA	Guillermo Viera Rosa Commissioner	 Anthony Pennella DCA	
COLORADO	Alison Morgan Commissioner	Merideth McGrath DCA Parole	 Devon Whitefield DCA Probation
CONNECTICUT	 Gary Roberge Commissioner, Technology Committee Chair	Fred Watton DCA Parole	 Natalie Latulippe DCA Probation
DELAWARE	John Sebastian Official Designee/DCA		
DISTRICT of COLUMBIA	 Elizabeth Powell Official Designee/DCA		
FLORIDA	 Tim Strickland DCA		
GEORGIA	 Chris Moore Commissioner, South Region Chair	 Jenna James DCA Parole	 Miriam Dyson DCA Probation

HAWAII



Sidney Nakamoto
Commissioner



Michael Knott
DCA Parole

IDAHO



Denton Darrington
Commissioner



Judy Mesick
DCA

ILLINOIS

Dara Matson
Commissioner/ DCA Parole



Holly Kassube
DCA Probation

INDIANA



Jane Seigel
Commissioner, Rules
Committee Chair



Turran Blazier
DCA Probation

Leslie Alexander
DCA Parole

IOWA



Charles Lauterbach
Commissioner,
Treasurer



Simona
Hammond
DCA

KANSAS



Matthew
Billinger
Official
Designee/DCA

KENTUCKY

Kim Potter-Blair
Commissioner



Steve Turner
DCA Probation

LOUISIANA

Pete Fremin
Commissioner



Gregg Smith
DCA

MAINE



Scott McCaffery
Commissioner

Bill Goodwin
DCA

MASSACHUSETTS

Paul Treseler
Commissioner

Michael Callahan
DCA Parole

MARYLAND



Joseph Clocker
Commissioner

Cornelius Woodson
DCA

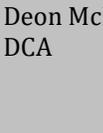
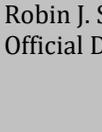
MICHIGAN



Russell Marlan
Commissioner



Joseph Beaman
DCA

MINNESOTA		Allen Godfrey Commissioner				
MISSISSIPPI		Christy Gutherz Commissioner		Richie Spears Compact Administrator/ DCA		
MISSOURI		Ellis McSwain Commissioner		Lori Zuroweste DCA		
MONTANA		Cathy Gordon Commissioner/DCA				
NEBRASKA		Jacey Nordmeyer Commissioner/ DCA Probation		Sally Reinhardt- Stewart DCA Parole		
NEVADA		Shawn Arruti Commissioner		Deon McDaniel DCA		
NEW HAMPSHIRE		Mike McAlister Commissioner		Jeanne Stewart DCA		
NEW JERSEY		Robin J. Stacy, Esq. Official Designee/DCA Parole		John Gusz DCA Probation		
NEW MEXICO		Roberta Cohen Commissioner		Victoria Vigil DCA		
NEW YORK		Robert Maccarone Commissioner		Felix Rosa DCA Parole		Matthew Charton DCA Probation
NORTH CAROLINA		Anne Precythe Commissioner, Training Committee Chair		Jay Lynn DCA		
NORTH DAKOTA		Charles Placek Commissioner		Amy Vorachek Compact Administrator		

OHIO	 Sara Andrews Commissioner, Chairwoman	 Suzanne Brooks DCA	
OKLAHOMA	Anthony Rowell Commissioner	 Frank Mesarick DCA	
OREGON	 Jeremiah Stromberg Commissioner, Compliance Committee Chair	 Mark Patterson DCA	
PENNSYLVANIA	 Margaret Thompson Commissioner/ DCA Probation	 Kay Longenberger DCA Parole	
RHODE ISLAND	 Laura Queenan Official Designee DCA		
SOUTH CAROLINA		 Christopher Harris DCA	
SOUTH DAKOTA	 Doug Clark Commissioner, Midwest Region Chair	 Sarah Ball DCA Parole	 Nancy Allard DCA Probation
TENNESSEE	 Bobby Straughter Commissioner	 Debbie Duke DCA	
TEXAS	Libby Elliott Commissioner	 Regina Grimes DCA	 Ethel White DCA
UTAH	James Hudspeth Commissioner	 Jim Ingle DCA	
VERMONT	 Dale Crook Commissioner, East Region Chair	 Donna Pratt DCA	
VIRGINIA	 James Parks Commissioner	 Julie Lohman DCA	
U.S. VIRGIN ISLANDS	Rick Mullgrav Commissioner		

WASHINGTON	 Anmarie Aylward Commissioner, West Region Chair	 Tanja Gilmore DCA
WEST VIRGINIA	 Diann Skiles Commissioner	 Amy Kirk DCA
WISCONSIN	 Tracy Hudrlik Commissioner, DCA Liaison Committee Chair	 Mary Evans DCA
WYOMING	 Coltan Harrington Commissioner	 Patricia Odell DCA

EX OFFICIO MEMBER ATTENDEES

American Probation and Parole Association (APPA)	 Veronica Cunningham
Association of Paroling Authorities International (APAI)	 Monica Morris
Association of Prosecuting Attorneys (APA)	Marlene Botros
Interstate Commission for Adult Offender Supervision, Victims' Advocate (ICAOS)	 Pat Tuthill
Interstate Commission for Juveniles (ICJ)	 Ashley Lippert
National Association for Public Defense (NAPD)	Elizabeth Miller
National Conference of State Legislatures (NCSL)	 Craig Tieszen
National Sheriffs' Association (NSA)	Jonathan Thompson

NATIONAL OFFICE STAFF



Harry Hageman, Executive Director



Lori Meister, Assistant Director



Mindy Spring, Audit and Training Coordinator



Xavier Donnelly, ICOTS Manager



Kevin Terry, Web Analyst



Barno Saturday, Logistics and Administrative Coordinator

LEGAL COUNSEL



Rick Masters, General Counsel

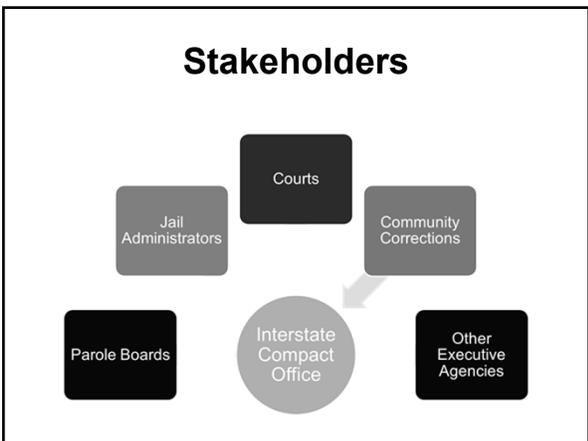


**ICAOS Compact
Office Roles &
Responsibilities**

2016 DCA Training Institute

Training Objectives

- Training Stakeholders
- Applying the Rules w/Purpose of the Compact
- Ensuring Quality Information
- Best Practices/Shared Documents
- DCA Mentoring Program
- Resources



Work the Rules, Don't Let the Rules Work You!!

- Operationalize the rules when training stakeholders
 - ✓ Compact offices have a duty to communicate & cooperate with other state compact offices while supporting the field
- Reinforce purpose and goals of the compact as well as the authority of the compact office
 - ✓ What's best for public safety?
 - ✓ What's best for the offender?

Purpose of ICAOS

- Promote Public Safety
 - **Communication & Cooperation**
- Protect the Rights of Victims
- Effective Supervision/Rehabilitation
- Control Movement of Offenders
- Provide for Effective Tracking



Use the Rules as Your Guide

- Rules are a framework....
 - Do not cover specific scenarios
 - Even Advisory Opinions are for specific cases
- Statute language
 - The Interstate Commission...will promulgate rules to achieve the purpose of this compact

Obligation to Review Activities

DO

- Review Outgoing & Incoming activities
 - READ through the entire activity
- Ensure 'quality' ICOTS activities are going out of your state
- Ask for more information

DON'T

- Communicate with other states using the 'send back'
- Use the rules against getting the offender where they need to be
- Assume a state is 'using a rule loophole'
 - *Remember circumventing or using a rule against the purposes imposes liability just as failure to comply with a rule*

Transfer Review

- Review the offenses between ICOTS and your in-house database
- Open EACH attachment
- Is the TR/RI reason legitimate under the rules?
 - *Are they really a resident?*
- Is the application/waiver signed & populated?
- When rejecting, Is the reason for the rejection legitimate?

Other Activity Review

- Violation Reports:
 - Does the VR in ICOTS match up with what your in-state matrix requires?
 - Does the VR tell the 'story' that supervision is unsuccessful
- Case Closure Notices:
 - Is the reason for the closure legitimate?
- DOES THIS MAKE SENSE?
- Returning deficient items to YOUR field is a training opportunity
 - Do not return items transmitted from another state! Call!

Communicate!



Best Practices & Shared Documents

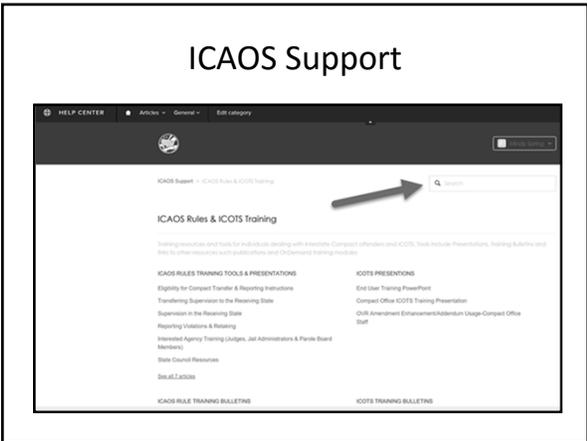
No need to recreate the wheel!

Tip of the Month!

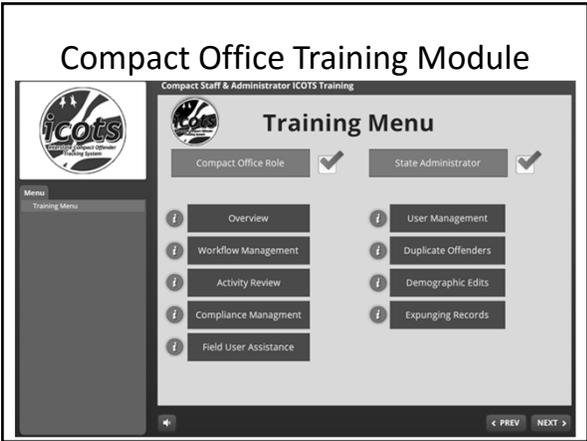
- Explain impact of new rule language
- Show how in-state processes are incorporated into Interstate Business in your state

A collage of documents. On the left is a document from the Utah Department of Corrections titled "New Rule effective March 1, 2014 - Notice of Arrival". In the center is a document from the North Carolina Department of Public Safety titled "Tip of the Month August 2016". Below these are two text boxes: one titled "ISC Tip" and another titled "ICOTS Tip".

ICAOS Support



Compact Office Training Module



Questions



State Shared Resources & Tools



Mindy Spring

Today at 09:37

Follow

The following documents and publications shared by states provide examples of resources and tools for educating various stakeholders on the Interstate Compact Requirements

NC Interstate Compact Guide

ND Violation Reporting Tools (3)

- Absconder
- New Arrest
- Significant Violations

NE's MOU for managing dual supervision cases

NY State Council Bylaws

NY What Jails Need to Know

NY What Judges Need to Know

OH Bifurcation Sheet

OH Interstate Compact Bench Card

SC Detain & Hold Form

UT Tips of the Month

- Notices of Arrival
- Reporting Instructions for an Accepted Transfer Request

WY ICAOS Eligibility

National Office Templates

Find additional tools in the Interested Agency Training section

- Parole Board Guide Template
- Jail Administrator & Magistrates Guide Template
- Eligibility Worksheet & Guide (originally provided by PA)

Interested Agency Training (Judges, Jail Administrators & Parole Board Members)



Mindy Spring

August 08, 2016 17:07

Interstate Compact training results in better offender management and increased public safety. Every jurisdiction, including courts, parole boards and community corrections are subject to the Interstate Compact for Adult Offender Supervision's rules.

Judges/Court Personnel

All courts and executive agencies in member states must enforce the Compact and take all necessary actions to effectuate its purpose. ICAOS does not impact the judicial sentencing of an offender, only how the offender is supervised across state lines. These training tools and resources highlight the legal authority and implications of the interstate compact rules, statute and procedures.

- [Legal Background & Implications \(PowerPoint Presentation\)](#)
- [Benchbook for Judges & Court Personnel \(Publication\)](#)
- [A Hearing Officer's Guide to the Retaking Process\(Publication\)](#)
- [Important Liability Considerations for State Officials \(Publication\)](#)
- ["Why Your State Can Be Sanctioned Upon Violation of the Compact or the ICAOS Rules" \(Publication 2011-Whitepaper\)](#)
- ["Discharge of Sentences in Lieu of Retaking is a Violation of the Compact and the ICAOS Rules" \(Publication-Whitepaper\)](#)
- [Judicial Issues OnDemand Training Module \(Online Training\)](#)

Jail Administrator

These training tools and resources highlight important Interstate Compact rules pertaining to detaining offenders from other states.

- [Jail Administrator Training \(PowerPoint Presentation\)](#)
- [Jail Administrators & Magistrates Guide \(Template-Publication\)](#)
- [Jail Administrator OnDemand Training Module \(Online Training\)](#)

Parole Board Members

These training tools and resources highlight important Interstate Compact rules pertaining to offenders transferring to another state after release from prison.

- [Parole Board Guide \(Template-Publication\)](#)
- [Parole Board OnDemand Training Module \(Online Training\)](#)

Top ICOTS Reports

- Duplicate Offender List: See what duplicate offender records are associated with your state. Also provides information on pending action (move, merge, deleted, etc.)
 - *Quick Tips:* <https://support.interstatecompact.org/entries/20047423-Merge-Move-and-Delete-Case-Requests>
- Cases in Need of NOD: See what cases have approved reporting instructions (or Transfer Request approval w/RI's)
 - *Quick Tips:* <https://support.interstatecompact.org/entries/20269478-Problem-100673-Case-shows-needing-NOD-incorrectly>

	CONNIE WILSON	Probation	GA:1116330 FL:D08993	-		R2RFRI: - TREP: -		
	LASHONDA JENNINGS	Probation		-		R2RFRI: - TREP: -	03/15/2010	491
	JONATHAN WRIGHT	Probation		Yes		R2RFRI: -	04/05/2011	181

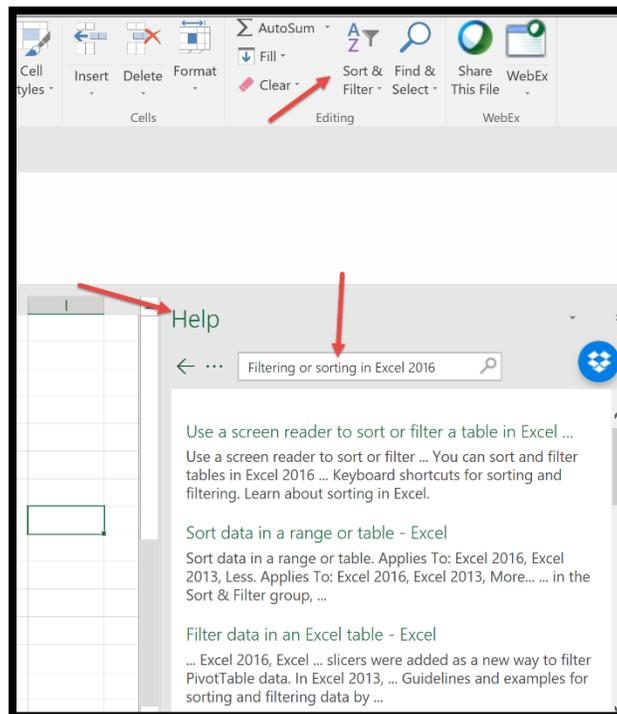
Ignore the case if both dates are blank

- Cases in Need of NOA: See what cases have NOD submitted by Sending State
- Rejected Cases Requiring Attention: See what cases are in rejected status and offender is either in the sending state (NOD/NOA not submitted) or in the receiving state (NOD/NOA submitted)
 - *Quick Tips:* <https://support.interstatecompact.org/entries/87675388-Rejected-Cases-Requiring-Action-Report>
 - *Offenders returning after rejection MUST be initiated by requesting return RIs* <https://support.interstatecompact.org/entries/98911518-1-2016i-Offenders-Returning-to-a-Sending-State>
 - Coming soon! New external reports to assist with
 - identifying rejected cases without new TR
 - NOD/NOA management for returns
 - Ordered to return after violation

Top External Reports

Maximize the reporting capabilities available....be familiar with exporting and customizing report information using MS Excel (sorting and filtering)!

- Quick Tip: <https://support.interstatecompact.org/entries/20647613-How-to-Export-External-Reports-to-Excel-and-Other-Formats>



- Dashboards: At a glance look at your state's performance for transmitting:
 - **Case Closure Notices** within 10 biz days of Supervision End Date
 - **Case Closure Responses** within 10 biz days of receipt of Case Closure Notice
 - **Transfer Replies** within 45 days of receipt of Transfer Request
 - **Request for Reporting Instructions Replies** within 2 biz days (5 for sex offenders) of receipt of Request for Reporting Instructions
 - **Annual Progress Reports** within 365 days of EITHER the Notice of Arrival or last Progress Report submitted
 - **Request Progress Reports** within 30 days of Specialized Compact Action Request asking for the Progress Report
 - **Violation Responses** within 10 biz days of receipt of violation report (compliance reports DO NOT include responses to addendums...See <https://support.interstatecompact.org/entries/39322888-Offender-Violation-Report-Workflow>)
 - *Quick Tip: Be familiar with ICOTS generate email notifications. Additional reminders may be necessary from the compact office to improve compliance. <https://support.interstatecompact.org/entries/20678378-Email-Notification-Time-Frames>*

- Detailed Compliance Reports (by activity/breakdown provides compliance by county/user): Same data set used by the dashboards with additional detail to identify training issues in certain counties or with certain users in your state.

- ICOTS User List: State administrators responsible for auditing user accounts should be familiar with this report. Most common uses include:
 - Identify active accounts
 - Last login date...users with active ICOTS cases should be logging in regularly!
 - Verify user roles, supervisor assignments
 - Assist with login issues: *logins are case sensitive and each user has capabilities to change user name*

- Annual Progress Report Due: Run in future date range to see what Annual Progress Reports are coming due.
 - *Quick Tip: Remember users receive limited email reminders (30 days before and on the due date) and the Progress Report activity is unmanaged. Additional reminders from the compact office may increase compliance. Plus, reports can be sorted/filtered to see the due dates by user and/or supervisor to minimize the # of emails needed.*

- Supervision End Date: Run in future date range to see what Case Closure are coming due.
 - *Quick Tip: As sending state, verify SED's are accurate or to conduct a case review rather than communicating after the fact via denial of Case Closure*

Notice (e.g. any monies owed are paid, conditions completed if your state's policy requires this before supervision officially expires.)

- Activity History Reports: Stats! Filter by special status (e.g. sex offenders, victim sensitive,) date range and activity. Detailed Reports and Summary Reports (if you just need the numbers) Most common examples include:
 - ***Outgoing Activities for Incoming Cases***
 - *Want to know how many/case summary regarding investigations your state completed this year, this quarter? Filter by Transfer Reply*
 - *Want to know how many offenders/case summary came into your state? Filter by NOA (there is also a NOA specific report available)*
 - *Want to generate a list so your office can review all the progress reports your state sends out at one-time (rather than chasing email/one by one) Filter by Progress Report*
 - ***Incoming Activities for Incoming Cases***
 - *Want to know how many/case summary regarding Case Closure Notices your state rejected resulting in the case remaining active? Filter by Case Closure Replies*
 - ***Incoming Activities for Outgoing Cases***
 - *Want to review Progress Reports (filter by receiving state, other parameters) for your outgoing offenders? Filter by Progress Report*
 - ***Outgoing Activities for Outgoing Cases***
 - *Want to know how many offenders/case summary regarding offenders your state has transferred who violated? Filter by Violation Reply*
- Active Offenders & Cases: See what cases and offenders are currently 'active' in your state's caseload. Report available too with offense details.

KS Compact Audits

Failure of the officer to act may result in ICOTS access being revoked, case responsibility to supervisor

ICAOS Reports updated on Sundays

- Overdue Audit - 2-3/week (ICOTS actions that are due/overdue)
 - Outlook Folder > KS Compact > Due Today
 - Emails notifications auto sorted by subject line “Due Today” to compact folder
 - Email to officer after 2 days not completed
 - Copy to Follow Up Folder (Matt > Follow Up)
 - Emails auto sorted by “From Matt”
 - Second email 2 days after email to officer
- Unassigned List - 1/week (Parole cases transferred out, that need assigned to compact office)
 - ICAOS Reports -> Active Cases by SS -> All Parole -> Export to Excel (data only)
 - Excel -> Sort by “Sending User” -> Delete “compact office user” offenders
 - Use remaining fields to reassign from KS user to compact office
- Duplicate Offender List-1/week (officers created a profile, when an existing already exists)
Tip: <https://support.interstatecompact.org/entries/20047423-Merge-Delete-and-Move-Case-Requests>
 - [ICAOS](#) > ICOTS > Reports > Duplicate Offender List
 - Review and submit medication in ICOTS
- Upcoming Progress Reports due 1/Month
 - [ICAOS](#) > ICOTS > Reports > Annual Progress Report Due Dates By RS
 - Date Range: 1st of current month, last day of next month.
 - Export to Excel (data only) -> 1st Sort by user, 2nd Sort by Supervisor
 - This groups all users under the same supervisor, then sub-group by officer name.
 - Send this list out at month end to supervisors advising of upcoming progress reports due, include overdue and upcoming.

- Action Required Reports 1 / Month
 - Run all reports (sending/receiving) from ICOTS reports section.
 - Send email to officers/states of overdue action
- Rejected Cases 1 /2 weeks
 - ICOTS-> Reports -> Rejected Cases Requiring Action
 - Any Case Transferred from Kansas.
 - Report converted to Excel
 - Sort by Days since rejected
 - Disregard anything under 20 days
 - Sort by Supervising PO email to group offenders
 - Send to PO advising if no further action, to withdraw
- All ICOTS users email
 - [ICAOS](#) > ICOTS > Reports > ICOTS Users List
 - Account Active = YES
 - All other fields leave blank
 - Export to Excel -> copy all users email addresses
 - Past to Outlook email To: (should be 400+ users)
 - Useful for travel restrictions, trainings, rule updates, etc.
 - List can also be used to determine last log in into ICOTS.



Best Practice 1-2010

Managing ICOTS Data and Administrating User Accounts
Using ICOTS External Reports

Issued: May 20, 2010
Revised: N/A

Best Practice 1-2010

+ Managing ICOTS Data and Administrating User Accounts Using ICOTS External Reports

+ **ISSUED:** May 20, 2010

+ **REVISED:** N/A

+ **TYPE:** Procedure

+ **SUBJECT:** Administration

+ **CONTACT:**

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Abstract

External data from ICOTS provides reporting tools to assist in managing case and offender data as well as user accounts.

Description

With access to ICOTS external data and reports, the Virginia, Texas and Kentucky compact offices regularly review the information to manage case and offender information as well as user accounts. The reports address cleaning up duplicate records in the system, auditing and managing compliance with ICAOS rules as well as diagnosing user login issues.

"The use of these reports has been instrumental to us and we will continue to use them to try to make sure that the data is good and that offenders who are supposed to be subject to compact supervision are under supervision as required. We are also in the process of making sure that the users in Texas become more aware of the ability to "self monitor" their cases." -Regina Grimes, Texas

Implementation

Each week, staff members print each of the external report available on the ICAOS website. Exporting the reports to Excel allows for additional filtering and sorting if needed. Currently the reports available include:

[ICOTS User List](#)

List of all ICOTS users with information on state, probation, parole, role, created date, supervisor, active status, and workflow status.

[Duplicate Offender List](#)

List of ICOTS offenders which have been identified as possible duplicate records. List can be filtered on sending state.

[Active Rejected Cases](#)

List of all rejected cases that have not been either withdrawn or closed. The list is split into two sections; the first are the cases that the selected state can withdraw and the second are the cases that require a case closure.

[Pending Merge & Delete Requests](#)

List of all pending merge and delete requests awaiting review by the state compact office. This list is split into two sections; the first are the pending delete requests for the state compact office and the second are the pending merge requests for the state compact office.

[Notice Of Arrivals Submitted](#)

List of all notice of arrivals submitted into workflow within a configurable date range. List can be filtered on originating state, supervision type, and case status. Date ranges are based on date activity was submitted into the compact workload.

[Incoming Activities For Outgoing Cases](#)

List of incoming compact activities (arrival notices, compact action requests, progress reports, violation reports, case closure notices) for outgoing transfer cases transmitted to the sending state within a configurable date range. List can be filtered on sending state, supervision type, activity and/or case status.

[Active Offenders By Receiving State](#)

List of all active offenders in the receiving state as of the last data upload. An offender is considered active with either an open legacy case or an accepted transfer case with a transmitted notice of arrival in the receiving state. List can be filtered on sending state, receiving state, supervision type, legacy, and special status.

[Active Offenders By Sending State](#)

List of all active offenders from the sending state as of the last data upload. An offender is considered active with either an open legacy case or an accepted transfer case with a transmitted notice of arrival in the receiving state. List can be filtered on sending state, receiving state, supervision type, legacy, and special status.

[Transmitted Activities Summary](#) NEW

Count of each compact activity type transmitted to or from a state within a date range. Report can be filtered on state, supervision type, start date or end date. **WARNING:** This report takes a long time to run.

[Supervision End Dates By Receiving State](#) NEW

List of all active offenders in the receiving state with a supervision end date in the selected date range as of the last data upload. An offender is considered active with either an open legacy case or an accepted transfer case with a transmitted notice of arrival in the receiving state. List can be filtered on sending state, receiving state, supervision type, start date, and end date.

[Supervision End Dates By Sending State](#) NEW

List of all active offenders from the sending state with a supervision end date in the selected date range as of the last data upload. An offender is considered active with either an open legacy case or an accepted transfer case with a transmitted notice of arrival in the receiving state. List can be filtered on sending state, receiving state, supervision type, start date, and end date.

With the ICOTS User List Report, auditing active accounts and ensuring those who left service with the department no longer have access to ICOTS or cases assigned to them is more efficient. In addition, this report assists in diagnosing login issues such as duplicate accounts or incorrect email addresses.



Best Practice 1-2010

Managing ICOTS Data and Administrating User Accounts
Using ICOTS External Reports

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Prior to accessing this report, contacting the national office for assistance and delaying response to the user was the only option.

"Fixing login issues on-the-spot cut down field frustration allowing users to get back to the business of the Compact more quickly." --Julie Lohman, Virginia

The Active Rejected Cases Report identifies cases in need of resubmission, withdrawing, or closing. Exporting the report to Excel allows for filtering and sorting based on the rejected date. For rejections transmitted within the last 15 days due to an incomplete transfer request, the report identifies the assigned user in need of resubmitting the request. For the remaining cases listed on the report, review of those cases determines subsequent action. Most cases in which the offender continues to remain in the sending state are simply withdrawn removing them from the report. Offenders in the receiving state with reporting instructions require them to return at the order of the sending state and a case closure transmission by the receiving state. On occasion, this report also identifies cases where the receiving state withdrew the acceptance in error. Under these circumstances, the sending state and receiving state must work together to correct the record.

"The Active Rejected Cases Report allows us to monitor cases to ensure that a completed transfer request is submitted within established time frames, to ensure that once an offender's transfer request is rejected, the offender is returned to the sending state, and appropriate actions are submitted in ICOTS." --Ethel White, Texas

The Pending Merge & Delete Requests Report identifies merge and delete requests that await action by the selected state. This ensures state administrators do not overlook those requests by identifying the ones specifically needing that state's attention. Time spent reviewing and responding decreased dramatically with the introduction of this report.

The Notice of Arrivals Submitted Report provides case information on offenders arriving in the selected state. States may use this report to conduct or audit intake processes and to enter information regarding those offenders into their in-state systems.

The Active Offenders by Sending State or Receiving State reports provide detailed accounts of compact cases unlike the report in ICOTS that provides a summary and count of offenders under active compact supervision in a receiving state. These reports assist in audits as well as provide demographic information for sharing with other agencies within a state. By using specific report criteria, this report provides a list of sex offender cases or victim sensitive cases under supervision within a state and out of a state.

"I really like the active detailed offenders report because it allows us to compare our numbers with the national offices as far as offenders on Interstate Compact." --Steve Turner, Kentucky

"Victim Services personnel across the United States would benefit from having a list of victim sensitive cases [Active Offenders Report filtered on special status] to work from to assure notification, at least, for registered victims within their own states." --Keven Pellant, Kansas

Utilizing the Incoming Activities for Outgoing Case Report saves users with large outgoing caseloads significant time previously spent chasing emails. A few states manage specific outgoing cases at their compact office, such as all parole cases. This report, designed specifically with that scenario in mind, provides a detailed list of cases by order of a specified activity (Progress Reports, Compact Action Request, Notice of Arrival and Violation Report.) The list also provides added offender identification information as opposed to the current emails generated by ICOTS.



Best Practice 1-2010

Managing ICOTS Data and Administrating User Accounts
Using ICOTS External Reports

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The Supervision End Date by Sending or Receiving State Reports provide lists of active offenders specifying the supervision end date and the respective assigned user. The Supervision End Date by Sending State identifies cases nearing the supervision end date. States use this report to request progress reports and to check on monetary obligations prior to a case closure submission from the receiving state. The Supervision End Date by Receiving State identifies cases that need an upcoming case closure by the selected state. States may use this report to prepare any closure procedures outside of ICOTS.

