



**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
ANNUAL BUSINESS MEETING MINUTES**

**September 14, 2011
Renaissance Montgomery Hotel
Montgomery, AL**

Call to Order

The meeting was called to order by Chairman M. Gilliam (OK) at 8:04 a.m. CDT. Alabama Color Guard presented the flags.

Chairman M. Gilliam (OK) welcomed everyone to the 2011 Annual Business Meeting in Montgomery, AL.

Roll Call

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

1. Alabama	Chris Norman, Commissioner
2. Alaska	Ronald Taylor, Commissioner
3. Arizona	Dori Ege, Commissioner
4. Arkansas	David Eberhard, Commissioner
5. California	Margarita Perez, Commissioner
6. Colorado	Susan White, Designee
7. Connecticut	John DeFeo, Designee
8. Delaware	Karl Hines, Commissioner
9. District of Columbia	Adrienne Poteat, Commissioner
10. Florida	Jenny Nimer, Commissioner
11. Georgia	Jenna James, Commissioner
12. Hawaii	Cheryl Marlow, Commissioner
13. Idaho	Kevin Kempf, Commissioner
14. Illinois	Michelle Buscher, Commissioner
15. Indiana	Jane Seigel, Commissioner
16. Iowa	Charles Lauterbach, Commissioner
17. Kansas	Kimberly Schwant, Designee

18. Kentucky	Timothy Carman, Commissioner
19. Louisiana	Gregg Smith, Designee
20. Maine	Scott McCaffery, Commissioner
21. Massachusetts	<i>Not in attendance</i>
22. Maryland	Patricia Vale, Commissioner
23. Michigan	John Rubitschun, Commissioner
24. Minnesota	Jill Carlson, Commissioner
25. Mississippi	Jerry Williams, Designee
26. Missouri	Ellis McSwain, Commissioner
27. Montana	Pam Bunke, Commissioner
28. Nebraska	Kari Rumbaugh, Designee
29. Nevada	Kim Madris, Commissioner
30. New Hampshire	Mike McAlister, Commissioner
31. New Jersey	Debra Alt, Designee
32. New Mexico	Edward Gonzales, Commissioner
33. New York	Andrea Evans, Commissioner
34. North Carolina	Jay Lynn, Designee
35. North Dakota	Leeann Bertsch, Commissioner
36. Ohio	Roger Wilson, Designee
37. Oklahoma	Milton Gilliam, Commissioner
38. Oregon	Mark Cadotte, Commissioner
39. Pennsylvania	Benjamin Martinez, Commissioner
40. Puerto Rico	Raquel Colon, Commissioner
41. Rhode Island	Kevin Dunphy, Designee
42. South Carolina	Kela Thomas, Commissioner
43. South Dakota	Ed Ligtenberg, Commissioner
44. Tennessee	Gary Tullock, Commissioner
45. Texas	Kathie Winckler, Commissioner
46. Utah	Mike Mayer, Commissioner
47. Vermont	Phillip Damone, Designee
48. Virginia	James Sisk, Commissioner
49. Virgin Islands	Warrington Chapman, Commissioner
50. Washington	Marjorie Martin, Designee
51. West Virginia	Henry Lowery, Commissioner
52. Wisconsin	Cari Taylor, Commissioner
53. Wyoming	Dawn Sides, Commissioner

Executive Director H. Hageman recognized Ex-Officio members:

- National Conference of State Legislatures - Senator D. Darrington
- National Victims Organization - P. Tuthill
- American Probation and Parole Association – D. Kincaid
- Association of Paroling Authorities International - K. Hardison
- Interstate Commission for Juveniles - D. Dodd
- Conference of State Court Administrators - S. Holewa
- National Governor Association – *Not in attendance*

- National Organization of State Chief Justice –*Not in attendance*
- National Organization of Attorney General – *Not in attendance*
- National Institute of Correction – *Not in attendance*

Welcome & Overview

Commissioner C. Norman (AL) welcomed the Commission to Montgomery, AL.

Legal Counselor R. Masters introduced former Chief Justice of the Alabama Supreme Court, Sue Bell Cobb, who gave a welcoming speech.

Chairman M. Gilliam (OK) instructed the Commission on the rules and procedures of the meeting.

Approval of Agenda

Commissioner E. Ligtenberg (SD) moved to approve the agenda as drafted. Commissioner E. Gonzales (NM) seconded.

Agenda approved.

Approval Minutes

Commissioner H. Lowery (WV) moved to approve the 2010 Annual Business Meeting minutes as drafted. Commissioner M. Cadotte (OR) seconded.

Minutes approved as drafted.

Compliance Committee Report

Commissioner M. McAlister (NH), Compliance Committee Chair, reported that the Compliance Committee met twice and discussed the following issues: California's Annual Dues, Commissioner Vacancies in VI & VT, Georgia and California's Incident Reports, and FY 2011 Compliance Audit Results.

FY 2011 had the following incident reports: Rule 2.110- Relocation in violation of the compact (7); Rule 3.101-3 -Sex offender rule (1); Rule 3.102 - Failure to submit a transfer request (5); Rule 3.103 - Reporting Instructions (1); Rule 3.104 - 45 day rule for investigations (1); Rule 3.106 - Expedited reporting instructions (1); Rule 4.105 - Arrival and departure notices (10); Rule 4.109 - Absconding violation (1); Rule 4.112 - Closing supervision (2); Rule 5.101 - Retaking rule (1); and Rule 5.103-2 - Mandatory retaking of violent offenders (1).

The National Office completed FY 2011 Compliance Audit in July 2011. Based on the results, the most common compliance issues are the following: 3.104 - Forty-five Day Rule; 3.106 - Seven Day Rule; 4.102 & 4.112(a)(1) - Case Closing; 4.105 (a) and (b) - Notices of arrival & departure and 4.106 - Progress Reports.

Based on the Compliance Committee recommendation, the Executive Committee decided to limit the compliance audit FY2012 to the 14 states that had five or more standards in the “C” category in FY 2011, which is less than 80% compliance.

Commissioner M. McAlister (NH) motioned to accept the Compliance Committee report. Commissioner H. Lowery (WV) seconded.

Report accepted.

Training, Education & Public Relations and Deputy Compact Administrators Committees Report

Commissioner D. Ege (AZ), Training Committee Chair and Deputy Compact Administrators Committee’s Interim Chair, expressed her gratitude towards the Committees members and the National Office staff’s work throughout the year.

In the past year, the Training Committee revised and updated Rules training curriculum (March 1, 2011), On-Demand Rules Modules, and Bench book (March 1, 2011). The Training Committee developed new Mini Trainings for Retaking for Significant Violations and Rule 5.103 and Probable Cause Hearings.

The Training Committee released one training bulletin on the Rule 1.101 Definitions - “Supervision.”

The Training Committee received continuing Legal Education accreditation for on-demand modules from Alabama, Alaska, California, Colorado, Florida, Kentucky, Louisiana, New York, North Carolina, Texas, Vermont, Washington and Wyoming.

Commissioner D. Ege (AZ) reported on the on-site trainings delivered by Committee members and the National Office staff: ICAOS Workshops at APPA (February 2010 and July 2011) and APAI (May 2011); statewide Oregon ICOTS Training (Jan 31- Feb 3, 2011); and Compact Issues, ICOTS workshop, Liability & Consequences in Montgomery, Alabama (Sept 13, 2011).

The Committee members and the National Office staff provided ICAOS Rules Amendment, Rules, Mini Rules and ICOTS WebEx trainings.

Commissioner D. Ege (AZ) presented an overview of the on-demand training usage statistics from August 2010 until August 2011. Since the launch of the program in March 2006, more than 19,200 individuals received their training.

Commissioner D. Ege (AZ) reminded the Commission to use the Technical and Training Assistance Policy, if they would like any training assistance in their state.

Commissioner D. Ege (AZ) moved to accept the Training, Education and Public Relations Committee and the Deputy Compact Administrators Committee reports. Commissioner B. Martinez (PA) seconded.

Reports accepted.

Information & Technology Report

Commissioner K. Winckler (TX), Technology Committee Chair, thanked the Technology Committee members for their service to the Committee. The Technology Committee met seven times since the last Business Meeting in October 2010.

Throughout the year, the Technology Committee worked on Appriss contract's renewal, SEARCH Technical Assistance, and APPA Data Sharing Workgroup.

In August 2010, Appriss indicated that it would not renew the contract with the Commission at the current price. After detailed research, Executive Director H. Hageman contracted a national consortium for justice information and statistics, SEARCH, to examine Commission's options in this situation. SEARCH operates on federal grants; therefore, no funding by the Commission was required. Based on SEARCH results, the Commission signed a one year contract with Appriss to provide support of the system and continue fixing bugs, while the Commission is looking for another vendor.

The National Office hired a third party vendor, to monitor ICOTS performance. As a result, Appriss made several infrastructure updates, which improved page load times and overall performance.

Appriss developed and launched six releases that cover user administration fixes, additional ICOTS reports, fixes for bugs introduced in Release 11 series, internal performance updates, approved enhancements, and internal infrastructure updates.

Commissioner K. Winckler (TX) indicated that on May 1, 2011 the National Office began handling all ICOTS supporting calls. The National Office received over 3,500 support calls/emails inquiries, which is 40% decrease from FY 2009. Presently, calls are decreasing on average of 5.5% per month.

Commissioner K. Winckler (TX) informed the Commission about eight newly created external reports.

In March 2011, the National Office introduced Rules/Step-By-Step webpage, which remains the most viewed section of the website.

The National Office is developing the mobile website to deliver popular content in mobile format.

Commissioner K. Winckler (TX) moved to accept the Information and Technology Committee report. Commissioner G. Tullock (TN) seconded.

Report accepted.

Finance Committee Report

Commissioner C. Lauterbach (IA), Finance Committee Chair, presented the Finance Committee report to the Commission.

The Council of State Government recommends that the Commission maintain a reserve fund that is equal to its budget. The reserve amount includes \$50,000 allotted for defense litigation.

The Finance Committee made a recommendation to invest into recommended by Council of State Governments long-term investment portfolio.

Commissioner C. Lauterbach (IA) moved that the Commission invest \$20K per month in the Council of State Governments' long term investment portfolio with the ratio of 60% to the Vanguard total stock market index fund and 40% to the Vanguard intermediate term bond index fund for an investment total of \$240K over the course of the year effective upon approval by the Commission. Commissioner G. Tullock (TN) seconded.

Motion passed by vote 47 to three.

Commissioner C. Lauterbach (IA) presented the FY 2013 budget to the Commission.

Commissioner C. Lauterbach (IA) moved to accept the proposed FY 2013 budget. Commissioner H. Lowery (WV) seconded.

Motion passed unanimously.

Commissioner C. Lauterbach (IA) presented the Dues Formula Ad Hoc Committee Report to the Commission.

The Ad Hoc Committee proposed to use 2010 census numbers and ICOTS offender numbers in the new formula. These recommendations were adopted and have been enacted by the ICAOS Executive Committee. No consensus was achieved among the Committee members regarding further changes to the compact dues formula.

Chairman M. Gilliam (OK) accepted the Ad Hoc Committee on Dues Report.

Ad Hoc on Risk Assessment Report

Commissioner L. Bertsch (ND) presented the Ad Hoc on Risk Assessment Report to the Commission.

In the interest of enhancing public safety, the Commission created this Ad Hoc Committee to explore the feasibility of incorporating the use of principles of effective classification which includes risk, need, responsivity, and professional discretion in the interstate compact transfer process.

The Risk Assessment Ad Hoc Committee met twice in 2011 to discuss risk assessment tools and processes used in their state. The Committee determined a consistent application of risk and need assessment and explanation was necessary. Individual states are using an array of risk and need assessment tools and there is an obvious need to develop simple and common language in order to maintain reliability. The Committee sent out a survey to gather additional information about risk assessment tools used in other member states.

The Committee determined it was not feasible to use a single risk assessment for use with interstate compact transfer cases. It recommends using a risk assessment as part of the interstate compact transfer process and, if a sending state has completed a risk assessment on the transferring case, it should be included in the packet as an additional piece of information for the receiving state. The Committee believes, the Commission can facilitate states speaking the same or similar language in terms of the goal for risk assessments by posting state specific risk assessment information on the Commission's website.

Chairman M. Gilliam (OK) accepted the Ad Hoc Committee on Risk Assessment Report.

Legal Counsel Report

Legal Counsel R. Masters presented his report to the Commission.

Throughout the year, Legal Counsel R. Masters assisted the Commission with interpretation, application and enforcement of the Compact provisions and Rules.

Legal Counselor provided judicial trainings concerning the Compact and its administrative rules in a number of states. Legal Counsel assisted in the updates to the 'On-Demand' Judicial Training Modules now available on the ICAOS website, assisted 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.

Legal Counsel R. Masters 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.

Legal Counsel R. Masters 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, Commissioner D. Ege and Commissioner E. Gonzales completed their work on the Compliance Paper.

Commissioner G. Tullock (TN) moved to go to the closed session to discuss Commission's legal matters. Commissioner (SD) seconded.

Motion passed.

Commissioner G. Tullock (TN) moved to come out of the closed session. Commissioner E. Ligtenberg (SD) seconded.

Motion passed.

Chairman M. Gilliam (OK) accepted Legal Counsel's Report.

Victims' Advocate Report

Victims' Advocate P. Tuthill (NVO) thanked the Ad Hoc Committee on Victims' Issues members for their involvement in the Committee's work.

The Executive Committee established an Ad Hoc Committee to study and improve ICAOS victim notification process and performance to ensure that notifications to all registered victims occur when their offender relocates to another state or the status of the offender changes based on Rule 3.108.

The Ad Hoc Committee met two times to review current victim notification rules and the *victim sensitive* definition and develop a survey on these topics.

The Committee decided considering rule modification regarding single point of contact for victim notification.

The Committee distributed a survey to ICAOS Victims' Representatives to determine how ICAOS notification and other rules notification events occur. The Committee will meet via WebEx to discuss the results and determine next steps.

Victims' Advocate P. Tuthill (NVO) thanked the Executive Committee for its cooperation.

Chairman M. Gilliam (OK) accepted the Victims' Advocate's Report.

Rules Committee Report

Commissioner G. Tullock (TN), Rules Committee Chair, presented his report to the Commission. He thanked the Committee members for their hard work and provided an overview of the Committee's accomplishments in the past year.

The Commission reviewed **2011-RULES-1.101 Resident** proposal submitted by the Rules Committee. The amendment has no effect on other rules, advisory opinions or dispute resolutions. The amendment does not require adjustments to ICOTS.

Motion to adopt proposal 2010-RULES - 1.101 Resident by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion passed unanimously.

Rule 1.101 Definitions...

“Resident” means a person who—

- (1) has continuously inhabited a state for at least one 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 six months or more with the intent to establish a new principal place of residence.

PASSED

The Commission reviewed **2011-RULES-1.101 Violent Offender** proposal submitted by the Rules Committee. The amendment has no effect on other rules, advisory opinions or dispute resolutions. The amendment does not require adjustments to ICOTS.

Motion to adopt proposal 2010-RULES - 1.101 Violent Offender by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion passed unanimously.

Rule 1.101 Definitions...

"Violent Offender" means an offender under supervision for a violent crime committed in the sending state.

PASSED

The Commission reviewed **2011-SOUTH-3.107(a)(3)** proposal submitted by the South Region. The amendment has no effect on other rules, advisory opinions or dispute resolutions. While the proposal may be implemented without modification to ICOTS, it is likely the information would not be transmitted consistently without significant changes to ICOTS with the estimated cost of \$6, 840.

Motion to adopt proposal 2011-SOUTH-3.107(a)(3) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Commissioner K. Winckler (TX) spoke against the amendment.

Motion failed by vote of 7 to 45.

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) specific offense at conviction and sending state statute number;

FAILED

The Commission reviewed **2011-EAST-3.101-3** proposal submitted by the East Region. The amendment has no effect on other rules, advisory opinions or dispute resolutions. The Rules Committee changed the format of the original proposal and revised some of the language, without affecting the meaning or intent proposal.

The proposal can be implemented without modification to ICOTS.

Motion to adopt proposal 2011-EAST-3.101-3 by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Commissioner B. Martinez (PA) spoke in favor of the proposed amendment. He urged the Commission to vote for the amendment to prevent creating a group of displaced offenders that are more likely to reoffend.

Commissioner D. Ege (AZ) spoke against the proposed amendment stating that the amendment creates unclear language.

Motion failed by vote of 4 to 48.

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.
- (e) *Reporting instructions for sex offenders living in the receiving state at the time of sentencing* Rule 3.103 applies to the transfer of sex offenders, except for the following:
- (1) The receiving state shall have five 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.
- (c) The receiving state shall issue reporting instructions to sex offenders living in the receiving state at the time of sentencing per Rule 3.103, if the offender:
- (1) meets the compact definition of resident of the receiving state supported by documentation provided by the sending state at the time of the request, and
 - (2) is on supervision for a term of probation that was not preceded by a continuous period of incarceration immediately prior to the effective date of the probation term.
- (d) If the offender qualifies for reporting instructions under (c), the receiving state shall conduct an investigation of the proposed residence within 5 business days following receipt of the sending state's request for reporting instructions to ensure compliance with state laws and/or policies.
- (1) If the results of the investigation indicate that the proposed residence is not suitable for a sex offender or invalid due to state laws and/or policies, the receiving state's field staff will assist the offender in establishing an alternative residence or an approved temporary living arrangement until an acceptable permanent residence can be secured.
 - (2) If the proposed residence is deemed appropriate for a sex offender, the offender shall be permitted to remain at that address pending the investigation of the transfer request.
- (e) Upon receipt of a request for reporting instructions from the sending state for a sex offender who was living in the receiving state at the time of sentencing that does not meet the ICAOS definition of resident or who was incarcerated for a continuous period of time prior to being placed on probation, the receiving state shall have 5 business days to investigate the proposed residence. If the proposed residence is invalid due to existing law or policy, the receiving state may deny reporting instructions. No travel permit shall be

granted by the sending state until approved reporting instructions are issued by the receiving state.

FAILED

The Commission reviewed **2011-RULES-3.105** proposal submitted by the Rules Committee. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. This proposal does not require adjustments to ICOTS.

Motion to adopt proposal 2011-RULES-3.105 by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion passed by vote 51 to 1.

Rule 3.105 Pre-release transfer ~~R~~request for transfer of a paroling offender

(a) A sending state ~~shall~~ may submit a completed request for transfer of supervision no earlier than 120 days prior to an offender's planned release from a correctional facility ~~a paroling offender to a receiving state no earlier than 120 days prior to the offender's planned prison release date.~~

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

(1) if the planned release date changes; of the offender's date of release from prison or

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

(c) ~~(1)~~ A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the fifth calendar day following the offender's intended date of departure from the sending state and shall provide immediate notice of such withdrawal to the sending state.

(2) A receiving state that withdraws its acceptance under Rule 3.105 (c) (1) shall immediately notify the sending state.

(3) Following withdrawal of the receiving state's acceptance, a sending state must resubmit a request for transfer of supervision of a paroling offender in the same manner as required in Rule 3.105 (a).

PASSED

The Commission reviewed **2011-SOUTH-3.107(a)(1)** proposal submitted by the South Region. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. This proposal can be implemented without modifications to ICOTS.

Motion to adopt proposal 2011-SOUTH-3.107(a)(1) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion failed by vote 16 to 36.

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 information entered into electronic information system;.....

FAILED

The Commission reviewed **2011-SOUTH-3.107(a)(2)** proposal submitted by the South Region. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. This proposal does not require adjustments to ICOTS.

Motion to adopt proposal 2011-SOUTH-3.107(a)(2) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion failed by vote 9 to 43.

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—
- (2) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense, who committed the offense, where and when the offense was committed, how the offense was committed, and whether the charge has been reduced at the time of imposition of sentence;.....

FAILED

The Commission reviewed **2011-SOUTH-3.107(a) (5)(6)** proposal submitted by the South Region. The proposal creates a conflict with other rules as explained in the rules committee action below. While the proposal may be implemented without modification to ICOTS, it is likely the information would not be transmitted consistently without significant changes to ICOTS with the estimated cost of \$90,000 to \$120,000

Motion to adopt proposal 2011-SOUTH-3.107(a) (5)(6) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion failed by vote 3 to 49.

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—
- (5) order of supervision with standard and special conditions of supervision within thirty (30) calendar days of the offender's arrival in the receiving state, if not available at the time the transfer request is submitted;
- (6) conditions of supervision;

FAILED

The Commission reviewed **2011-SOUTH-3.107(a)(9)** proposal submitted by the South Region. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. The proposal does not require adjustment to ICOTS. ICOTS already allows for a user to enter gang affiliation information.

Motion to adopt proposal 2011-SOUTH-3.107(a)(9) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Commissioner J. Sisk (VA) endorsed the amendment with two considerations: information on gang verification is provided and the provided information is recognized by law enforcement.

Motion passed by vote of 36 to 16.

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—

(9) information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;

PASSED

The Commission reviewed **2011-SOUTH-3.107(a)(11)** proposal submitted by the South Region. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. The amendment does not require adjustment to ICOTS.

Motion to adopt proposal 2011-SOUTH-3.107(a)(11) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion passed by vote of 50 to 2.

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—

(11) supervision history; unless it does not exist, if the offender has been on supervision for more than thirty (30) calendar days at the time the transfer request is submitted;

PASSED

The Commission reviewed **2011-SOUTH-3.107(c)** proposal submitted by the South Region. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. The amendment does not require adjustment to ICOTS.

Motion to adopt proposal 2011-SOUTH-3.107(c) by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion failed by vote of 11 to 41.

Rule 3.107 Transfer Request

(c) Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, and any other information 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.

FAILED

The Commission reviewed **2011-RULES-4.111** proposal submitted by the Rules Committee. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. The amendment does not require adjustment to ICOTS.

Motion to adopt proposal 2011-RULES-4.111 by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion passed by vote of 50 to 2.

Rule 4.111 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 two 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).

PASSED

The Commission reviewed **2011-SOUTH-4.112** proposal submitted by the South Region. The proposal does not appear to create a conflict with any other rules, advisory

opinions or dispute resolutions. This proposal can be implemented without modification to ICOTS, however the tracking of the time frame and the generation of automated email notifications requires modifications with the estimated cost of \$13, 680.

Motion to adopt proposal 2011-SOUTH-4.112 by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Designee G. Smith (LA) spoke in opposition to the amendment. The time frame should be revisited – 10 days should be extended to 20 or 30 days.

Motion passed by vote of 41 to 11.

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 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 under Rule 5.101.

(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.

(d) The sending state shall submit the case closure notice reply to the receiving state within ten (10) business days of receipt.

PASSED

The Commission reviewed **2011-RULES-Bylaws Art VII Sec 3** proposal submitted by the Rules Committee. The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions. This proposal does not require adjustments to ICOTS.

Motion to adopt proposal 2011-RULES-Bylaws Art VII Sec 3 by Commissioner G. Tullock (TN) seconded by Commissioner E. Ligtenberg (SD).

Motion passed by vote of 50 to 2.

Section 2. ~~Other~~ Standing Committees

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Section 3. Ad hoc Committees

The Commission may establish ad hoc committees to perform special purposes or functions. Upon creation of an ad hoc committee, the chairperson of the Commission shall issue a charge to the committee, describing the committee's duties and responsibilities. The charge shall specify the date by which the ad hoc committee shall complete its business and shall specify the means by which the ad hoc committee shall report its activities to the Commission.

Section 3 4. Regional Representatives

PASSED

Commissioner G. Tullock (TN) made a motion the adopted proposals have effective date of March 1, 2012. Commissioner E. Ligtenberg (SD) seconded.

Motion passed unanimously.

Appriss Presentation

Appriss, Inc President P. Colangelo proposed to integrate both active and closed ICOTS cases into the JusticeXchange product for use by Federal, State and Local Government agencies. JusticeXchange is an integrated justice solution that gives an instant, up-to-date database of information from thousands of agencies across the country. JusticeXchange system was developed and is supported by Appriss, Inc.

Appriss, Inc will invest in engineering and development resources to integrate the ICOTS data into JusticeXchange. Appriss, Inc will be responsible for selling, marketing and training including costs associated with it. Appriss will be Commission's exclusive partner in sharing offender data and will pay 40% revenue share.

The Commission had discussion on the proposed notion. The Commission decided to research the matter before making the final decision.

Appriss, Inc will distribute the JusticeXchange coverage map among the commission members.

Commissioner K. Winckler (TX) made a motion to authorize the Executive Director to engage in discussions with Appriss, Inc. to use selected ICOTS data for inclusion in JusticeXchange, which Appriss, Inc provides exclusively for law enforcement

organizations provided that Appriss, Inc compensate ICAOS at a rate not less than 50 percent of Appriss, Inc revenue for each user/enterprise customer who receives this information.

Commissioner G. Tullock (TN) made an amendment to the motion “**the agreement reached by the Executive Director must be approved by majority vote of the Executive Committee following a 30 day comment period on the ICAOS website**”.

Commissioner R. Taylor (AK) seconded.

Motion passed by vote 33 to 18.

Legal Counsel R. Masters advised the Commission that it cannot share information on closed cases. Any agreement to share ICOTS data with JusticeXchange must include language prohibiting the use or display of closed cases and cases that are active at the time of the data transfer must be purged when the case closes.

Commissioner D. Ege (AZ) moved to amend the agenda by removing the Best Practices item due to time constrains. Commissioner J. Nimer (FL) seconded.

Motion passed unanimously.

Compact Issues & General Discussions

Commissioner D. Ege (AZ) made a motion to suspend Roberts Rules of Order. Commissioner G. Tullock (TN) seconded. Motion passed.

Commissioner D. Ege (AZ) instructed commissioners to identify main concerns in their region.

DCA M. Thompson (PA) presented the East Region’s concerns:

1. Risk Assessment
 - a. Too many tools used to determine risk and would be unreasonable to develop a single tool for compact cases.
 - b. Would need to learn an additional tool for states that have their own
 - c. Inaccuracy
 - d. If they exist send them, but no rule promulgated that mandates a risk tool.
2. State’s not transferring cases due to rule changes
 - a. Retaking possibility
 - a. Not essentially negative to have less cases transfer
 - b. Look at cases and determine best suited plan to send or not.
3. Training
 - a. Ask questions
 - a. Spouse, when? Who? Is it a legal spouse?
 - b. Legal training

4. Subsidize retaking by ICAOS
5. Earmark fees for retaking
6. Offender Violation Report vs Progress report
 - a. "Remain under supervision" Remove or Not Remove
7. Violent Offender designation on Transfer Request
8. Late Notice Of Arrivals
9. Travel Advisories from ICAOS-What is liability of Interstate Office if notification is not forwarded.
10. Same Sex Marriages-Are other states going to recognize?

DCA R. Wilson (OH) presented the Midwest Region's topics:

1. 45 Day Rule (2.110-Relocate)
 - a. Training
 - b. Create definition of travel relocation
 - c. Risk level
 - d. Movement vs Transfer
 - i. Does the Commission assume a greater scope of authority?
 - ii. Recommend an Ad Hoc Committee to study issues.
2. Detainer Releases
 - a. Releasing state fails to notify and Emergency Reporting instructions are denied
 - b. Proposed rule for 3.106 regarding rejections after an offender is released prior to decision for a transfer request
3. Confidentiality
 - a. How to share confidential information
 - b. Private vs public record
 - c. Recommend access levels in ICOTS
 - i. General only limited access
 - d. HIPAA exemption covers ICOTS data?
 - e. State's own confidentiality laws.
 - f. Offender waiving access to only one state.
 - g. Option to not include in ICOTS
4. Compact Action Requests
 - a. Used like email-labor intensive to review
 - b. What is the purpose/intent for a CAR?
5. Case Closure Notice
 - a. Enhancement to add attachments-Make priority (Already on enhancement list)
6. Incomplete Progress Reports
 - a. Training
 - b. Enhancement to make more fields mandatory.

Commissioner C. Norman (AL) presented the South Region's topics:

1. Budget impact:
 - a. Retaking Offender Rules
 - i. State can't retake because of cost.
 - ii. No longer able to order return, must retake
 - iii. Contract with agency to handle retake transportation
 - iv. Recommend an ad hoc committee be formed to consider how a service can provide retaking for states.
 1. How will fund be established (charge offender fee, ICAOS, etc.)
 2. What are the liability implications to provide such services?
 - v. PA: Can ICOTS provide data on how many offenders have had supervision terminated when mandatory retaking requested?
 - vi. Training with other jurisdictions regarding the retaking responsibilities
 - b. Rule proposals Adding Fiscal notes
 - i. Develop process to provide information for developing fiscal note-Form Ad hoc Committee
 - ii. Differences between states in costs
 - iii. What's the fiscal impact; is rule worth adoption; are there alternatives that can be made to accomplish same goal?
2. Victim Notification
 - a. Possibility for automatic victim notification.
 - i. ICOTS enhancement to determine if the events triggering rule occurred.
 - ii. Further work of ad hoc on victim notification to look at notifications and

DCA D. Persels presented the West Region's topics:

1. New category of offender in CA released from state prison (PRCS) will be designated in ICOTS as parole
2. Commissioner participation
 - a. National, committee, region meeting scheduled way in advance.
 - b. Designate if Commissioner is unable to attend
3. "Remain under supervision" box
 - a. Use approved Ad Hoc Committee to address
 - b. Require your state to only use OVR for significant violations.
 - c. Mini-Training help with Training for your state
4. Removing "spouse" from definition of resident family and creating its own sdefinition.
 - a. Need verification for this family member

5. Failure to issue mandatory warrants
 - a. Don't give up on compliance with the requirements
 - i. Word out to judicial personnel
 - ii. Training workshops-Advocate the issue
 - iii. National resources for assistance

Commissioner D. Ege (AZ) motioned to reinstate Roberts Rules of Order. Commissioner M. Cadotte (OR) seconded.

Motion passed unanimously.

Commissioner D. Ege (AZ) motioned to put together a survey prioritizing discussed by regions issues and their resolution list. Commissioner R. Taylor (AK) seconded.

Motion passed unanimously.

Award Presentations

- *Executive Chair Award* presented to Commissioner G. Tullock (TN) by Chairman M. Gilliam (OK).
- *Executive Director Award* presented to DCA K. Rumbaugh (NE) by Executive Director H. Hageman.

Peyton Tuthill Award presented to Victims' Advocate S. Brignon (TX) by Commissioner K. Winckler and Ex-Officio P. Tuthill (NVO).

Chairman M. Gilliam (OK) recognized those who preserve the *Spirit of the Compact* and expressed appreciation for their work: Karl Kramer, Naeemah Yarber, Brandy Lewis, Christine Cashatt, Jamie Little, Ryan Mills, Eric Ross, Lois Helker and Staff, Mike Stewart, and Mark Smith (Colorado), Sid Nakamoto and Max Otani (Hawaii), Roberta Cohen (New Mexico), Shawn Arruti (Nevada), Daphine Denney (Louisiana), Betty Grimes (Texas), Roger Wilson (Ohio), and Bethany Gaddy (Wyoming).

Officer and Chairs Recognition

Chairman M. Gilliam (OK) recognized officer and region chairs for their service and dedication: Commissioner Wayne Theriault (ME) as Vice Chair, Commissioner Ben Martinez (PA) as East Region Chair, Commissioner Chris Norman (AL) as South Region Chair, Commissioner Ed Gonzales (NM) as West Region chair, and Commissioner Sarah Andrews (OH) as Midwest Region Chair.

Chairman M. Gilliam (OK) announced that the next Annual Business Meeting would take place on October 23-24, 2012 in Madison, WI.

New Business

Ex-Officio S. Holewa (COSCA) expressed her appreciation for the exceptional level of discussion that takes place during the Commission's annual business meetings. As a

follow up on the earlier discussion, she will send the Commission a joint resolution on offenders' risk and needs assessment that was adopted by Conference of Chief Justice and the Conference of State Court Administrators.

Commissioner A. Poteat (DC) expressed her appreciation towards H. Hageman, K. Terry, G Powers, G. Smith and J. Tracy for their assistance with recent Eagle Horizon Exercise.

Ex-Officio P. Tuthill (NVO) called to explore the opportunity to connect victims' notification to ICOTS as it was previously discussed.

Chairman M. Gilliam (OK) stated the Executive Committee will review this request.

Election of Vice-Chair

Commissioner K. Kempf (ID) was nominated for Vice-Chair position by the West Region.

Commissioner K. Winckler (TX) was nominated for Vice-Chair position by the South Region.

Chairman M. Gilliam (OK) asked for nominations from the floor.

Commissioner E. Gonzales (NM) made a motion to cease the nominations for Vice-Chair. Commissioner H. Lowery (WV) seconded.

Motion passed.

The candidates for Vice-Chair addressed the Commission.

The Commission voted electronically by secret ballot.

Commissioner K. Kempf (ID) was elected as Vice-Chair.

Oath of Officers

Senator D. Darrington (ID) administered the Oath of Officers to the newly elected Officers: Commissioner K. Kempf (Vice-Chair), Commissioner M. Cadotte (West Region Chair) and Commissioner S. McCaffery (East Region Chair).

Call to the Public

Chairman M. Gilliam (OK) opened floor to the public comments. No comments were received.

Adjourn

Commissioner E. Gonzales (NM) made a motion to adjourn. Commissioner R. Taylor (AK) seconded.

Motion passed.

The Commission adjourned at 4:15 pm CDT.