



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

**Wyndham Grand Pittsburgh Downtown Hotel
600 Commonwealth Pl, Pittsburgh, PA 15222
October 11, 2017**

Call to Order

The meeting was called to order by Chair S. Andrews (OH) at 8:30 a.m. ET. The Navy Operational Support Center Color Guard presented the flags.

Roll Call

Roll was called by Executive Director A. Lippert. Forty nine out of fifty-three members were present, thereby constituting a quorum.

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|-------------------------|-------------------------------------|
| 1. Alabama | Christopher Norman, Commissioner |
| 2. Alaska | Carrie Belden, Commissioner |
| 3. Arizona | Dori Littler, Commissioner |
| 4. Arkansas | Sheila Sharp, Commissioner |
| 5. California | Steve Marshall, Commissioner |
| 6. Colorado | Melissa Roberts, Commissioner |
| 7. Connecticut | Gary Roberge, Commissioner |
| 8. Delaware | Jim Elder, Commissioner |
| 9. District of Columbia | Elizabeth Powell, Official Designee |
| 10. Florida | Jenny Nimer, Commissioner |
| 11. Georgia | Chris Moore, Commissioner |
| 12. Hawaii | Sidney Nakamoto, Commissioner |
| 13. Idaho | Denton Darrington, Commissioner |
| 14. Illinois | Dara Matson, Commissioner |
| 15. Indiana | Jane Seigel, Commissioner |
| 16. Iowa | Charles Lauterbach, Commissioner |
| 17. Kansas | Hope Cooper, Commissioner |
| 18. Kentucky | Kim Potter-Blair, Commissioner |

Approved on 10/03/2018. B.S.

19. Louisiana	Gregg Smith, Official Designee
20. Maine	Scott McCaffery, Commissioner
21. Massachusetts	Paul Treseler, Commissioner
22. Maryland	Joseph Clocker, Commissioner
23. Michigan	Russell Marlan, Commissioner
24. Minnesota	Allen Godfrey, Commissioner
25. Mississippi	Christy Gutherz, Commissioner
26. Missouri	Anne Precythe, Commissioner
27. Montana	Cathy Gordon, Commissioner
28. Nebraska	Jacey Nordmeyer, Commissioner
29. Nevada	Shawn Arruti, Commissioner
30. New Hampshire	Mike McAlister, Commissioner
31. New Jersey	James Plousis, Commissioner
32. New Mexico	Roberta Cohen, Commissioner
33. New York	Robert Maccarone, Commissioner
34. North Carolina	<i>Not in attendance</i>
35. North Dakota	Amy Vorachek, Commissioner
36. Ohio	Sara Andrews, Commissioner
37. Oklahoma	Kevin Duckworth, Commissioner
38. Oregon	Jeremiah Stromberg, Commissioner
39. Pennsylvania	Michael Potteiger, Commissioner
40. Puerto Rico	<i>Not in attendance</i>
41. Rhode Island	Ingrid Siliezar, Official Designee
42. South Carolina	<i>Not in attendance</i>
43. South Dakota	Doug Clark, Commissioner
44. Tennessee	Alisha James, Commissioner
45. Texas	Libby Elliott, Commissioner
46. Utah	James Hudspeth, Commissioner
47. Vermont	Dale Crook, Commissioner
48. Virginia	Jim Parks, Commissioner
49. Virgin Islands	<i>Not in attendance</i>
50. Washington	Mac Pevey, Commissioner
51. West Virginia	Diann Skiles, Commissioner
52. Wisconsin	Joselyn Lopez, Commissioner
53. Wyoming	Coltan Harrington, Commissioner

Executive Director A. Lippert recognized ex-officio members:

- American Probation and Parole Association – Veronica Cunningham
- American Jail Association - *Not in attendance*
- Association of Paroling Authorities International – Joe Pacholsky
- Association of Prosecuting Attorneys – David LaBahn
- Conference Of State Court Administrators - Sally Holewa
- Interstate Commission for Adult Offender Supervision – Pat Tuthill
- Interstate Commission for Juveniles – MaryLee Underwood
- International Association of Chiefs Police - *Not in attendance*

- 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 – *Not in attendance*
- National Institute of Corrections - *Not in attendance*
- National Organization for Victim Assistance - *Not in attendance*
- National Association for Public Defense - *Not in attendance*
- National Association of Police Organizations - *Not in attendance*
- National Sheriff's Association - *Not in attendance*

Approval of Agenda

Chair S. Andrews (OH) requested to add *Risk Assessment Ad Hoc Committee Report* after the *ABM Workgroup Report* to the agenda.

Commissioner J. Hudspeth (UT) moved to approve the agenda as amended. Commissioner A. Precythe (MO) seconded.

Agenda approved as amended.

Approval of Minutes

Commissioner R. Maccarone (NY) moved to approve the ABM 2016 minutes as presented. Commissioner D. Crook (VT) seconded.

Minutes approved as presented.

Welcome & Overview

Chair S. Andrews (OH) welcomed the Commission members to Pittsburgh, Pennsylvania.

Chair S. Andrews (OH) introduced Michael Potteiger, Commissioner of the Commonwealth of Pennsylvania to deliver the welcome address.

Commissioner M. Potteiger (PA) introduced Leo Dunn, Chairman of the Pennsylvania Parole Board to deliver the keynote speech. Chairman Dunn gave a presentation on the Pennsylvania Board of Probation and Parole and its recent reforms.

Mr. Dunn received a J.D. cum laude from Widener University School of Law Harrisburg in 2007 and three Bachelor of Science degrees from Penn State University in 1987. Through 26 years of commitment to the citizens of the Commonwealth, Mr. Dunn served two state agencies including his tenures as assistant director and later Director of Policy and Legislative Affairs for the Board of Probation and Parole. Prior to working for the Board, Mr. Dunn spent 15 years in various roles with the Department of Agriculture. He

served as a member of the Juvenile Act Advisory Committee, the Homeless Program Coordination Committee, the Mental Health Justice Advisory Committee at the Commission for Crime and Delinquency, chair of the LGBT Rights Committee, and as a Council Member for the Solo and Small Firm Section of the Pennsylvania Bar Association. On March 15, 2016, Governor Tom Wolf appointed Mr. Dunn Chairman of the Parole Board. Mr. Dunn currently serves as the Vice Chair of the Pennsylvania Bar Association's Corrections System Committee.

Chairman L. Dunn introduced Dr. Rachel Levine, Acting Secretary of Health and Physician General for the Commonwealth of Pennsylvania to the Commission. Dr. Levine gave a presentation on the prescription opioid and heroin crisis.

Dr. Levine is currently the Acting Secretary of Health and Physician General for the Commonwealth of Pennsylvania and Professor of Pediatrics and Psychiatry at the Penn State College of Medicine. Her previous posts included: Vice-Chair for Clinical Affairs for the Department of Pediatrics and Chief of the Division of Adolescent Medicine and Eating Disorders at the Penn State Hershey Children's Hospital-Milton S. Hershey Medical Center. Dr. Levine graduated from Harvard College in 1979 and the Tulane University School of Medicine in 1983. She completed her training in Pediatrics at the Mt. Sinai Medical Center in New York City in 1987 and then did a Fellowship in Adolescent Medicine at Mt. Sinai from 1987-88.

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

Chair S. Andrews (OH) accepted the DCA Liaison Committee, Compliance Committee, Victims' Advocate, and Legal Counsel written reports on behalf of the Commission.

ABM Planning Workgroup Report

Commissioner J. Stromberg (OR) presented the workgroup report to the Commission. He thanked the workgroup members: Michael Potteiger, PA; Suzanne Brooks, OH; Matt Billinger, KS; Natalie Latulippe, CT; Margaret Thompson, PA; Shawn Arruti, NV; Mark Patterson, OR; Jenna James, GA; and Elizabeth Powell, DC.

The Committee recommends an annual business meeting (ABM) agenda to the Executive Committee for the upcoming year; reviews feedback from previous ABMs, region meetings, and additional input; considers emerging trends in supervision; provides support for the hosting state; and develops engagement activities at the ABM.

Commissioner J. Stromberg (OR) informed the Committee that this year's annual business meeting agenda was primarily built on the suggestions from the post ABM survey. He encouraged Commissioners to join the workgroup.

Chair S. Andrews (OH) accepted the ABM Planning Workgroup report.

Risk Assessment Ad Hoc Committee Report

Commissioner J. Stromberg (OR) presented the Risk Assessment Ad Hoc report to the Commission. He thanked the ad hoc committee members for volunteering on the Committee: Commissioner S. Marshall (CA), Commissioner A. James (TN), Commissioner R. Marlan (MI), Commissioner N. Ware (DC), and Commissioner R. Maccarone (NY).

The ad hoc Committee has explored the feasibility of incorporating the use of the principles of effective classification in the interstate compact transfer process. The Committee reissued a survey conducted in 2011 to gather additional information from states. Based on the preliminary results, the Committee recommends against incorporating a compact specific risk assessment tool. The Committee will focus on ways to incorporate the primary domains of risk and needs into the transfer package.

Commissioner C. Moore (GA) recommended using such tool to determine eligibility for compact offenders.

Ex-Officio V. Cunningham (APPA) noted that the risk and needs is a huge topic among departments and agencies across the country. She suggested collaborating with another organization to work on this subject.

Chair S. Andrews (OH) accepted the ad hoc Committee report.

Information Technology Report

Commissioner G. Roberge (CT), Information Technology Committee Chair, thanked the national office staff and the Information Technology Committee members for their service to the Committee: Commissioner Nancy Ware (DC), Commissioner Chris Norman (AL), Commissioner Sheila Sharp (AR), Commissioner Shawn Arruti (NV), DCA Natalie Latulippe (CT), DCA Matt Billinger (KS), DCA Candice Alfonso (NJ), DCA Felix Rosa (NY), and DCA Julie Lohman (VA).

The Information Technology Committee met six times since last year's Annual Business Meeting. In the past year, the Committee worked on the following projects:

ICOTS system update

2017 Rule Amendments were implemented in ICOTS in June of this year. The implementation included managed progress report process and modification to the violation process (behavior requiring retaking).

ICOTS Offender Photo Review

The national office completed the offender photo quality review. Standards for ICOTS photos were developed based on the review.

ICAOS Website

The new ICAOS website launched in August 2017. Besides the new look, the website is mobile friendly and has better security, tabbed navigation, interactive U.S. map, and improved site search.

IVINS (ICOTS Victim Notification Information Service)

The Information Technology Committee rebranded the VINEWatch victims' notification system and agreed to name the new system IVINS (ICOTS Victim Notification System). The system will allow victims to self-register to receive notifications for certain status changes - address change, leaves state, and engages in behavior requiring retaking in timely fashion.

Upcoming Projects

In the upcoming year, the Committee will be assisting the national office with the Offender Photo Quality audit. The Committee will also continue its work on the NCIC initiative to improve the Wanted Person File related to IC warrants and bond information for re-taking purposes. Commissioner G. Roberge (CT) asked the Commission members to reach out to their local CSO (CJIS System Officers) to co-sponsor this project.

Commissioner D. Crook (VT) moved to approve the Technology Committee Report as presented. Commissioner R. Maccarone (NY) seconded.

Motion passed unanimously.

Training, Education & Public Relations Committee Report

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

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

Trainers: Sally Reinhardt-Stewart (NE), Tracy Hudrlik (MN), Joe Beaman (MI), Leslie Thomas (NC); Betty Payton (NC); Ernette Griggs (WI); Margaret Thompson (PA); Holly Kassube (IL); Shawn Arruti (NV); Judy Mesick (ID); Matthew Reed (PA); Julie Lohman (VA); Jacey Nordmeyer (NE); Matthew Billinger (KS); Dori Littler (AZ).

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 provided the following trainings: Compact Staff (Dec 2016 & May 2017); General Rule (WebEx & Ondemand); *Promoting a Single Standard for Supervision* workshop at the APPA Winter Training Institute. The national office also redesigned the ICAOS Support page.

At the direction of the Training and DCA Liaison Committees, national office staff contacted DCAs to inquire on states' supervision and judicial practices for responding to non-compliant behavior. Specifically, information was gathered on what is done with and without court/parole board involvement. In states where court/parole boards are not involved, it was further confirmed whether officers have full authority to sanction up to revoke or extend supervision, as well as if and how jail sanctions are imposed and applied.

The purpose of gathering this information was to identify outstanding training issues specific to receiving states responsible for supervision and reporting, as well as future training topics. The following issues were identified: PC hearing requirements; reporting jail time used as a sanction; definition of behavior requiring retaking; state sponsored programs used in rehabilitation not offered to interstate offenders; stakeholder involvement/overcoming resistance; and documentation consideration.

Commissioner A. Precythe (MO) encouraged Commission members to volunteer as trainers.

Commissioner A. Precythe (MO) reminded the states to use Commission training tools and resources, share solutions among each other, and engage their State Councils.

Commissioner S. Nakamoto (HI) moved to accept the Training Committee report. Commissioner J. Hudspeth (UT) seconded.

Motion passed unanimously.

Finance Committee Report

Commissioner C. Lauterbach (IA) presented his report to the Commission. Last year, the elected Treasurer was unable to complete her term and the Executive Committee asked Commissioner C. Lauterbach to step in to the role.

He noted that the Interstate Commission continued to be in excellent financial condition. As FY 2018 begins, the Commission has over \$1.5 million in cash accounts meaning Commission's cash balance exceeds the yearly budget of the Commission.

The Commission has over \$1.5 million in a Vanguard Long Term Investment Portfolio. The money in the portfolio is invested in a combination of 60% stock market index funds and 40% short term bond funds. Although the Commission is no longer in a position

where it is investing new funds in the long term investment portfolio the balance in the fund has continued to grow. In fact, the commission produced a 12.3% rate of return this year.

Savings from the Commission's disassociation from the Council of State Governments and the diligent efforts of the national office staff, the Commission ended fiscal year 2017 8% below budget. In FY 2017, the Commission had \$1,700,856 in total revenue. Total Commission expenses were \$1,561,229. As a result the Commission was able to return \$139,000 to cash reserves.

All but two states and territories have paid their 2018 dues assessment. The national office staff is working with them to collect those funds.

Commissioner C. Lauterbach (IA) recognized the Finance Committee members: Commissioner Sheila Sharp (AR), Commissioner Christy Gutherz (MS), Commissioner Debbie Duke (TN) and Commissioner Melissa Roberts (CO).

Commissioner S. Nakamoto (HI) moved to approve the FY 2019 budget. Commissioner R. Maccarone (NY) seconded.

Motion passed unanimously.

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 Littler (AZ); Commissioner Jenny Nimer (FL); Commissioner Chris Moore (GA); Commissioner Robert Maccarone (NY); Commissioner Doug Clark (SD); Commissioner Coltan Harrington (WY); Commissioner Shawn Arruti (NV); Commissioner Libby Elliott (TX); DCA Tracy Hudrlik (MN); DCA Margaret Thompson (PA); DCA Tim Strickland (FL); and DCA Pat Odell (WY).

Commissioner J. Seigel (IN) presented the 2017 rule proposals.

Commissioner J. Seigel (IN) presented the proposal for 2.104 and 3.107 proposed by East Region and the Rules Committee.

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.

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;~~
 - (1) 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;
 - (2) photograph of offender;
 - (3) conditions of supervision;
 - (4) any orders restricting the offender's contact with victims or any other person;
 - (5) any known orders protecting the offender from contact with any other person;
 - (6) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
 - (7) pre-sentence investigation report, unless distribution is prohibited by law or it does not exist;
 - (8) information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;
 - (9) supervision history, if the offender has been on supervision for more than 30 calendar days at the time the transfer request is submitted;
 - (10) 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.
 - (11) 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.

Justification:

Many jurisdictions nationwide are moving toward a paperless system. Proposal provides an option for the sending state to retain originals if they choose. Requiring a 'paperless' state to create a folder just to save a printed copy of an Application for Interstate Transfer form is in direct conflict with what they are trying to achieve.

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None.

Scope and Metric

N/A

Effective date:

March 1, 2018

Commissioner J. Seigel (IN) moved to adopt the proposal for 2.104 and 3.107 proposed by the East Region and the Rules Committee. Commissioner D. Littler (AZ) seconded.

Motion passed unanimously.

Commissioner J. Seigel (IN) presented the proposal for 3.101-1 proposed by the East Region.

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. A copy of the military orders or other proof of deployment for the military member shall be provided at the time of the request.
 - (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. A copy of the military orders or other proof of deployment for the military member shall be provided at the time of the request.
 - (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. Documentation from the current employer noting the requirements shall be provided at the time of the request.
 - (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. Documentation from the current employer noting the requirements shall be provided at the time of the request.

- (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.

Justification:

A high percentage of these requests are found to not meet the requirements of these rules once documentation is received. It is incumbent upon the sending state to provide documentation as part of the request.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None. As with veterans relocating for treatment, documentation may be provided within the 'conditions' section of the RFRI request

Scope and Metric

Based on 2016 ICOTS data: Number of ICOTS cases expected to effect.

- Military Transfer Offender: 0.05%
- Military Transfer Family Member: 0.22%
- Employment Transfer Family Member: 0.17%

- Employment Transfer Offender: 0.41%

Effective date:
March 1, 2018

Commissioner J. Seigel (IN) moved to adopt the proposal for 3.101-1 proposed by the East Region. Commissioner M. Potteiger (PA) seconded.

Motion passed unanimously.

Commissioner J. Seigel (IN) presented the proposal for 3.104 and 4.111 (b) proposed by the East Region and the Rules Committee.

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.
- (c) If a receiving state determines that an offender's plan of supervision is invalid, the receiving state shall notify the sending state by rejecting the transfer request with specific reason(s) for the rejection. If the receiving state determines there is an alternative plan of supervision for investigation, the receiving state shall notify the sending state at the time of 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 with the new plan of supervision within 15 business days following the rejection.

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, unless 3.104 (b) or (c) applies.
- (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.

Justification:

The logic in supporting this proposed rule change to Rule 4.111 Offenders returning to the Sending State:

Creates allowance for resubmittal without requiring offender's return 3.104 & 4.111 (b): Currently, the only time an offender is allowed to remain in the receiving state after receiving a rejection is when the offender is there with granted reporting instructions and the rejection is due to an incomplete TREQ (Rule 3.104(b)). In that instance, the offender's reporting instructions will remain in effect provided the sending state submits a completed TREQ within 15 business days following the rejection. However, if the offender's TREQ is rejected for any other reason, i.e. some aspect of the offender's plan of supervision is found to be unacceptable, the current rule requires the receiving state to initiate the offender's return within 7 business days of submitting the rejection, even if the offender has another plan of supervision to propose. With the current way the rule is written, the receiving state has no discretion to allow an offender to remain in the receiving state with granted reporting instructions while the sending state resubmits an alternative plan of supervision for investigation after receiving a rejection.

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None, compact offices managing rejections can ensure either rejections contain alternate plan of supervision information prior to transmission of the rejection. Current ICOTS reports for rejected cases where offender is either in the sending or receiving state can be used to assist in tracking and providing necessary follow up for these cases.

Scope and Metric

Since timeframe is same for rejections for incomplete, current ICOTS reports can be used to manage these instances too.

Effective date:

March 1, 2018

Commissioner J. Seigel (IN) moved to adopt the proposal for 3.104 and 4.111 (b) proposed by the East Region and the Rules Committee. Commissioner D. Crook (VT) seconded.

Motion passed by 47 to one.

Commissioner J. Seigel (IN) presented the proposal for 3.108-1 proposed by the Rules Committee.

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~~ 15 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.

Justification:

Victims should have 15 days as the victim may need to process the implication and impact as well as the initial emotion that may occur. This would provide for a total of 20 days. Rules provide time frames for compact offices of 30 days in many rules and offenders may request expedited instructions and travel with 7 days. Victims deserve and it should be their right to have additional time if they need it.

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None.

Scope and Metric

N/A

Effective date:

March 1, 2018

Commissioner J. Seigel (IN) moved to adopt the proposal for 3.108-1 proposed by the Rules Committee. Commissioner R. Maccarone (NY) seconded.

Commissioner D. Littler (AZ) stated that Arizona Compact Office and its State Council support this proposal. However, they strongly feel that they need to take information from victims at any time and not hold them accountable to a particular deadline.

Commissioner D. Darrington (ID) inquired about the voting mechanism and whether his votes were being recorded as intended. He requested all his votes to be recorded as affirmative.

Motion passed unanimously.

Commissioner J. Seigel (IN) presented the proposal for 4.111 (a) proposed by the East Region and the Rules Committee.

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 receiving state shall provide the sending state with the reason(s) for the offender's return. 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.

Justification:

The logic in supporting this proposed rule change to Rule 4.111 Offenders returning to the Sending State:

Reason(s) for the offender's return 4.111 (a): Currently, when a sending state receives a RFRI for a transferred offender returning to the sending state, there is no requirement for the receiving state to explain why the offender is returning. This rule change will assist in transitioning the offender back to the sending state, will improve safety for the community and victim(s), assist in addressing the offender's needs, their plan of supervision and provide the best chance of success for the offender. This information would be valuable to have and prevents the sending state from having to rely on the offender's version only. This can be achieved through an ICOTS enhancement, Compact Action Request or other means of communication between compact offices.

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

As this specific 2017 proposal is the only one involving an ICOTS impact, the Commission has approved implementation for several ICOTS enhancements during FY2018. Adding a new data/attachment field on the RFRI reason screen is included (regardless if this proposed amendment passes.) This field may be used by the receiving state to provide the reason for return. Although package of enhancements is estimated at \$90,000, this specific data/attachment field's cost is estimated to be approximately \$3,100. Compact offices will be responsible to review and ensure the information is provided when a receiving state requests return RI's.

Scope and Metric

Although the attachment field will not be mandatory for the end user, data will be captured and displayed on the PDF representation of the RFRI and through external data to ensure compliance.

Effective date:

March 1, 2018

Commissioner J. Seigel (IN) moved to adopt the proposal for 4.111 (a) proposed by the East Region and the Rules Committee. Commissioner C. Harrington (UT) seconded.

Commissioner S. Arruti (NV) stated that the West Region discussed that this proposal does not reflect the reporting instructions time schedule on a sex-offender. The Region recognized that it was not the intent of this proposal and plans to address this issue at a later time.

Motion passed by 47 to one.

Commissioner J. Seigel (IN) presented the proposal for 4.111 (b)(c)(d) proposed by the East Region and the Rules Committee.

Rule 4.111 Offenders returning to the sending state

- (g) 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.
- (h) If the receiving state rejects the transfer request for an offender who has arrived in the receiving state with approved-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; or if the location of the offender is unknown, conduct activities pursuant to Rule 4.109-2.
- (i) Except as provided in subsection ~~(d)~~(e), 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 instructions shall direct the offender to return to the sending state within 15 business days from the date the request was received. ~~of the reporting instructions request~~
- (j) The receiving state shall provide the offender reporting instructions and determine the offender's intended departure date. If unable to locate the offender to provide the reporting instructions, the receiving state shall conduct activities pursuant to Rule 4.109-2.
- (k) 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.
- (l) 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).
- (m) 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.

Justification:

The logic in supporting this proposed rule change to Rule 4.111 Offenders returning to the Sending State:

Clarifies responsibilities 4.111 (b), (c) & (d): This rule proposal clarifies that the sending state issues the reporting instructions and provides the date the offender is to return to the sending state. This proposal also clarifies that the receiving state is responsible to provide the instructions to the offender who has previously arrived pursuant to approved reporting instructions and to determine the intended departure date. If unable to provide the instructions or the offender's location is determined unknown after arriving in the receiving state pursuant to initial approved reporting instructions, the receiving state shall follow steps in Rule 4.109-2 in an attempt to locate the offender.

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None. Proposal clarifies responsibilities for ICOTS activities related to reporting instructions for returning offenders and expectations when it is possible the offender absconded after arriving in the receiving state with approved reporting instructions.

Scope and Metric

Number of absconder OVRs after denial (acceptance date=NULL) or none

Effective date:

March 1, 2018

Commissioner J. Seigel (IN) moved to adopt the proposal for 4.111 (b)(c)(d) proposed by the East Region and the Rules Committee. Commissioner M. Pevey (WA) seconded.

Motion passed unanimously.

Commissioner J. Seigel (IN) presented the proposal for 4.111 (e) proposed by the Midwest Region.

Rule 4.111 Offenders returning to the sending state

- (g) 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.
- (h) 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.
- (i) 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.

- (j) 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.
- (k) 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). The sending state shall notify the receiving state of the offender's arrival or failure to arrive as required by Rule 4.105 (b) prior to validating the case closure notice.
- (l) 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.

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 (e). Rule 4.112 provides the receiving state may close its supervision of an offender and cease supervision upon Rule 4.112 (a)(5) return to sending state. Since it is not explicitly referred to in Rule 4.111, the receiving state may not receive confirmation of the offender's return as required in Rule 4.105. 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.

The Training Committee made efforts to address this through Rule Amendment training in 2016 by emphasizing that states should verify the offender's return and submit a Notice of Arrival or failure to arrive before validating the Case Closure Notice. In the interest of public safety and sound accountability practices, this Rule Amendment would provide clear direction to the sending state that a Notice of Arrival shall be submitted upon the offender's arrival or failure to arrive prior to validating the Case Closure Notice.

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None. ICOTS already has the functionality to submit a Notice of Arrival upon the offender's return to the sending state. Compact offices must ensure NOA's have been submitted prior to transmitting the Case Closure Response.

Scope and Metric

Per ICOTS data, 6,132 offenders returned to the sending state while on supervision in 2016.

Effective date:

March 1, 2018

Commissioner J. Seigel (IN) moved to adopt the proposal for 4.111 (e) proposed by the Midwest Region. Commissioner D. Clark (SD) seconded.

Motion passed unanimously.

Commissioner J. Seigel (IN) stated that the Rules Committee reconsidered proposal 5.102 and asked the East Region to withdraw it. The East Region withdrew the proposal at its region meeting yesterday.

Gender Specific Risk Assessment Presentation and Panel by Dr. Emily Salisbury

Commissioner J. Stromberg (OR) introduced Dr. Emily Salisbury to the Commission. Dr. Salisbury gave a presentation on understanding the risk and needs of justice involved women.

Dr. Emily J. Salisbury, Ph.D. is associate professor of criminal justice at the University of Nevada, Las Vegas in the Greenspun College of Urban Affairs. She also serves as editor-in-chief of *Criminal Justice and Behavior*, one of the top research journals for evidence-based corrections. Additionally, she is co-author of the book, *Correctional Counseling and Rehabilitation*, currently in its 9th edition. Dr. Salisbury's primary research interests include correctional policy, risk/needs assessment, and offender treatment intervention strategies, with a particular focus on justice involved women and gender-responsive policy. Her research publications appear in several top academic journals and edited volumes. And, she has experience building successful grant programs such as her work leading to the Nevada Department of Corrections earning a \$1 million Second Chance offender reentry grant from the U.S. Bureau of Justice Assistance. Further, Dr. Salisbury frequently provides technical assistance for the U.S. Department of Justice's National Institute of Corrections, the U.S. Bureau of Prisons, the Center for Effective Public Policy, and various international NGOs. During her doctoral career at the University of Cincinnati, she assisted in the development of the Women's Risk Needs Assessment, a suite of assessments specifically designed for predicting the treatment needs of justice-involved women.

Dr. Salisbury moderated a panel consisting of Commissioner A. James (TN), Commissioner R. Marlan (MI), Commissioner S. Arruti (NV), and DCA N. Latulippe (CT). The panel discussed gender specific programs and their application in different states.

Award Presentations

Executive Chair Award presented to Commissioner G. Roberge (CT) by Chair S. Andrews (OH).

Executive Director Award presented to DCA M. Billinger (KS) by Executive Director A. Lippert and Commissioner H. Cooper (KS).

Peyton Tuthill Award presented to Victims' Advocate J. Blaser-Upchurch (AZ) in recognition of her service and commitment to victims by Chair S. Andrews (OH), Commissioner D. Littler (AZ) and Victims' Advocate P. Tuthill.

Region Chairs Recognition

Chair S. Andrews (OH) recognized the region chairs for their service and dedication: Chris Moore – South Region Chair, Dale Crook – East Region Chair, Doug Clark – Midwest Region Chair, and Shawn Arruti – West Region Chair.

General Counsel R. Masters administered the Oath of Office to newly elected region chairs: Chris Moore – South Region Chair, Dale Crook – East Region Chair, Doug Clark – Midwest Region Chair, and Shawn Arruti – West Region Chair.

Chair S. Andrews (OH) announced that the 2018 Annual Business meeting is scheduled for October 1-3, 2018 in Orlando, Florida.

Adjourn

Commissioner M. Potteiger (PA) moved to adjourn. Commissioner J. Plousis (NJ) seconded. The Commission adjourned at 3:58 pm EDT.