



Interstate Commission for Adult Offender Supervision

Midwest Region Meeting MINUTES

**January 8, 2019 · 1:00 PM ET
Teleconference**

Members in Attendance:

1. Russell Marlan (MI), Chair
2. Dara Matson (IL)
3. Mary Kay Hudson (IN)
4. Charles Lauterbach (IA)
5. Hope Cooper (KS)
6. Allen Godfrey (MN)
7. Jacey Rader (NE)
8. Amy Vorachek (ND)
9. Sara Andrews (OH)
10. Doug Clark (SD)
11. Joselyn Lopez (WI)

Guests:

1. Turran Blazier (IN)
2. Joel Gruber (IN)
3. Nita Wright (IN)
4. Matt Billinger (KS)
5. Daryn Cobb (MI)
6. Janice Young (ND)
7. Sally Reinhardt-Stewart (NE)
8. Suzanne Brooks (OH)
9. Sarah Ball (SD)
10. Charles Frieberg (SD)
11. Cheryl Frost (SD)
12. Mary Evans (WI)

Staff:

1. Ashley Lippert, Executive Director
2. Allen Eskridge, Policy and Operations Director
3. Barno Saturday, Logistics and Administrative Coordinator
4. Kevin Terry, Website Analyst
5. Mindy Spring, Administrative and Training Coordinator

Call to Order

Commissioner R. Marlan (MI) called the meeting to order at 1:00 pm ET. All voting members were present, a quorum was established.

Approval of Agenda and Minutes

Commissioner M. Hudson (IN) moved to approve the agenda. Commissioner S. Andrews (OH) seconded. Agenda was approved.

Commissioner S. Andrews (OH) moved to approve the minutes from October 23, 2018. Commissioner D. Clark (SD) seconded. Minutes were approved.

Discussion

Re-opening Absconder Cases: DCA D. Cobb (MI) informed the region that the Midwest Region DCAs met in December 2018 to discuss audit standards, warrant reports in ICAOS Dashboards, and re-opening absconder cases. He noted that the region had an extensive discussion on the process for re-opening absconder cases and was not able to come to a consensus.

DCA J. Young (ND) added that the Midwest DCAs were concerned about the legal responsibility for supervision of a re-opened case.

Training Coordinator M. Spring noted that this issue had to be handled on case-by-case basis. She advised to document and manage these cases using the addendum in ICOTS and via emails.

Executive Director A. Lippert stated that the Training and the DCA Liaison Committees had discussed the issue as well.

ND Absconder Rule Proposal: Commissioner A. Vorachek (ND) presented a proposal to Rule 4.109-2 Absconding Violation and Rule 1.101 Definition of Absconder. She suggested adding additional criteria for handling absconding violations.

Rule 1.101 Definitions

“**Abscond**” means to be absent from the offender’s approved place of residence ~~or~~ and employment; and ~~avoiding supervision~~ failing to comply with reporting requirements.

Justification: the term “avoiding supervision” is open for interpretation. The revision defines more clearly and clarifies when receiving state knows offender is in the area but does not report as directed.

Rule 4.109-2 Absconding Violation

(a) If there is reasonable suspicion ~~to believe~~ that an offender has absconded, the receiving state shall attempt to locate the offender. Such activities shall include, but are not limited to:

- (1) Conducting a field contact at the last known place of residence;
- (2) Contacting the last known place of employment, if applicable;
- (3) Contacting known family members and collateral contacts, which may include:
 - i. contacting family members and collateral contacts identified in original transfer request and;
 - ii. contacting known emergency contacts
- (4) Other substantial verification including communication attempts directly to offender.

Justification:

Section (a): the term “reason to believe” could be better defined. The revision is more consistent with policy language and legal terminology.

Section (a)(3): identifies other criteria to validate absconder status that are oftentimes overlooked.

Section (a)(4): the inclusion of “other substantial verification” allows the receiving state to utilize creditable sources.

Commissioner M. Hudson (IN) recommended considering using “*shall*” instead of “*which may include*” in (a)(3).

Commissioner M. Hudson (IN) inquired about the definition of substantial verification in (a)(4).

Commissioner A. Vorachek (ND) will need more time to work on refining the proposal. She added that the proposal will not be ready for review and approval by Feb 15, 2019, the Rules Committee deadline to submit new rule proposals.

Ideas for ICOTS Enhancements: Executive Director A. Lippert noted that the Executive Committee recently approved Administrative Policy 02-2018 Enhancement Requests for Electronic System Authorized by the Commission. This policy provides an orderly process for Commission members to recommend ICOTS enhancements. The policy outlines how to submit enhancement requests and changes to the Technology Committee for consideration and action.

Audit Standard for Tracking Warrants: Training Coordinator M. Spring informed the region that the Compliance Committee adopted plans for the FY 2020 audit scheduled to begin July 1, 2019. The audit will focus on absconder warrant verification and the retaking process. She advised states to begin preparing and assessing their in-state processes.

New Business

Commissioner A. Godfrey (MN) presented an amendment to Rule 5.102(2)(b).

Rule 5.102 Mandatory retaking for a new felony or new violent crime conviction

(2)(b) When a sending state is required to retake an offender, the sending state shall ~~issue request~~ a warrant ~~within 10 business days of the receipt of response to the violation report~~ and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

Justification

Currently, there is no timeline provided for when a warrant shall be issued when it is decided the sending state is required to retake an offender. Requiring a timeline will ensure the sending state is retaking the offender in a timely manner, ensuring compliance. 10 business days is being suggested as it is consistent with timelines in Rules 5.103 and 4.111.

The region discussed that the 10 business day deadline presents difficulties for probation cases.

The region made changes in the proposal to Rule 5.102 (2)(b) documented above in blue.

Commissioner A. Godfrey (MN) moved to forward proposal to Rule 5.102 (2)(b) to the Rules Committee as amended. Commissioner J. Rader (NE) seconded. Motion passed.

Commissioner A. Godfrey (MN) presented an amendment to Rule 5.103-1(a).

Commissioner C. Lauterbach (IA) spoke against establishing a deadline for a sending state to issue a warrant.

As a solution, DCA T Hudrlik (MN) suggested the following change “*the sending state shall ~~issue~~request a warrant.*”

Rule 5.103-1 Mandatory retaking for offenders who abscond

(a) ~~Upon~~ No later than 10 business days after receipt of an absconder violation report and case closure, the sending state shall ~~issue~~request a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

Justification:

Currently, there is no timeline addressing when the sending state must issue a warrant after receiving an absconder report. Requiring a timeline will ensure the sending state issues a warrant in a timely manner, further protecting public safety. 10 business days is being suggested as it is consistent with timelines in Rules 5.102 and 4.111.

Commissioner H. Cooper (KS) moved to forward proposal for Rule 5.103-1(a) to the Rules Committee as amended. Commissioner M. Hudson (IN) seconded. Motion passed.

Commissioner A. Godfrey (MN) presented an editorial correction to Rule 3.101-1 (5)(d).

Executive Director A. Lippert stated that the region did not have to vote on editorial corrections. The national office will make the correction.

Adjourn

Commissioner A. Godfrey (MN) moved to adjourn. Commissioner C. Lauterbach (IA) seconded.

Meeting adjourned at 2:15 pm ET.