

Compact Office Staff Training

December 2019

- ## Training Agenda
- New DCA Region Chairs
 - Amendments Effective April 1st, 2020
 - FY2020 ICOTS Enhancements
 - Support Site Info for DCA Institute Planning

New DCA Region Chairs

Region DCA Chairs

Midwest	East	South	West
			
Matthew Billinger, Kansas	Natalie Latulippe, Connecticut	Tim Strickland, Florida	Tanja Gilmore, Washington

DCA Liaison Committee

Mission:

- Provide a mechanism for DCAs to communicate concerns or needs and act as a liaison to improve the communication and relationship between Commissioners and Deputy Compact Administrators.


2020 Goals:


- Identify issues or concerns affecting DCAs and support effective discussion/action to find resolution.
- Identify issues of relevance for referral to standing committees.
- Supporting the DCAs through partnership with the Training Committee, mentorship, and effective communication through newsletters and other forms.

DCA Liaison Committee

- Identify Issues & Concerns of DCAs
- Support collective resolutions & effective communication in day-to-day business
- Provide feedback for enhancing ICADS sponsored training
- Refer relevant issues to other standing committees via Executive Committee

- Participate in DCA Region Meetings
- Share Ideas, Challenges, Solutions
- Know your Region Chairs & Representatives!



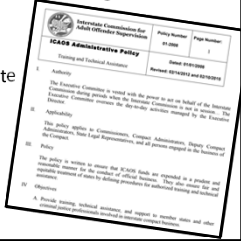


Next Edition:
December 2019!!!

<http://www.interstatecompact.org/committees/dca-liaison>

Amendment Training Plans

- Dec 2019-Initial Amendment Training
- Feb 2020-Follow-up Amendment Training
 - ICOTS Impact Update
- March/April 2020
 - Publications updated on website
 - Rules, Benchbook
 - PPTs (support site)
 - OnDemand Modules
 - Need assistance training staff?
 - TTA available



Summary of 2019 Amendments

- Rule 3.101-1 Transfers of Military, families....Veterans
 - Sections (a)(1), (2) & (5) *(non-substantial changes)*
- Rules 1.101 'Abscond' & 4.109
 - *Additional documentation*
- Rules 1.101 'Sex Offender,' 3.101-3 and 3.107
 - *New definition & defined transfer criteria and processes*
- Rules 1.101 'Temporary Travel Permit,' 'Victim Sensitive,' 3.108, 3.108-1, & 4.111
 - Clarifies how compact business impacts/applies to victim notification responsibilities

Effective date for rules will be APRIL 1, 2020

Summary of 2019 Amendments

- 3.110 Travel Permits NEW RULE!
 - *Requires notification for travel permits to sending state*
- Rule 4.106 Progress Reports
 - *Requires corrective action/incentive outcome*
- Rule 4.111 Return to Sending State
 - *Allows for returns when non-violent/non-felony charges exist*
- Rule 5.101 Discretionary Retaking
 - *Establishes timeframes for sending state to inform receiving state*
- Rule 5.103
 - *Clarifies responsibilities of receiving state to serve warrants*

Effective date for rules will be APRIL 1, 2020

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 is ~~under orders in 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 is ~~under orders in 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.

Rule 3.101-1 (a) (1) & (2)

- Replace 'deployed' with 'under orders'
- Consist with terms used by the military

IMPACT

- ICOTS: No
- Rule/Opinion: None

Rule 3.101-1 (a) (1) & (2)

(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 or acceptance; and

Rule 3.101-1 (e)

- Ensures the rule applies to those 'acceptance' in addition to being 'referred' for treatment
- Streamlines the referral and acceptance process for VA treatment

IMPACT

- ICOTS: No
- Rule/Opinion: None

Rule 3.101-1 (e)

Rule 1.101 Definitions

"Abscond" means to be absent from the offender's approved place of residence or employment; and failing to comply with reporting requirements—avoiding supervision.


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) Documenting communication attempts directly to the offender, including dates of each attempt;
- (2) Conducting a field contact at the last known place of residence;
- (3) Contacting the last known place of employment, if applicable;
- (4) Contacting known family members and collateral contacts, which shall include contacts identified in original transfer request.

(b) If the offender is not located, the receiving state shall submit a violation report pursuant to Rule 4.109(b) (8).

Rules 1.101 'Abscond' & 4.109

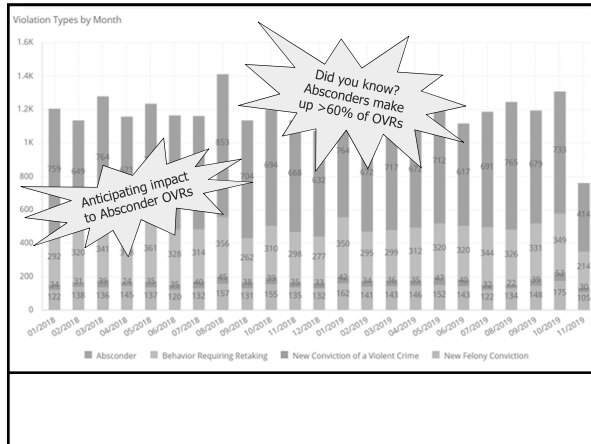


- Better defines term 'reason to believe'
- Ensures adequate documentation is reported to the sending state
- Identifies individuals noted in original transfer request should be contacted

IMPACT

- ICOTS: YES \$2,850
 - Change definition of Absconder in the Add Violation screen
 - Change text of 'Detail how the offender was determined to be an absconder' field.
- Rule/Opinion: None

Rules 1.101 'Abscond' & 4.109



Rule 3.101-3 Transfer of supervision of sex offenders; eligibility and reporting instructions, investigation, and supervision
 (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 following provisions of Chapter 3 of these rules, the receiving state shall provide the following information, on the investigation of the transfer request of a sex offender: including sex offender's criminal sexual behavior:
 (1) the sex offender's criminal sexual behavior;
 (2) victim information if distribution is not prohibited by law;
 (A) the name, sex, age and relationship to the offender;
 (B) the statement of the victim or victim's representative; and
 (C) the sending state's current or recommended supervision and treatment plan, enforcement report necessary for supervision in the receiving state, such as a law and needs score, or case plan may be requested from the sending state, following acceptance of the offender. If available, the sending state shall provide the documents within 30 calendar days from the date of the request unless distribution is prohibited by law.

Rule 1.101 Definitions
 "Sex offender" means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is registered or required to register as a sex offender either in the sending or receiving state or is under sex offender supervision in the sending or receiving state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

Sex Offender Rule

IMPACT

Amendment includes Rules:

- 1.101 'Sex Offender'
- 3.101-3
- 3.107 (minor clean-up)

• Addresses issues identified through region/committee discussions over last 2 years

• ICOTS: \$27,150-Sex offender indicator determined/managed by Sending State Only

• Rule/Opinion: None

Sex Offender Rule

Definition of 'Sex Offender'

Rule 1.101 Definitions

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

- Addresses misinterpretations for responsibilities during transfer process
- Does NOT limit receiving state's ability to require registration

Sex Offender Rule

Rule 3.101-3

- Distinguishes various compact process requirements eliminating delays:
 - Transfer Request-Defines info needed for investigation
 - Removes undefined/vague terms
 - Reporting Instructions-Defines info needed when eligible for RIs
 - No travel w/o RIs & 5 days to review residence (as indicated in existing rule)
 - Ensures denials (due to invalid residences) are consistent with similar offenders convicted in the receiving state
 - Supervision documentation-Similar to Rule 3.107 (c)

Sex Offender Rule

Rule 3.108-4 Victims' right to be heard and comment

(1) 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 same time as the offender is required to register in the receiving state, advise the victim 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 of the offender to the receiving state. Victims have the right to contact the offender's safety and family members' safety. Victims have the right to 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.

(2) The receiving state shall continue to investigate the transfer request while the offender is in the receiving state.

(3) Upon receipt of the comments from victims of the offender, the sending state shall consider comments regarding the victim's request. Victims' comments shall be considered and shall not be disclosed to the public. The sending state may impose special conditions of supervision on the offender to protect the safety of the victim or the offender's safety or the safety of the community. The sending state may impose special conditions of supervision on the offender to protect the safety of the victim or the offender's safety or the safety of the community.

Rule 3.108-2 Victim notification and requests for offender information

(1) Notification to victims upon transfer of offenders. Within 1 business day of the issuance of reporting instructions or acceptance of transfer by the receiving state, the sending state shall initiate notification procedures to victims of the transfer of supervision of the offender in accordance with its own laws to advise victims of the sending state and the offender's receiving state of the transfer of supervision of the offender to the receiving state no later than the 5th business day following the receipt of the request.

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

(3) Notification to victims upon violation by offender or other change in status.

(4) The receiving state is responsible for reporting information to the sending state.

(5) Changes in behavior requesting entities.

(6) Changes in offender's address.

(7) Changes in the sending state where offender is victim resident.

(8) Changes in the receiving state where offender is victim resident.

(9) To avoid a reporting state under an approved plan of supervision or a subsequent receiving state.

(10) To avoid a reporting state where supervision of the offender has been designated a victim-sensitive matter.

(11) Both the sending state and the receiving state shall notify known victims in their respective states of the submission in accordance with their own laws or procedures.

Victim Rules

Considerations for these amendments:

- 1) The 2018 ABM decision to discontinue the use of IVINS
- 2) The 2018 IVINS Survey Results
- 3) How the current rules fit in with the purpose of the Compact

IMPACT

- ICOTS: **None-Vote @ ABM determined 'Victim sensitive' designation will remain in ICOTS**
- Rule/Opinion: None

Victim Rules

Rules 1.101, 3.108, 3.108-1 & 4.111

- Struck definitions of "Victim sensitive" and "Temporary travel permit" as revised rules no longer use definitions
- 3.108 & 3.108-1 (Switch rule numbers)
- Simplify and clean up antiquated language such as use of the word 'telefax'
- 3.108-1 new title **Victim notification and requests for offender information**

Victim Rules

Rules 1.101, 3.108, 3.108-1 & 4.111

- Notifications to the sending states outlined in current 3.108 (b) are not necessary since they are already provided in ALL cases under separate existing rules (*with the exception of travel permits-addressed w/New Rule 3.110*)
- Clarification to the Commission that the sending state is responsible for notifying victims, 4.111 (e) is no longer necessary

Victim Rules

ICOTS Impact for Victim Rules

- ‘Victim Sensitive’ indicator **will remain** in ICOTS for states to use.
- How does this change impact your state?
 - Depends on how you currently use the indicator.
 - Consult with your state’s Victim Services to determine/define if and how the indicator should be used.
 - *What ICOTS processes trigger notifications to victims in your state?*

Victim Rules

New Rule 3.110 Travel Permits

(a) Notification of travel permits - The receiving state shall notify the sending state prior to the issuance of a travel permit for an offender traveling to the sending state.

(b) This rule does not apply to offenders who are employed or attending treatment or medical appointments in the sending state, provided that the following conditions are met:

- (1) Travel is limited to what is necessary to report to work and perform the duties of the job or to attend treatment or medical appointments; and*
- (2) The offender shall return to the receiving state immediately upon completion of the appointment or employment.*

New Rule 3.110

How does this new rule fit into your state's travel permit policies?

Each state will need to establish training, management and compliance for this new requirement

- Addresses removal of 3.108 (b)(1)(E) in current victims rule
- Intended to assist sending state w/ victim notification when offender is traveling back to a sending state
- Notification is not required for known travel for employment or medical appointments

Don't miss the next 'Liaison' featuring a Best Practice of Nebraska's Travel Permit Procedures

May assist your state in the implementation of this new Rule!

New Rule 3.110

Rule 4.106 - Progress reports on offender compliance and non-compliance

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

(b) A receiving state may initiate a progress report to document offender compliant or noncompliant behavior that does not require retaking as well as incentives, corrective actions or graduated responses imposed. The receiving state shall provide: date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior in the receiving state, and the offender's response to such actions.

Rule 4.106

- Mandates the same documentation requirements for progress reports just as it is for violation reports requiring retaking

IMPACT

- ICOTS: Yes \$4,155-**New Field** to provide outcome information for corrective actions applied
- Rule/Opinion: None

Loss of privilege
 Other, describe:
 Describe in detail how all the incentive and/or corrective selected above addressed or failed to address the offender's behavior:
 Mr. Doe first tested positive for methamphetamine shortly after his release from prison on 1-7-17. He had completed substance abuse treatment while incarcerated. He was referred to a cognitive behavior program, Thinking for a Change, and successfully completed that program on 4-22-17. However, he tested positive for methamphetamine again on 4-28-17.

Rule 4.106

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 felony or violent crime 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.

Rule 4.111

• Aligns Rule 4.111(a) and Rule 5.101-1 so that the language matches in regards to eligible returns

IMPACT

- ICOTS: No
- Rule/Opinion: None

Rule 4.111

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 felony or violent crime in the receiving state. The receiving state shall provide the sending state with the amount(s) for the offender's return. The offender shall remain in the receiving state until receipt of reporting instructions.

Rule 5.101-1 Pending felony or violent crime charges

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

References:
 ICOTS Advisory Opinion J-2019 (The language of Rule 5.101-1 anticipates the exercise of discretion by prosecutors and other state authorities in the determination of whether an offender or probationer should be held subject to retaking bonds or to be detained on bonds set in connection with a new offense.)

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

Rule 5.101 Discretionary retaking by the sending state

(a) Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may **retake or** order the return of an offender. **The sending state must notify the receiving state within 15 business days of their issuance of the directive to the offender to return. The receiving state shall request return reporting instructions under Rule 4.111. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than 30 calendar days following the offender's failure to appear in the sending state.**

(b) **If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state. Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may retake an offender via warrant. The sending state must notify the receiving state within 15 business days of the issuance of their warrant. The receiving state shall assist with the apprehension of the offender and shall notify the sending state once the offender is in custody on the sending state's warrant.**

Rule 5.101

- Establishes timeframes and tracking for offenders retaken by the sending state at its discretion
- Requires timely notifications
 - To assist the Receiving State in requesting return RI's or
 - To assist with serving warrant/apprehending offender and retaking

IMPACT

- ICOTS: No
- Rule/Opinion: None

Rule 5.101

Rule 5.103 Offender behavior requiring retaking

(a) Upon a request by the receiving state and documentation that the offender's behavior requires retaking, a sending state shall issue a warrant to retake or order the return of an offender from the receiving state or a subsequent receiving state within 15 business days of the receipt of the violation report.

(b) If the offender is ordered to return in lieu of retaking, the receiving state shall request reporting instructions per Rule 4.111 within 7 business days following the receipt of the violation report response.

(c) The receiving state retains authority to supervise until the offender's directed departure date. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant, no later than 10 business days following the offender's failure to appear in the sending state.

(d) If the sending state issues a warrant under subsection (c) of this rule, the receiving state shall attempt to arrest the offender on the sending state's warrant and provide notification to the sending state. If the receiving state is unable to locate the offender to affect the arrest, the receiving state shall follow Rule 4.109-2 (a) and (b).

Rule 5.103

- Clarifies the receiving state's responsibility to arrest an offender subject to retaking
- When offenders are not located receiving states should be attempting to locate the offender as an absconder under Rule 4.109-2

IMPACT

- ICOTS: TRAINING ONLY- States should use ADDENDUMS to update custody status
- Rule/Opinion: None

Rule 4.109-2 Absconding Violator

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

- Documenting communication attempts directly to the offender, including dates of such attempts;
- Conducting a field search at the last known place of residence, if applicable;
- Contacting the last known place of employment, if applicable;
- Contacting known family members and other contacts, which shall include contacts identified in original transfer request.

(b) If the offender is not located, the receiving state shall submit a violation report pursuant to Rule 4.109(3) (f).

History: Adopted October 11, 2016; effective March 2, 2017; amended October 9, 2018; effective April 1, 2019.

Rule 5.103

Is your state using Addendums to manage retaking??

Addendum to OVR

Assistants | Complete | Upload | Offenders | Reports | Users | Administrators | Help

Addendum to Existing Violation Report

Addendum to Violation Report for Lone Star

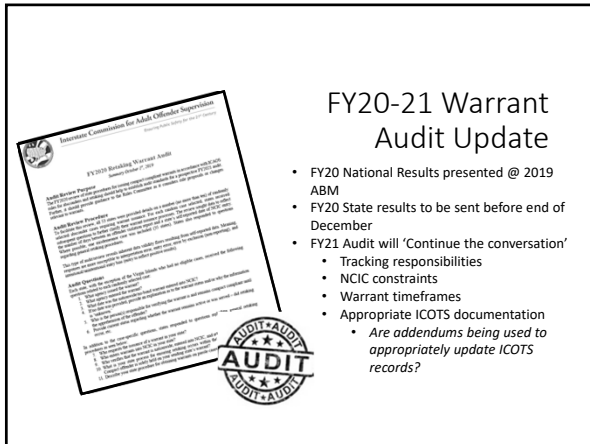
Select **Start** next to the topic that you want to visit. When you're finished entering all of the information, select **Submit**

Topics	Progress
Review Offender Information	2/23
Current or Last Known Residence	---
Current or Last Known Employment, Provide PC hearing report or additional violation information	2/26
Violation Information	2/26
Locations/Availability Information	2/26
Recommendations	2/26

Warrant status requests, misc follow-up, etc. Submit

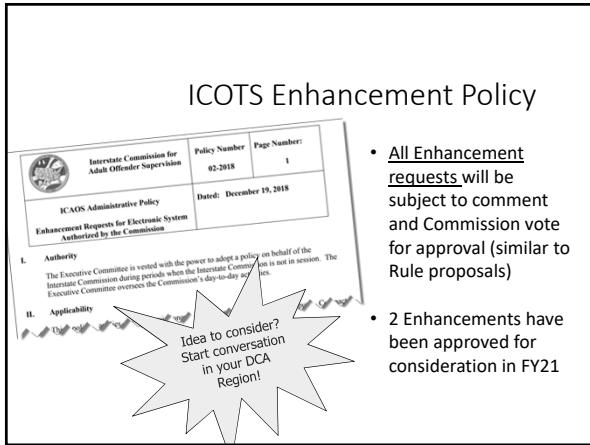
Copyright 2013 © Interstate Commission for Adult Offender Supervision | Contact: SC203

**Updates Violation Record; Use for Violation correspondence
DO NOT report new violations on an Addendum**



FY20-21 Warrant Audit Update

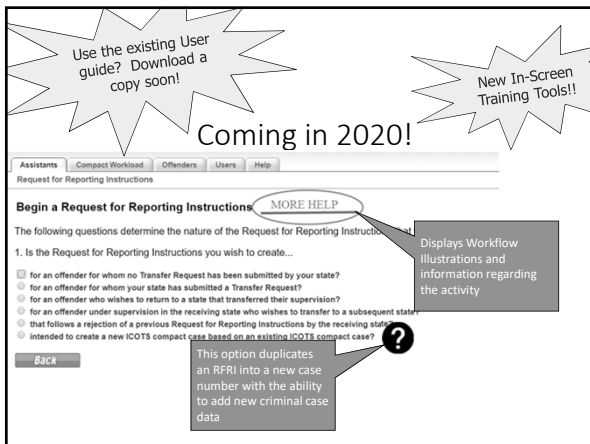
- FY20 National Results presented @ 2019 ABM
- FY20 State results to be sent before end of December
- FY21 Audit will 'Continue the conversation'
 - Tracking responsibilities
 - NCIC constraints
 - Warrant timeframes
 - Appropriate ICOTS documentation
 - Are addendums being used to appropriately update ICOTS records?



ICOTS Enhancement Policy

Idea to consider? Start conversation in your DCA Region!

- All Enhancement requests will be subject to comment and Commission vote for approval (similar to Rule proposals)
- 2 Enhancements have been approved for consideration in FY21



Use the existing User guide? Download a copy soon!

New In-Screen Training Tools!!

Coming in 2020!

Request for Reporting Instructions

Begin a Request for Reporting Instructions [MORE HELP](#)

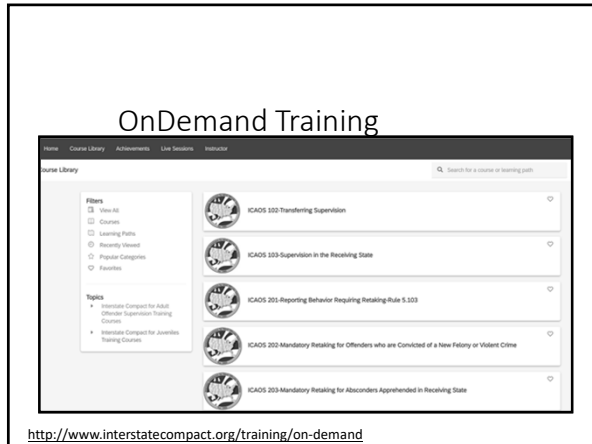
The following questions determine the nature of the Request for Reporting Instructions...

- Is the Request for Reporting Instructions you wish to create...
 - for an offender for whom no Transfer Request has been submitted by your state?
 - for an offender for whom your state has submitted a Transfer Request?
 - for an offender who wishes to return to a state that transferred their supervision?
 - for an offender under supervision in the receiving state who wishes to transfer to a subsequent state?
 - that follows a rejection of a previous Request for Reporting Instructions by the receiving state?
 - intended to create a new ICOTS compact case based on an existing ICOTS compact case?

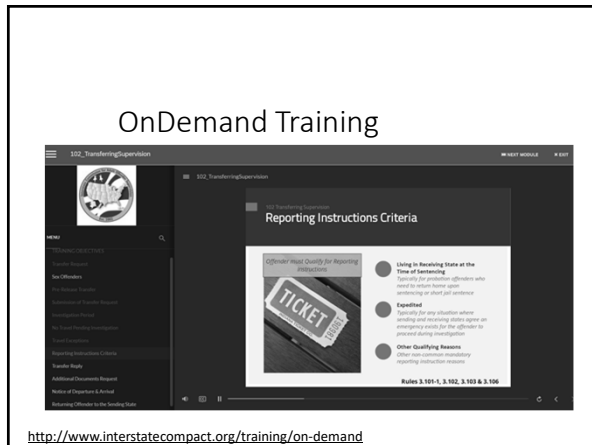
Displays Workflow illustrations and information regarding the activity

This option duplicates an RFRI into a new case number with the ability to add new criminal case data

Back




<http://www.interstatecompact.org/training/on-demand>



<http://www.interstatecompact.org/training/on-demand>



Newest Compact Resource!



<https://www.interstatecompact.org/core-search>

Questions
