

# FAUG MEETING MINUTES

## Linn County

February 17<sup>th</sup> 1:00 p.m.-5:00 p.m.

February 18<sup>th</sup> 9:00 a.m.-12:00 noon

### **MEETING LOCATION:**

Linn County Parole & Probation

118 SE 2<sup>nd</sup> Ave

Albany, OR 97321

### **DAY ONE:**

#### **Introductions/Welcome/Housekeeping**

**Bonnie/Group**

In attendance: Mark Patterson (Compact); Christopher Swayzee (Washington); Bonnie Timberlake (Linn); Charles Adler (Multnomah); Lee Cummins (DOC); Mary Hunt (DOC); Shawna Harnden (Parole Board); Ruby McClorey (Compact); Justin Bendele (Deschutes); Erin Larson (Coos); Michael Elkinton (Jackson); Tina Potter (Tri-County); Gina Courson (Marion); Mike Hill (DOC); Marne Pringle (Clackamas); Paula Fata (Multnomah); Angela Beier (Polk); Shawna Johnson (Benton); Andie Cortes (Douglas); Dona Dotson (Curry); Mike McManus (Grant); Denise Easterling (Jefferson); Betty Ruiz (DOC); Marcus Krieg (Yamhill); Allen Bergstrom (Klamath); Chelo Ramirez (Hood River); Joe Swope (Lane); Krista Lauer (Lincoln); Lena Watson (Wasco); Diane Routt (DOC); Jane Moffitt (DOC); Jay Scroggins (OACCD).

#### **Minute Review**

**Group**

Minutes are approved.

#### **Parole Board**

**Shawna Harnden**

At last meeting, Shawna advised about new hires (based on new SO Notification Level program). The hiring is now done. Three of those hired were internal promotions.

Shawna will no longer be Supervising Executive Assistant; has been promoted to Hearings Officer. She will also cease to be the FAUG/SOON Rep. Her replacement will be Jamie Ferguson; who will start attending meetings with Shawna until she is ready to go on her own. Shawna will still be the PBMIS Program Manager. We can contact her for system issues. Please make sure she is aware of any system errors.

The current Parole Board Chairperson, Kristin Winges-Yanez, handed in her resignation. February 26, 2016 is her last day. Michael Wu was appointed by the Governor to be the new Chairperson, starting February 29, 2016.

The Parole Board will now be a five-member Board. One new Board Member is Christine Herman (still in training). Patty Kress (from DOC) was hired to replace Michael Wu. One Board member position will remain open and should be filled in May. A new roster/list will be sent out.

When an offender is revoked by the Board, the Jail should NOT be releasing them early. Please notify the Board immediately (Revocation Specialist – Malinda Boyer) if this is happening. The Board will sort it with the Jail. Also, about 45 days prior to release, the PPO needs to send a Release Plan to the Board. This allows the Board to put the offender back on supervision upon their release. Email the plan to [orders.boppps@doc.state.or.us](mailto:orders.boppps@doc.state.or.us).

The Parole Board now has a secondary location on 198 Commercial St SE. The Sex Offender Notification Level team is now there. The remainder of the Board staff remain at the Dome Building.

Lee Cummins raised the issue about addressing Sanction Report Forms (SRFs) on a combination case (a case containing both Probation and PPS cases) where the PPO is addressing violation behavior ONLY in the Probation case and taking no action in the PPS case. The PPO (or FAUG Rep) cannot complete those SRFs, due to the case being in PPS status. Lee and Shawna will explore better ways to resolve the situation with the new program. Meanwhile, FAUG Reps should continue sending requests to Lee to have SRFs completed on such cases.

Shawna reminded the group that ...

If there was a Board Warrant issued, the PPO needs to either send a Lift Request (either by teletype or by email to [paroleboardwarrants@doc.state.or.us](mailto:paroleboardwarrants@doc.state.or.us)) or a SRF with NOAC on the PPS case. This is a must because the Board must have something to resolve a warrant.

If there was not a Board Warrant issued, the PPO can send the info to Malinda Boyer (Revocations Specialist), explaining the situation and requesting the info be put into the record. This would include sending a Court Report via email to add to the record. On SRFs, a NOAC line on the PPS case can also suffice.

**Compact**  
New Rule Changes coming in March 2016

**Mark Patterson**

Voting was done in Portland in October on Rule Changes. These approved changes take effect on March 1, 2016. Some items were passed; others not. A summary of the new rules:

**Rules effective March 1<sup>st</sup>:**

Rule 3.101-2 Amended the rule to expanding the information provided for discretionary transfers and providing more detail in rejections

Rule 3.101-3 Amended the rule to allow 5 days to investigate all Sex Offender RI's.

Rule 3.102 Amends the rule to allow daily travel for not only employment but also treatment and medical appointments during a TR investigation and not be means for rejection.

Rule 3.103 Amends the rule to expand the RI's for an offender living in the receiving state at the time of sentencing to also include for the disposition of a violation or revocation proceeding.

Rule 5.101-2 **NEW RULE**... This new rule provides the sending state with an optional process to address a new conviction violation while the offender is incarcerated in another state for a new crime and the sending state intends to revoke. The offender can serve this revocation concurrent with the receiving states new conviction.

Rule 3.101-1, 3.103, 3.106, 4.111, 5.103

Amends these rules to require reporting instructions for offenders returning to the sending state for the following reasons:

- Rejected Transfer Request for offender in the receiving state on approved RI's.
- Offenders directed back to sending state in lieu of retaking for violation.
- Offender request to return.

**See attached PowerPoint for further details...(pages 12-23 of this document).**

New alpha-division of workload:

- Woody Fogleman: A – H
- Ruby McClorey: I – M + Reporting Instructions
- Manette Emra: N – Z

**SSTIR (Suspected Security Threat Intel Report) Overview**

**Mike Hill**

Safety/security threat information used to be handled within each institution and when offenders were transferred, the receiving institution often had no information about the offenders' threat/security concerns. This information has been made available across all institutions. If you see a notification (in chronos) that says SSTIR, there is threat information added. Whenever a SSTIR is generated, it is auto-chrono'd. It will have a number (the "Intel Num") that is in the Security Threat Management component in OMS.

Retention on reports is about 3 years.

Security Threat Management (STM) information is available to be viewed in OMS. There is a category in the menu (change users to “All CC Users”) for STM info. Clicking on “View STM Intel” will open a screen to look up a name. Click on the name. The report link should come up. Reports are only viewable when finalized. Lee will send an email with the list of the finalizers in each county. Mike Hill and Jane Moffitt can also enter/finalize reports, as well. A report can be made confidential. There is a packet of info on being a finalizer. Mike will send it to Lee to send it out to the FAUG Reps.

The local jails can send info to Mike/Jane ... or ... the assigned PPO to have SSTIR reports added.

### **Institution Designators**

**Betty Ruiz**

Betty gave a list of Institution Designators (attached - see page 11 of this document).

Other new designators coming include: PIMU (Pre IMU Designation); SSTIRs.

A PREA designator is being considered (legal issues being looked at).

Users can put their cursor on the flashing “Designator” and hit F4, (or use the menu) to access the Designator Screen. A function key menu will allow navigation through the designators. Discontinued designators can also be viewed. Some auto-expire upon release and some are masked.

It is possible that a “D” for Designator can be added (similar to “R” designator).

#### **PIMU levels**

- 1 – Minimum/Unfenced
- 2 – Minimum
- 3 – Medium
- 4 – Medium
- 5 – IMU and Death Row

### **Roundtable**

**Group**

Gina Courson (Marion) – Are there statewide guidelines on how to enter employment data into the module. There is no information on the FAUG Networking page. A workshop from around 2002 has mention of the guidelines. F/T School same as F/T Employment. The “101” (percentage) used for Retired/Disabled/on SSI/SSD or homemaker. The “Y” in the employment field is required.

Gina Courson (Marion) – Local sanctions sent to Supv did not go to the Supv. It was discovered that Option 13 wasn't working correctly in recent past. This has been fixed. Nobody seems to be experiencing similar issues. Gina will watch for further issues and will report back to Lee.

Christopher Swayzee (Washington) – Earned Discharge – EDIS notices sent to other counties' Judges are being met with some pushback. Asked if Reps could talk with their management to consult with Judges to remind them that the notice is not a request. Mary said that the EDIS workgroup can still be consulted for questions about EDIS. Please send questions to Denise Sitler. She will forward to the EDIS Workgroup for consensus unless the question has already been addressed in the EDIS FAQ.

Lee Cummins (DOC) – CIS/ISIS User's Guide can be found at:

[www.oregon.gov/DOC/CC/networking\\_groups.aspx](http://www.oregon.gov/DOC/CC/networking_groups.aspx)

The manuals are contained there.

Allen Bergstrom (Klamath) – Warrants on 2 offenders who are on Local + Board status have WTWT status. This is "Withdraw" status. Lee will check on this to see if this can be changed.

Marne Pringle (Clackamas) – Please remind POs to include (on acceptances) their mailbox info (ORI info).

Denise Easterling (Jefferson) – Clerical staff asking if can add a line to track days worked in CSWK (Condition Tracking). Directors wanted to know percentage completed, not the dates. Therefore, it was not built into the Conditions Tracking module. Other databases are in existence for tracking CSWK hours.

Denise Easterling (Jefferson) – A PO would like to see a Compact "place" code. Suggestion was to use the "keyword" as Compact and search by that keyword.

Denise Easterling (Jefferson) – Started eFiling – is there a list for contact persons in the DA's office. Other counties do not have one.

Andie Cortes (Douglas) – There is a need to change the format for Sanctions to allow proper margins for eFiling. FAUG can request a Service Request. Will need the requirements for margins.

Paula Fata (Multnomah) – Closing Treatment Module referrals for outcome measures. Denise Sitler had opinions on that at prior meeting. Has anything happened on that? Does not appear that it has yet. Denise should be contacted regarding that.

**DAY TWO:**

**OACCD Update  
-Sanctions**

**Jay Scroggin**

The issue of deleting sanctions is raised again. Some examples were sent to OACCD for decisions. The discussion at OACCD morphed to include that the supervision level at the time of the preparation of the sanction was an important consideration. Ultimately, OACCD have decided that FAUG need to create an outline/guidelines. Angie can type it up and send it to Jay for the next OACCD Meeting.

Several examples were discussed...

Example #1 – A PPO prepares a sanction prior to the offender’s scheduled arrival in the office, but the offender never arrives. A warrant is then prepared and the sanction is not imposed.

Recommendation: FAUG was unable to come to a consensus about the practice of preparing sanctions without the offender being present. Many PPOs feel this is a necessary practice for time management purposes; whilst others feel that waiting until the offender is in the office eliminates the need to delete the sanction. All agree (including OACCD) that a PPO should not initiate a sanction at the time a warrant is being requested.

Example #2 – An offender is sent to prison on new charges prior to a sanction being served.

Recommendation: Close the unserved sanction as NOAC and justify the NOAC closure code.

Example #3 – A sanction is served, but the Court denies the sanction and sets a Probation Violation Hearing.

Recommendation: Put NOAC in the ‘Sanction Given’ section and then enter the Court Ordered sanction/sentence in the ‘Judge Override’ section.

Examples #4, #5 and #6 – A sanction is prepared on the wrong offender; a duplicate sanction is accidentally prepared or the sanction is prepared, but subsequently, it is determined that not enough evidence exists to support the allegation of violation behavior.

Recommendation: Delete the sanction.

Other notes/recommendations regarding sanctions:

- Anytime a sanction is completed with NOAC, there should be a justification entered into the body of the sanction as to why the sanction was completed NOAC.
- Sanctions should be completed when the process is completed. The PPO should NOT wait until the sanction is fully served.
- A concern was raised that a behavior alleged is counting toward future sanctions, but if the sanction is not served, then it should not count. Lee will see if this could be addressed with programming.
- A question was asked if an open sanction (past 15 days) could trigger an OTTO notification ("R" code) to remind PPOs to complete the sanctions. FAUG agree, but only if in PEND status. There are reasons for which a sanction may not be completed beyond the 15 days, but they should be in another status (SUPV, VOTE, etc).

OTHER OACCD BUSINESS:

OACCD reviewed the Conditions Table changes. All but one were approved. The NOIX needs to have Marijuana taken off the description (this is covered with NOMJ). Lee intends to have the changes in effect March 1, 2016.

Jay said that some proposals for language regarding Marijuana have been made in the legislature (which would make current laws more relaxed). However, Special Conditions will trump language for supervision purposes.

Jay said that a budget issue re: moving population from Deer Ridge Med to Deer Ridge Min facilities will cost over \$2M. OACCD agree that this money will not come out of the Justice Reinvestment dollars and that DOC needs to find funding for that somewhere else.

EDIS – started back up January 1, 2016. The admin rule was modified – stating that the offender cannot have been sanctioned in the previous six months, all CMPF/REST must be paid, cannot have been convicted of any crime during supervision and the offender must be actively participating in case plan. This last one (regarding participation in the case plan) was designed to be up to each county...and it should be left open for each county to decide what that means.

A question was raised regarding closing treatment referrals (either as ADMN, SUCC, or UNSU). This is an issue especially with SOSN; dealing with SO Treatment, which is

very long and can outlive supervision terms. Jay said that it may not be a PPO's job to say whether a Treatment program is completed, but we can say that it is our job to determine whether the condition was completed. However, other stakeholders rely upon the closure for their decision-making processes and may consider a SUCC (based on max benefit) as a successful completion of treatment...even if the offender never completed the treatment program after supervision terminated. Jay will take the issue to OACCD to see if they can come up with a consensus, but suspects that this issue may have to also involve the workgroups (SOSN, FVSN, etc).

## **DOC Update**

**Lee/Mary**

RE: FAUG Meeting Minute retention – OACCD (Steve Berger) will take it to today's OACCD Meeting to determine whether two years of website retention is OK. Nothing in ORS seems to state otherwise. Not all of the groups put their minutes on the website. Robin Corrigan is now the Community Corrections ESII and will maintain the website.

Tracy Coffman will take over Chris Christy's position (as of March 1, 2016) with STTL.

Angie had an issue arise. She created (in OMS) and printed a new action plan (prior to an office visit) to prepare it for a duty officer to cover in her absence. This action plan included a new appointment date/time. The issue arose when, in DOC400, it is indicating (translating from OMS to DOC400) that an office visit occurred (indicating this date as the "last office visit" date). FAUG Reps are going to keep an eye on this issue and report any occurrences to Lee.

Warrants – A problem was identified in the Warrant module where Supervisors utilizing the option PBM206I W/W Supervisor Warrant Review (option #32 from the CCMGR menu, and #47 from the CCPPO menu) could not use option 13 = Complete LC. Nothing would happen and the cursor would just skip down to the next line. They could still go to PBM 203I Warrant Request by Offender view and complete the warrant using option 13 there. A ticket was entered to Development for the fix, which was put into production this morning. Now staff using the Supervisor Warrant Review option should be able to use option 13 to complete a Local warrant.

Distribution List (DL) issues – Counties are OK to use our distribution list. However, new protocols (to prevent spamming/spoofing) have been implemented by various counties IT Departments and are preventing emails from reaching all intended recipients. It is doubtful that counties will relax their restrictions/firewalls. Other options, including List Serve, are being considered. Some concerns with List Serve include individuals being able to remove themselves from the list, rather than an administrator managing the list. Lee is working on this issue and will keep FAUG updated.

SR2619 ("R" code for Case Plan) – has been in the works for a while. The desire is to put any "R" code messages in the header of the case plan so you don't have to go back into CIS to see them. Messages used by the institution will not show...only the Community's.



Treatment Module – There are incorrect entries being made into the module. Most of these have been not using the correct naming convention (i.e. the 4-letter County code followed by a – (dash) with no spaces before adding the abbreviated program name. Adding the dash with no spaces allows the program to show up in the correct alphabetical order. FAUG agree that the web-based programs will begin with “WEB”. It would need to be included in the Treatment Module section of the manual. Also the manual should include screen shots on how to move offender assignments from one program to another. Reminder that any out-of-state program must begin with “OOS”.

Lee did enter the Merge Code request (SR2720). This request will correct broken codes and add new codes (including “Scars/Marks/Tattoos”, “Overall LS/CMI Score”).

SONL Designator will be implemented on Tuesday, February 23, 2016. It will auto-chronology. The Predatory Sex Offender Level will automatically be discontinued (if done by the Board), but those PSOs done by the community will need to be manually discontinued. Paula (Multnomah) will take this issue to SOSN.

**SOON Update**

**Lee/Mary**

Mary entered SR2697 (to create an edit which will prevent support staff from closing a record to outcount if a PSC score is not entered first). This SR is not yet being worked on, but could perhaps be picked up by a programmer with another SR. Mary said that she had also considered an edit which could be added to prevent a record from being closed to CMPO if the risk level is not yet set at LOW. FAUG is not yet in agreement with this. It will be explored further.

**FAUG Rep Manual**

**Andie/Larry**

Andie brought proposed changes/corrections to the Treatment Module Business Rules. The changes/corrections only are grammatical at this point. Changes made are to be sent to Charles and he will notify Angie.

Lee proposed that new FAUG Reps have a mentor, perhaps from a neighboring county, to help them with their FAUG Rep duties. Charles agreed, as the Membership Officer, that when new FAUG Reps are added, he will ask closest proximity FAUG Reps to mentor the new Reps. Charles will also send the new Rep a FAUG Rep Manual.

An inquiry at the meeting was made to any new/newer Reps who would like to be assigned a mentor. Mentors were assigned as follows:

- Dona Dotson will have Tina Shippey as a mentor.
- Denise Easterling will have Justin and Chris Bell as mentors.
- Shawna Johnson will have Gina Courson as a mentor.
- Mike McManus will have Tina Potter as a mentor.
- Lena Watson will have Charles Adler and Tina Potter as mentors.

NEXT MEETING:  
May 18<sup>th</sup> and 19<sup>th</sup>  
Curry County – Brookings (behind Brookings PD)

## Institution Designators

AIP	Alternative Incarceration Program	Used to identify who is eligible for AIP consideration
ARSN	Arson	Documents arson related crimes
BECR	Behavior or Criminal History Concern	Documents case management concerns for those who should not have outside clearance for work crews
CONF	Conflicts	Identifies inmates who pose a threat to inmates or staff
DETR	Detainers	Hold placed for unserved or pending charges
DV	Domestic Violence	Identify domestic violence crimes
ESCA	Escape Risk	Identifies escapes risk assessing past behavior
FSAP	Family Sent Alt	Used by the PO
GNC	Gender Non Conformant	Identifies for housing placement
HOLD	Institution Hold	Holds inmate at current location until removed
HPCR	WHALE High Profile	Crimes with high media coverage with safety concerns
IMUS	Intense Management (IMU)	Used to identify those approved for IMU placement
NOTF	Notifies	From Victims, DMV, Fire Marshall etc.
OCEC	Oregon Corrections Enterprise	Certification Program at an Institution
OCEL	Oregon Corrections Enterprise	Lead Worker at an Institution
OCHG	Other Charges	A detainer/notification that has an end prior to the inmates release date, cite to appear or no extradition
PMAS	Prison Management alert	Used to monitor high and moderate risk inmates
PRTR	PREA 1206	Alert PREA manager for PREA inmate transfers
PSO	Predatory Sex offender	Assigned by the Board of Parole
PSYC	Psychological Concerns	Requires mental health clearance prior to move
RSTR	Restraining/Protection Order	Active restraining or protection order
SCEL	Single Cell	Identifies those offenders who require a single cell
SONL	Sex Offender Notification Level	New Parole levels for sex offender assessment
SRAT	Suicide Risk	Identifies those that are at a High risk for Suicide
STLK	Stalking Order	For active stalking order
STM	Security Threat Management	Identifies those who pose a threat i.e. gangs, assaults
SVDO	Sexually Violent Dangerous Offender	As determined by the court
SXAR	Sex Offense Arrest	Identifies sex arrests for the Board of Parole
SXDP	Sexually Dangerous Person	As determined by the court
SXEL	Sexual Element to Crime	Non- Sex crimes that have a sexual element to them
SXOF	Sex Offense	Convictions for a Sex Offense
TL	Transitional Leave Eligibility	Identifies Trans Leave and days authorized
VICC	Victim Concerns	Offender victims
VICO	Victim Co-Defendant	Offenders co-defendants
WHAC	WHALE Community Cleared	Community work clearance override for those assessed as inside work cleared
WHAL	Work Assignment Levels	Work clearance – Inside, Onsite, Community, Unfenced
1206	Transfer Pending Request	Pending transport request

2/16/2016

## ICAOS Rule Amendments Effective March 1, 2016

### Amended Rule 3.101-2 Discretionary transfer of supervision

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

2/16/2016

## What this means for you

- Emphasize and detail the reasons in your discretionary transfer requests on why this is a good plan for the offender. Demonstrate how an acceptance in the receiving state will likely result in a successful completion of supervision, promote public safety, help in the rehabilitation of the offender and protect the rights of the victim. Provide any supporting documents such as employment or letters from the sponsors.
- If you are rejecting a discretionary transfer be detailed in your reasons for rejection. Don't just say "need time to investigate", provide a reason why you want more time to investigate.

## Questions

2/16/2016

**Amended Rule 3.101-3  
Transfer of supervision of sex offenders**

( C ) Reporting instructions for sex offenders Rules 3.101-1, 3.103 and 3.106 apply to the transfer of sex offenders, as defined by the compact, except for the following:

(1) The receiving state shall have 5 business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instruction. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.

(2) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except for 3.102 (c).

**WHAT THIS MEANS TO YOU:**

- Expands the 5 days for response to all RI reasons for S/O in order to review proposed residence. Old rule applied only to RI's that were for S/O's living in the receiving state at the time of sentencing.

Questions

2/16/2016

### Amended Rule 3.102

#### Submission of transfer request to a receiving state

(c) An offender who is employed or attending treatment or medical appointments, in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for employment, treatment or medical appointments purposes may be permitted to continue to travel to the receiving state for these purposes while the transfer request is being investigated, provided that the following conditions are met:

- (1) Travel is limited to what is necessary to report to work, and perform the duties of the job or to attend treatment or medical appointments and return to the sending state.
- (2) The offender shall return to the sending state daily, immediately upon completion of the appointment or employment, and
- (3) The Transfer Request shall include notice that the offender has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.

### What this means for you

- Similar concept to border situation when offender is employed in the receiving state at the time of request.
- This rule only allows for current treatment or medical appointments that were in place at the time of transfer request, it does not allow for new treatment or appointments to be made during the transfer.
- These appointments for travel during the investigation must be detailed out in the transfer request.

2/16/2016

## Questions

### Amendment to Rule 3.103

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

(a) (1) A request for reporting instructions for an offender who was living in the receiving state at the time of initial sentencing or after disposition of a violation or revocation proceeding shall be submitted by the sending state within 7 business days of the initial sentencing date, disposition of violation, revocation proceeding or release from incarceration to probation supervision. The sending state may grant a 7 day travel permit to an offender who was living in the receiving state at the time of initial sentencing or disposition of violation or revocation proceeding. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.



2/16/2016

## What this means for you

When offenders given Reporting Instructions under Rule 3.103 (Living in the Receiving State at the Time of Sentencing) are retaken by the sending state to face revocation and are then returned to supervision after serving 6 months or less on the revocation, they currently do not qualify again as Living in the RS at Sentencing because "sentencing" has been interpreted to mean the initial sentencing only and not the revocation sentencing. This often creates a hardship for an offender who still has no ties to the sending state and may have to wait up to 45 calendar days before being allowed to return to their home and job if discretionary Reporting Instructions are not approved. The new, mandatory Request for Reporting Instructions would be submitted under a new case number since the old one would have been closed out when the offender was retaken. A transfer request investigation of the plan would still be conducted. New Notices of Departure and Arrival would still be submitted. Extradition fees would still need to be paid prior to the submission of RI's.

## Questions

2/16/2016

**Rule 5.101-2**  
Disposition of violation in the sending state  
for a new crime conviction

Notwithstanding any other rule, a sentence imposing a period of incarceration on an offender convicted of a new crime which occurred outside the sending state during the compact period may satisfy or partially satisfy the sentence imposed by the sending state for the violation committed. This requires the approval of the sentencing authority in the sending state and consent of the offender.

- a) Unless waived by the offender the sending state shall conduct, at its own expense, an electronic or in-person violation hearing.
- b) The sending state shall send the violation hearing results to the receiving state within 10 business days.
- c) If the offender's sentence to incarceration for the new crime fully satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is no longer required to retake if Rules 5.102 and 5.103 apply.
- d) If the offender's sentence to incarceration for the new crime only partially satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is required to retake if Rules 5.102 and 5.103 apply.
- e) The receiving state may close the case under Rule 4.112 (a)(3)

**What this means to you**

- Provides the sending state with an optional process to address a new conviction violation while the offender is incarcerated in another state for a new crime, in which the Sending state INTENDS to REVOKE.

2/16/2016

## Responsibilities

### **Sending State**

- Decide to hold a violation hearing with offender incarcerated in another state
  - *Coordinate with other state & other stakeholders*
- Receive appropriate authority approval
- Consent of the offender
- Conduct Hearing/Waiver
- Send Hearing Results within 10 business days

### **Receiving State/Outside State**

- Provide conviction & sentence information to the sending state
- Close Case if appropriate under Rule 4.112 (a)(3)

## Sending State Training Tips

New Conviction Violations Only!

### **Field Staff & Local Legal Department**

- Requires consent:
  - Offender
  - Release/sentencing authority
- No special ICOTS process
  - May use CAR or addendum depending on case status
- Coordinate with Compact Office

2/16/2016

Questions

Amendment to Rules  
3.101-1, 3.103, 3.106, 4.111, 5.103  
Require reporting instructions for Offenders  
returning to Sending State

Reporting Instructions for all Offenders  
returning to the Sending State.

2/16/2016

## What this means to you

The use of reporting instructions ensures the offender is returned timely while tracking the movement of the offender in ICOTS. The changes also allow the receiving state to clearly indicate whether the rejection was due to incompleteness allowing the offender to remain or is a rejection in which the offender will be required to return to the sending state. Requiring a warrant for any instance where an offender fails to appear back in the sending state as ordered enhances public safety.

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

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

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

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

## Enhanced Tracking

- Tracks **return for ALL offenders** on active supervision to the sending state
- Uses existing ICOTS functionality
- Emphasizes communication
  - Both states know where the offender is leaving from and going to
    - *RFRI tip: If unsuccessful in obtaining offender address, RS may enter the SS local field office.*
    - *The SS's response should provide specific reporting/return instructions.*

2/16/2016

## Request to Return Training Tips

### Receiving State

- No substantial change in rule application for offenders requesting to return
- Ensure no pending charges exist in receiving state

### Sending State

- Report date must be within 15 days of RFRI
- Notify victims if needed
- Must provide Reporting Instructions
- Warrant required if offender fails to return

## Return for Rejected Offenders Training Tips

### Receiving State

- Initiate if offender is truly rejected
- Not for incomplete transfers
  - *Do not request when it is appropriate for the offender to remain in the receiving state pending resubmission of a new transfer request*
- Supervise until departure

### Sending State

- Report date must be within 15 days of RFRI
- Notify victims if needed
- Must provide Reporting Instructions
- Warrant required if offender fails to return

2/16/2016

## Return of Offenders in Lieu of Retaking Training Tips

### Receiving State

- RFRI sent within 7 business days of Violation Response

### Sending State

- Report date must be within 15 days of RFRI
- Notify victims if needed
- Must provide Reporting Instructions
- Warrant required if offender fails to return

## Workflow for ALL Returns

### Receiving State

- Request RI's
- NOD & CCN upon departure
  - *Supervisory Authority Ends*

### Sending State

- Respond to RFRI (2 days)
- NOA confirm arrival
  - *Failed to arrive? Issue Warrant*
- CCN Response

**CASE CLOSED**