



## Interstate Commission for Adult Offender Supervision

### Rules Committee Meeting MINUTES

February 9, 2023 - 1:00 pm ET  
Video Conference

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#### **Members in Attendance:**

1. Susan Gagnon (ME), chair
2. Chris Moore (GA), vice-chair
3. Brook Mamizuka (HI)
4. Roberta Cohen (NM)
5. Robert Maccarone (NY)
6. Amy Vorachek (ND)
7. Timothy Strickland (FL), Ex-Officio
8. Matt Reed (PA), Ex-Officio
9. Brenna Kojis (WI), Ex-Officio
10. Tom Travis, Legal Counsel, Ex-Officio

#### **Members not in Attendance:**

None

#### **Guests:**

1. Sharon Davis (FL)
2. Matt Charton (NY)

#### **Staff:**

1. Ashley Lippert, Executive Director
2. Allen Eskridge, Director of Operations & Policy
3. Mindy Spring, Administrative and Training Coordinator
4. Xavier Donnelly, ICOTS Project Manager
5. Drake Greeott, Web Development Manager

#### **Call to Order**

Chair S. Gagnon (ME) called the meeting to order at 1:00 pm ET. Executive Director A. Lippert called the roll. Six out of six voting members were present and a quorum was established.

#### **Approval of Agenda and Minutes**

**Commissioner R. Maccarone (NY) moved to approve the agenda as presented. Commissioner R. Cohen (NM) seconded. Agenda approved without objection.**

**Commissioner A. Vorachek (ND) moved to approve the minutes from the June 8, 2022 meeting as drafted. Commissioner R. Maccarone (NY) seconded. Minutes approved.**

#### **Discussion**

*Rule Proposal 4.101- Proposal from South Region - Offender Electronic Monitoring in Receiving or Sending State*

Chair S. Gagnon (ME) inquired about the volume of affected transferees.

DCA T. Strickland (FL) stated that the number of sex offenders affected was not large for Florida but had been an issue of growing import due to the statutory requirement.

Commissioner A. Vorachek (ND) asked whether there was any discussion of how the sending state would pay for the cost to return the equipment.

DCA T. Strickland (FL) indicated Florida would provide prepaid shipping materials to return the electronic monitoring equipment. These details had been specified in the original rule proposal but were removed during South Region discussions to allow sending and receiving states the flexibility to work it out.

Executive Director A. Lippert expressed concern that the language could affect the acceptance or rejection of cases due to the inability to satisfy the requirements of the rule proposal.

Commissioner R. Maccarone (NY) expressed concern regarding the necessity or frequency of occurrence. He similarly expressed concerns that the rule was contrary to similar treatment under a single standard of supervision in a receiving state. As well, he noted potential equipment maintenance and use costs. Finally, he noted that the sending state has the option of not requesting a transfer when the receiving state cannot meet the sending state's desired means of supervision.

DCA M. Reed (PA) expressed concerns that violations occurring while being monitored by the remote device might not be managed in a timely fashion as the receiving state isn't directly connected and responsible for the monitoring equipment.

DCA T. Strickland (FL) noted that electronic monitoring would be used per the rules of the receiving state, meaning that there would be no mandatory monitoring. Also, the sending state equipment would be removed upon arrival at the expense of the sending state.

Guest M. Charton (NY) provided additional details of the Florida to New York case noted in its justification. He did not agree passage of this rule would resolve practical issues New York encountered as stated in Florida's justification.

Commissioner A. Vorachek (ND) noted that the proposed rule could be better moved forward as a best practice. Commissioner R. Maccarone (NY) agreed noting the compact already requires cooperation between states, is distinct from DNA collection requirements and the proposal itself does not appear to enhance public safety.

**Commissioner A. Vorachek (ND) made a motion that the Rules Committee not recommend the rule proposal for passage. Commissioner R. Cohen (NM) seconded. The motion passed unanimously.**

*Rule 5.101-2 - proposal from South Region – Discretionary Process for Disposition of Violation in the Sending State for a new Crime Conviction*

DCA T. Strickland (FL) noted the rule would add that a sending state could use a discretionary process for the disposition of violations in place of retaking at the option of the sending state.

Commissioner C. Moore (GA) expressed support for this rule because it is common for an offender to have no ties to a sending state, which is in contrast to supervision ties that exist in a receiving state. Moreover, if courts do not impose meaningful sentences for violations, supervision within the receiving state may be more beneficial to public safety and to the success of the supervised individual.

Executive Director A. Lippert noted that the increased use of remote hearings could prevent some disruption in supervision when the disruption itself is a part of the penalty for non-compliance. She inquired as to whether this rule would affect other rules, a sentiment shared by Commissioner R. Maccarone (NY).

DCA M. Reed (PA) expressed concerns regarding the nature of supervision during the hearing process identified in the rule.

Chair S. Gagnon (ME) recommended that this rule be returned to the South region.

**Commissioner R. Maccarone (NY) motioned to return the rule to the South region for additional work. Commissioner C. Moore (GA) seconded. The motion passed unanimously.**

**Commissioner R. Maccarone (NY) motioned that the committee adjourn so additional time would be allowed to review the other rule proposals *Rule 5.108 – proposal from West Region, Rule 1.101 Supervision – proposal from Midwest Region, Rule 5.105 and 5.108 – proposal from Midwest Region* and adjourn the meeting. Commissioner Moore (GA) seconded. Meeting adjourned.**

### **Adjourn**

The meeting adjourned at 1:55 pm ET.