INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

RULES COMMITTEE MEETING MINUTES

July 9, 2014
11:00 am ET
WebEx

Members in Attendance:
1. Jane Seigel  Chair, IN
2. Dori Ege     AZ
3. Chris Moore  GA
4. John Rubitschun  MI
5. Ed Ligtenberg  SD
6. Michael Potteiger  PA
7. Tracy Hudrlik  WI
8. Jim Ingle     Ex-Officio, UT
9. Shari Britton Ex-Officio, FL
10. Rick Masters Legal Counsel

Members not in Attendance:
1. Jenny Nimer  FL
2. Dawn Sides   WY
3. John Gusz    Ex-Officio, NJ
4. Gerald VandeWalle Ex-officio, ND

Guests:
1. Pat Odell    WY
2. Karen Tucker  FL

Staff:
1. Harry Hageman
2. Mindy Spring
3. Sam Razor
4. Xavier Donnelly
5. Kevin Terry
Call to Order
Commissioner J. Seigel (IN) called the meeting to order at 11:02 a.m. ET. Seven voting members were present, quorum was established.

Approval of Agenda
Commissioner D. Ege (AZ) moved to approve the agenda. Commissioner E. Ligtenberg (SD) seconded. Agenda approved.

Approval of Minutes
Commissioner M. Potteiger (PA) moved to approve the minutes from April 16, 2014 as drafted. Commissioner J. Rubitschun (MI) seconded. Minutes approved as drafted.

Discussion
Training Bulletin Rule 3.107: The Committee discussed the training bulletin issued by the Training Committee. J. Seigel (IN) stated that the South Region continue to look into the issue and may bring other ideas later.

Discussion of Rule 4.103: Commissioner D. Ege (AZ) introduced the issue of special v. standard conditions to the Committee. Commissioner D. Ege (AZ) suggested removing the word special to exclude misinterpretation by states. Since it requires changes to ICOTS, Commissioner D. Ege (AZ) suggested making changes only to Rules.

The Committee decided to continue discussing the issue at its next meeting.

Discussion of what event triggers the Compact: DCA J. Gusz (NJ) inquire about this matter and whether or not we need to be more specific in the rules.

Legal Counsel R. Masters explained the matter in details. The Committee decided to continue the discussion at its next meeting, when J. Gusz is present.

Discussion of New Jersey confidentiality concerns: The Committee had discussion on confidentiality concerns of Pre-Sentence Investigation (PSI) and Rule 3.107 (a) (8).

DCA J. Ingle stated that the issue may be addressed in the ICOTS privacy policy.

Executive Director H. Hageman suggested making changes to the rules, rather than creating a new policy.

The Committee decided to consider putting together a rule proposal to solve the issue.

Executive Director H. Hageman suggested including the expunge records when looking into the confidentiality issue.

Misdemeanor discussion—Committee members practices: At its last meeting, the Committee agreed to have its members look at their supervised misdemeanors, identifying the general trends or the condition that are placed on them.
Commissioner D. Ege (AZ) stated that there are two main types of misdemeanor transferred cases in AZ—DUI and domestic violence. About 35K people sentenced for DUI on misdemeanor charges. Commissioner D. Ege (AZ) expressed her concern that the misdemeanor cases are not supervised the way they supposed to by Rules.

The national office informed the Committee that there are 8.5% misdemeanor cases.

*Discussion of Rules 3.103 & 3.106:* Due to upcoming ICOTS enhancements that may solve some of the problems associated with Rules 3.103 and 3.106, the Committee decided to postpone the discussion until later.

**Old Business**

*What do we want to highlight at the Annual Business Meeting:* After the discussion, the Committee decided to ask the Commission to share their suggestions and guidance for the Rules Committee as well as report on present workload of the Committee during the Rules Committee report at the general session.

Executive Director H. Hageman suggested including intent of the rule to the published Rules. The Committee decided against this idea and asked the national office to put together a book with all justifications with and a legal disclaimer that the justifications do not change the rule.

Commissioner J. Seigel (IN) asked the members to email her other suggestions for the Rules Committee Report.

Commissioner C. Moore (GA) brought up Rule 4.101 and the issue of degree of offender’s supervision.

**New Business**

*Next meeting:* Commissioner J. Seigel (IN) will work with the national office on the Committee’s meeting calendar.

**Adjourn**

Commissioner E. Ligtenberg (SD) moved to adjourn the meeting. Commissioner C. Moore (GA) seconded. Motion passed. The meeting adjourned at 12:03 pm ET.