INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

RULES COMMITTEE
TELECONFERENCE MEETING

AGENDA

Friday, September 17, 2004
12:00P.M.

Committee members in attendance:

1. Kathie Winckler (TX)
2. Milt Gilliam (OK)
3. Paul Quander (DC)
4. Judge John D’Amico (NJ)
5. A.T. Wall (RI)
6. Chief Justice Jerry VandeWalle (ND)
7. Benjamin Martinez (PA)
8. Doreen Geiger (WA)
9. Henry Lowery (WV)
10. Barry Groves (FL) (present for only portions of the meeting)

Guests:

1. Kevin Dunphy
2. Ron Williams

Committee members not attending:

1. Harry Hageman (OH)
2. Pat Tuthill (FL)

Staff:

1. Ashley Kenoyer
2. Kelli Price

The meeting was called to order by K. Winckler at 12:05 p.m. (EST). A quorum was established.

A. Kenoyer shared with the committee that the national office is preparing for the JAD session next week in Salt Lake City as well as the Annual Meeting in Atlanta next month.
K. Winckler said that there were two matters not on the agenda and asked for a motion to place the proposed rule on temporary travel permits on the meeting agenda under IV, Old business, Item 1. P. Quander made the motion and J. D’Amico seconded the motion.

K. Winckler also asked for a motion to amend the agenda to include the proposed rule on temporary relocation for treatment in another state. P. Quander made the motion and J. D’Amico seconded the motion.

Lastly, K. Winckler asked for a motion to amend the agenda to include the proposed amendment to the definition of resident family. J. D’Amico made the motion and B. Martinez seconded the motion.

K. Winckler called for a vote to approve the agenda as amended, and unanimous approval was given.

K. Winckler asked for a motion to approve the document containing rule changes and additions approved by the Rules Committee at meetings on June 25 and August 24 & 25, 2004. J. D’Amico made the motion and P. Quander seconded the motion. The vote resulted in a unanimous decision.

Temporary relocation for treatment in another state became the next topic of discussion. P. Quander made a motion to amend section (b)(2) to change the word “sending” to “receiving.” H. Lowery seconded the motion, and the vote resulted in a unanimous approval of the motion.

P. Quander made a motion to add the language “order the offender’s return to the sending state” to section (c) of the proposed rule on temporary relocation for treatment in another state to ‘order the offender to return to the sending state. H. Lowery seconded the motion, and the vote resulted in a unanimous approval of the motion.

D. Geiger made a motion to delete “for aftercare services” at (b)(5) of the proposed rule on temporary relocation for treatment in another state. B. Martinez seconded the motion. D. Geiger’s motion was approved by unanimous consent. After some discussion B. Martinez made a motion to change the language to “inpatient resident facility”. There was no second. The motion was not approved.

J. D’Amico moved to add the word “facility” to the end of section (a) of the proposed rule on temporary relocation for treatment in another state rule. P. Quander seconded the motion and the vote resulted in a unanimous approval of the motion.

The last line of (b)(1) of the proposed rule on temporary relocation for treatment in another state refers to a “verified residential treatment facility.” B. Martinez made a motion to change the language to “state certified program”. D. Geiger seconded the motion. After some discussion, A. Wall suggested that the matter be placed on the Rules Committee’s agenda for 2005. A roll-call vote was taken:
The motion failed by a 6 to 2 vote.

H. Lowery made a motion to delete the word “verified” at the last line of (b)(1). J. D’Amico seconded the motion. A roll-call vote was taken:

Wall – No
Martinez – Yes
Geiger – Yes
Lowery – No
D’Amico – No
Winckler – No
Gilliam – No
Quander – No

The motion failed.

B. Martinez made a motion to delete (b)(1) and (b)(6) and add the word “verified” at subsection (a). D. Geiger seconded the motion. A roll-call vote was taken:

Wall – No
Martinez – No
Geiger – No
Lowery – Yes
D’Amico – Yes
Winckler – Yes
Gilliam – Yes
Quander – No
Groves – No

The motion was passed by a vote of 6 to 2.

P. Quander placed a motion to insert language at (b)(1) requiring the sending state to notify local law enforcement or state police of the offender’s presence in the receiving state. D. Geiger seconded the motion. After discussion the unanimous approval was given to the motion.
B. Martinez made a motion to add the following language to subsection (1) of the rule on temporary relocation for treatment in another state. “The sending state remains responsible for supervision of an offender’s issue of a temporary travel permit to facilitate residential treatment in another state.” P. Quander seconded the motion. A roll-call vote was taken:

Wall – No
Martinez – Yes
Geiger – Yes
Lowery – Yes
D’Amico – No
Winckler – No
Gilliam – No
Quander – Yes

The vote resulted in a tie, and therefore, no change to the wording.

P. Quander made a motion to approve the proposed rule on temporary travel permits. D. Geiger seconded the motion. A roll-call vote was taken:

Wall – Yes
Martinez – No
Geiger – Yes
Lowery – Yes
D’Amico – Yes
Winckler – Yes
Gilliam – Yes
Quander – Yes

The motion passed by a vote of 7 to 1.

K. Winckler asked for a motion to review and approve the resolution regarding establishment of a special task force for creation of a case-differentiation matrix. J. D’Amico made the motion and B. Martinez seconded the motion. Unanimous approval was given by a voice vote.

K. Winckler discussed the proposed new rule relating to enforcement of special conditions placed on an offender by the reviewing state. She asked for a motion to approve the language. D. Geiger made the motion and P. Quander seconded the motion. Unanimous approval was given by voice vote.

The next item on the agenda was (V)(2) amendment of the definition of supervision. B. Martinez made the motion to modify the definition of supervision to: “Supervision means the control and monitoring of an offender as exercised by a designated staff representative of a supervising authority in a sending or receiving state for a period of time determined by a court, releasing authority or statutory provision, during which the
offender is to comply with the conditions of supervision of the sending and receiving states which shall include, but not be limited to, the offender being required to physically report as instructed to the assigned staff representative”. D. Geiger 2nd the motion. After discussion, a roll-call vote was taken:

Martinez – Yes  
Geiger – Yes  
Lowery – Yes  
D’Amico – No  
Winckler – No  
Gilliam – No  
Quander – No

The motion failed by a vote of 4 to 3.

B. Martinez moved approval of agenda item (V)(3), his proposed change to rule 4.112, closing of supervision by receiving state. The motion died for lack of a second.

The last order of business was (V)(3) a motion by B. Martinez to change the number of days allowing a sending state to remove an offender from a receiving state after a decision has been made to retake the offender in rule 5.105 from 30 calendar days to 10 calendar days.  
H. Lowery second the motion. A roll-call vote was taken:

Martinez – Yes  
Geiger – Yes  
Lowery – Yes  
D’Amico – Yes  
Winckler – No  
Gilliam – Yes  
Quander – Yes

The motion was approved by a vote of 6 to 1.

H. Lowery made a motion to approve the document prepared by K. Winckler for submission to the commissioners as amended by the insertion of the rules on temporary relocation for treatment to another state; temporary travel permits; and the revised definition of “resident family” that were approved at today’s meeting. M. Gilliam seconded the motion. Unanimous approval was given by a voice vote.

A motion to adjourn was made by B. Martinez and seconded by M. Gilliam. The committee adjourned at 2:30pm.