Interstate Commission for Adult Offender Supervision
South Region Meeting Minutes

January 17, 2013
2:30 pm EST
WebEx

Members in Attendance:
1. Chris Norman  Alabama
2. Jenny Nimer  Florida
3. Karen Nichols  West Virginia
4. Nancy Ware  District of Columbia
5. Chris Moore  Georgia
6. Genie Powers  Louisiana
7. Milt Gilliam  Oklahoma
8. Patricia Vale  Maryland
9. James Sisk  Virginia
10. David Eberhard  Arkansas
11. Kela Thomas  South Carolina
12. Kathie Winckler  Texas
13. David Guice  North Carolina

Members not in Attendance
1. Timothy Carman  Kentucky
2. [Vacant]  Tennessee
3. Ellis McSwain  Missouri
4. Christopher Epps  Mississippi

Guests:
1. Richie Spears  Mississippi
2. Julie Lohman  Virginia
3. Ethel White  Texas
4. Cortney Shewmaker  Kentucky
5. Christopher Harris  South Carolina
6. Miriam Dyson  Georgia
7. Debbie Duke  Tennessee
8. Sheri Britton  Florida
9. Floyd Keeney  West Virginia
10. Gregg Smith  Louisiana
11. Daphine Denney  Louisiana
12. Melanie Brock  Maryland
13. Elle McMullen  Maryland
14. Jerry Williams  Mississippi
15. Jay Lynn  North Carolina
16. Jody Tracey  District of Columbia
17. Joe Kuebler  Georgia
18. Jenna James  Georgia
19. Victoria Jakes  South Carolina
20. Regina Grimes  Texas
21. Lee Ishman  Alabama
22. Karen Tucker  Florida

Staff
1. Harry Hageman
2. Sam Razor
3. Mindy Spring
4. Kevin Terry
5. Xavier Donnelly
6. Barno Saturday

Call to Order

Commissioner C. Norman (GA) called the meeting to order at 2:32 pm EST. Thirteen members were present, establishing a quorum.

Approval of Agenda

Commissioner C. Norman (AL) made an addition to the agenda under New Business - Proposed Rule Amendment by NC.

Commissioner M. Gilliam (OK) moved to approve the agenda as amended. Commissioner D. Guice (NC) seconded. Agenda approved as amended.

Approval of Minutes

Commissioner K. Winckler (TX) moved to approve August 28, 2012 meeting minutes. Commissioner J. Sisk (VA) seconded. Minutes approved as drafted.

Executive Committee Report
Commissioner C. Norman (AL) updated the Region on the Executive Committee activities.
- Rules Committee will meet face-to-face on Feb 20-21, 2013
- The deadline to submit rule proposals is Jan 31, 2013
- The Training Committee offers continues general and mini rules trainings via WebEx
• DCA Liaison Committee will meet on Jan 23, 2013
• Commissioner G. Tullock (TN) has retired since the last Annual Business Meeting.
• 2014 Annual Business Meeting will take place in Oklahoma City, OK. One additional training day was added to the curriculum. The Commission will cover expenses of two DCAs from bifurcated states.
• New Rules Committee chair – Commissioner J. Siegel (IN)
• Executive Director H. Hageman will attend the National Sheriff’s Association’s Winter Conference to offer continues ICAOS trainings.

New Business

Rule Proposal 3.107: The Region reviewed the proposal.

Commissioner D. Guice (NC) moved to add provision 12 as presented in Rule 3.107 and to forward the amendment to the Rules Committee for consideration. Commissioner C. Moore (GA) seconded.

Commissioner D. Guice (NC) stated that in November of 2011, North Carolina investigated and accepted a case for supervision from another state. At the time of acceptance, the subject was serving an active sentence in the other state with a release date of January 2012. In January of 2012, NC began supervision and within the first 90 days of supervision the subject was charged with several felonies to include five counts of murder.

The subject initially went to prison in the other state for two years on an assault conviction and upon his release was to begin probation. The subject’s two year sentence ended up being an eight year sentence because he continued to assault correctional staff while incarcerated. The other state did provide NC with a PSI but the information provided was old information that had been obtained prior to his initial incarceration. NC was not notified of his institutional history until after the new charges in NC were committed and that was when NC became aware of the subject’s additional assaults and mental health issues. It is unknown if NC had received this information prior to supervision beginning if things would have been different but it is definitely information that would have been beneficial to NC.

Rule 3.107 - Transfer Request

(a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain:
   (1) transfer request form;
   (2) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
   (3) photograph of offender;
   (4) conditions of supervision;
   (5) any orders restricting the offender's contact with victims or any other person;
   (6) any known orders protecting the offender from contact with any other person;
(7) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
(8) pre-sentence investigation report, unless distribution is prohibited by law or it does not exist;
(9) information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;
(10) supervision history, if the offender has been on supervision for more than 30 calendar days at the time the transfer request is submitted;
(11) information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made;
(12) Institution history, if subject has been incarcerated for a period of six (6) months or greater prior to being released to supervision, if available (i.e. disciplinary record, program completions and mental health information etc.)

(b) The original signed Offender Application for Interstate Compact Transfer shall be maintained in the sending state. A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.

(c) Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents within no more than 30 calendar days from the date of the request, unless distribution is prohibited by law or a document does not exist.

Justification: It will provide receiving states with additional information concerning on-going disciplinary issues, programs completed while incarcerated and if there are mental health issues that need to be addressed while under supervision. Having this additional information at the beginning of supervision will assist receiving states greatly in their assessment process and will also assist receiving states in being proactive imposing conditions on the front end of supervision.

Commissioner K. Winckler (TX) moved to amend the motion by the below language. Commissioner D. Guice (NC) and Commissioner C. Moore (GA) concurred with the amendment.

(12) Institutional history, if subject offender has been incarcerated for a period of six (6) months or greater prior to being released to supervision, if available (i.e. disciplinary records, program completions and mental health information etc.) including evaluations.

The Region unanimously voted for the motion.
Amendment to Rule 5.103-2: The Region reviewed an amendment to Rule 5.103-2.

Commissioner C. Moore (GA) moved to forward an amendment to Rule 5.103-2 to the Rules Committee for consideration. Commissioner D. Guice (NC) seconded.

**Rule 5.103-2 Mandatory retaking for violent-offenders and violent crimes**

(a) Upon a request from the receiving state, a sending state shall retake a violent offender
who has committed a significant violation.

(b) Upon a request from the receiving state, a sending state shall retake an offender who
is convicted of a violent crime.

(c) When a sending state is required to retake an offender, the sending state
shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding
facility where the offender is in custody.

Commissioner C. Moore (GA) made an amendment to the title of Rule 5.103-2.

**Rule 5.103-2 Mandatory retaking of offenders convicted of a violent crime.**

(a) Upon a request from the receiving state, a sending state shall retake a violent offender
who has committed a significant violation.

(b) Upon a request from the receiving state, a sending state shall retake an offender who
is convicted of a violent crime.

(c) When a sending state is required to retake an offender, the sending state
shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding
facility where the offender is in custody.

Motion passed with the vote eleven to one.

**States Updates**

Alabama recently completed the new officer training. Alabama continues to run overdue reports.

District of Columbia continues to provide internal training for staff.

Florida has a new Secretary of Corrections.

Georgia continues its training efforts. Georgia recently had an issue regarding a retaking case that was informally settled.
*Louisiana* provides continuous trainings to its staff.

Last year *Maryland* introduced an application fee that did not pass. This year the application fee bill will not be submitted.

*Oklahoma* recently has been audited by the National Office.

*Texas* received a complaint from Oregon regarding a retaking case. TX State Council met in November. Texas monthly reviews its ICOTS reports to monitor user compliance, etc.

*Virginia:* Commissioner J. Sisk expressed his appreciation towards DCA J. Lohman who is currently holding three positions.

*West Virginia* continues its training efforts and is preparing for the national audit.

**Adjourn**

Commissioner J. Sisk (VA) moved to adjourn. Commissioner C. Moore (GA) seconded. Meeting adjourned at 3:46 pm EST.