Members in Attendance:

1. Timothy Carman  Kentucky
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. Gary Tullock  Tennessee
9. Patricia Vale  Maryland
10. James Sisk  Virginia
11. David Eberhard  Arkansas
12. Kathie Winckler  Texas
13. Ellis McSwain  Missouri
14. David Guice  North Carolina

Members not in Attendance:

1. Chris Norman  Alabama
2. Christopher Epps  Mississippi
3. Kela Thomas  South Carolina

Guests:

1. Stuart Jenkins  Texas
2. Lee Ishman  Alabama
3. Linda Mustafa  Arkansas
4. Jody Tracey  District of Columbia
Call to Order

G. Tullock called the meeting to order at 9:40 am CT. Fourteen members were present, establishing a quorum.

Approval of Agenda

Motion to approve the agenda made by K. Winckler, seconded by J. Nimer. Agenda approved without changes.

Approval of Minutes

Motion to approve the May 9, 2012 meeting minutes made by M. Gilliam, seconded by E. McSwain. Minutes approved as drafted.

Executive Committee Update

M. Gilliam noted each committee chair will provide detailed reports at the general session. G. Tullock mentioned recent business by the Executive Committee included approval of a new ICOTS enhancement, review of compliance matters, report of positive finances for the Commission as well as the Rule’s Committees work on recently submitted rule proposals to be presented at the 2013 Annual Business Meeting.
New Business

Retaking

The region reviewed and discussed Georgia’s proposals and other issues for retaking offenders. At the conclusion of the discussions for the retaking topic, four solutions were presented at the 2012 Retaking Issues workshop following the meeting (see attached.)

- C. Moore initiated the discussions with the topic of absconders and the process of determining an offender reappearing after a warrant is issued and noted this as a major training issue with officers in the field.
  - D. Guice indicated NC has defined the term ‘absconder’ for enforcement reasons.
  - J. Sisk noted when an absconder is reported inappropriately liability could be imposed.
  - J. Kuebler indicated as a sending state there are issues locating the offender after OVR is submitted due to need for a warrant and lack of information.
  - J. Lohman offered training ideas in defining the difference between absconding and failure to respond to supervision as well as how to negotiate to resume supervision after a warrant.
  - G. Smith noted the lack of getting sufficient information.
  - K. Winckler noted changing the rule could have negative unintended consequences and agreed this is a training issue.
  - J. Lohman noted the recently approved enhancement to ICOTS will include more intuitive logic to drive the user to complete requirements for absconder.

- C. Moore noted issues when technical violations are considered significant violations invoking mandatory retaking and when testimony is requested from the receiving state in the violation hearing.
  - R. Masters indicated Morrisey/Gagnon rulings cover the receiving state testimony as part of the probable cause process.
  - C. Moore noted the compact office responsibility to double check information coming from the field before sent to another state. States can use ICOTS to audit the processes.
  - J. Lohman indicated that the rules of the compact and Evidenced Based Practices many times conflict and solution training for judges and prosecuting attorneys should be looked into. Also, getting someone from a lab to testify to a urinalysis test can be challenging.
  - J. Sisk suggested reminding the judge of the cost for bringing in witnesses.
  - C. Moore noted states should use tools available, sanctions, treatment rather than automatically submitting a violation report.
  - K. Tucker requested a white paper from legal counsel to remind judges and prosecutors about the implications of bringing a witness in from out of state.
K. Hardon reminded that the offender could choose to confess making the hearing unnecessary.

J. Kuebler initiated discussions regarding mandatory retaking of violent offenders after one significant violation and suggested a rule change to increase to two or three significant violations for violent offenders.

D. Eberhard indicated that many times the crime the person is under supervision for may have no relation to their risk and this rule is inconsistent with Evidence Based Practices. A suggestion was made to repeal Rule 5.103-2 (a).

J. Kuebler noted issues where states withhold a warrant pending conviction even after probable cause is found which sometimes results in that offender bonding out on the new charges in the receiving state. J. Kuebler suggested a rule proposal for Rule 5.101 (c) requiring the sending state to issue a warrant if the receiving state requests one which would not allow for bond under ICAOS rules. Additional issues occur when the receiving state drops charges once a sending state issues their warrant.

G. Tullock will email a template for Georgia to submit a rule proposal for consideration at the next region meeting.

D. Eberhard inquired if there are due process concerns when a warrant to hold is issued.

J. Kuebler suggested looking into verification of family relationships and requiring documentation for mandatory transfers. It was suggested to amend the “resident family” definition to remove ‘aunt’ and ‘uncle.’

D. Duke noted the Memphis office has a checklist form of what offender has to do to prove reason for transfer is good.

K. Winckler noted complications for getting a birth certificate to prove people are siblings and/or relatives.

Nomination for officers

Chair: Motion to nominate Milt Gilliam for chair made by J. Sisk, seconded by K. Winckler.

Vice-Chair: No nominations were made.

Treasurer: No nominations were made.

The region broke from lunch at 11:45 am CT, reconvening at 1:04 pm CT.

G. Tullock recognized ex officio members Pat Tuthill, Victim’s Rep from Florida and Jim Cosby, Chief at National Institute of Corrections.

State Reports

AL: L. Ishman reported Alabama is conducting new officer training and retraining for established officers in November. L. Ishman encouraged communication with his office to resolve issues.

AR: L. Mustafa noted they will be training new officers in October and compliance reports are improving.
• DC: N. Ware introduced herself as the new Commissioner. J. Tracy indicated the compact office is working to clean up data and using ICOTS reports. Joint training is planned with Maryland and an invitation to Virginia to attend as well.

• FL: J. Nimer indicated Florida’s budget is 150k in the hole no hiring is currently planned. Staffing for probation and parole is down to 2900 from 5100. Litigation involving the New Union Teamsters is ongoing regarding caseload issues. K. Tucker continues to train quarterly and noted retaking is always training issue with local sheriffs.

• GA: C. Moore introduced himself as the new commissioner. Georgia is targeting training and effective intervention strategies on the probation side as well as finding means to comply with retaking rules. J. Kuebler indicated parole is increasing transfer supervision fee to aid in extradition costs.

• KY: T. Carmen introduced Courtney Shoemaker Parole DCA. Kentucky has increased staff by over 100 officers due to new legislation releasing offenders thus placing those offenders on parole. In addition max dates have been shortened for many offenders. Courtney noted the compact office is creating workarounds to get warrants for compact offenders entered into NCIC.

• MD: P. Vale noted that despite budgetary problems, staffing levels were retained with exception of support staff. Maryland introduced an application fee that failed in legislation but will be introduced again next year to cover extradition costs. Department reorganization has resulted in blending of organizations with regional districts. M. Brock is working to lobby the state’s attorney’s office to move the legislation requiring application fee.

• LA: G. Powers indicated the state has been preparing for storm, implementing better plans since Katrina in 2005. Budget cuts have resulted in the closing of two prisons. New procedures and training are main initiatives. Application fee was approved last year but state always had monies to extradite offenders. New offender management system is in development modeling the ICOTS system. Few internal issues exist regarding compact. Changing laws regarding programs that give credits to offenders awaiting release. Half of the DOC offenders in Louisiana are located in local jails so it makes it difficult to control offenders requesting to go out of state. A offender predator panel is studying compact related issues where the offenders deemed predators are being supervised but do not owe time.

• MO: E. McSwain noted this is his third year as Commissioner. Last year, efforts were made to get the state council going. Two appointments were made but there has not been a meeting in four years as some other members no longer wishes to be active. K. Brune has been working on getting extradition nationwide warrants or going to get offender when needed. Missouri has lifetime supervision similar to Louisiana, but warrants cannot be issued once max date. Earned credits have been issues within the state for offenders to get off supervision sooner.

• MS: R. Spears indicated they are preparing for upcoming compliance audit and training.

• NC: D. Guice introduced himself as the new commissioner. North Carolina is in the process of implementing justice reinvestment and reorganization due to new technologies available. Awaiting resources needed to move forward with new legislation. 2,000 smart phones have
been distributed to various departments and software is under development using GPS, instant access offender information including pictures ability to take narratives. Staff now use ecommunica
tion to contact offenders which has received great reviews from field and alleviates some safety concerns. J. Lynn has recently traveled the state visiting local managers and field staff to talk about compliance and understand importance of compact.

- OK: M. Gilliam noted Frank Messarick could not attend the meeting due to workload. ICOTS reports are being used to improve compliance. Training is taking place with officers live and by telephone. Currently communicating with prosecutors and recommended states work with their state council to assist with getting in for training prosecutors and judges. Justice reinvestment legislation recently passed, policy writing is ongoing as well as increasing communication with judges. M. Gilliam mentioned a tragic incident officer killed in May which is resulting in new safety and security training and weapons retention. Probation and parole officers are not police officers and rely on Evidence Based Practices.

- SC: C. Harris indicated the commissioner could not attend. V. Jakes has been providing training to hearing officers on ICAOS rules.

- TN: D. Duke noted a recent merge with their agency and the Department of Corrections and appreciated patience tough to communicate. The compact office and supervisors are working on reports to increase compliance.

- TX: K. Winckler introduced Stuart Jenkins and Ethel White. Regina Grimes will arrive later in the day. E. White emphasized Texas is training for the judiciary, at a skills conference and at a parole in-service school. Plans to start jail administrator training using the recently published presentation. Staff in Texas receive monthly ICOTS updates which include the national office’s training schedule. ICOTS external reports are used to update parole system and to improve user compliance. K. Winckler summarized the recent notable compact cases, offender transferred to Ohio (aka Craigslist killer) and a case which resulted in a complaint filed by Texas against the state of NY. After review by the Executive Committee, it was determined the complaint details will be used as a hypothetical training tool. Although the offender has been retaken and back in prison in Texas, Texas is still requesting clarity on the obligation for a PC hearing when an offender is picked up after deemed an absconder. Advisory Opinion, from 2005 indicates a receiving state can reopen case and conduct such hearing. DCA E. White is retiring this year.

- VA: J. Sisk retired from DOC in May and this meeting is his last event as Commissioner for Virginia. J. Lohman coordinates all statewide training through their academy and to local districts while reminding staff of the availability of WebEx training. A Technical and Training Assistance request has been approved for R. Masters to provide prosecuting attorneys training on the compact at their conference in December. J. Lohman emphasizes the ‘spirit of the compact’ when educating courts. The new external reports for compliance have helped to drill down to individual users’ compliance.

- WV: K. Nichols introduced herself as a new commissioner. She expressed appreciation for ICOTS, its reports and neighboring states’ assistance.
G. Tullock emphasized the importance of getting involved especially new commissioners.

Adjourn

Motion to adjourn made by G. Powers, seconded by J. Nimer. Meeting adjourned at 1:56 CT.