Interstate Commission for Adult Offender Supervision
South Region Meeting Minutes

October 12, 2010
1 pm CST
San Antonio, Texas

Members in Attendance:
1. Chris Norman Chair, Alabama
2. Milt Gilliam Oklahoma
3. David Morrison Georgia
4. Genie Powers Louisiana
5. David Eberhard Arkansas
6. Patrick McGee Maryland
7. Ellis McSwain Missouri
8. Kathie Winckler Texas
9. James Camache Virginia
10. Adrienne Poteat District of Columbia
11. Jenny Nimer Florida
12. Angela Tolley Kentucky
13. Lora Cole Mississippi
14. Timothy Moose North Carolina
15. Henry Lowery West Virginia
16. Gary Tullock Tennessee

Members not in Attendance
1. Samuel Glover South Carolina

Guests:
1. Pam Levine
2. Ethel White
3. Regina Grimes
4. Jim Sisk
5. Anne Precythe
6. Jenna James
7. Stuart Jenkins
8. Pat Tuthill
9. Jeff Tillman
Call to Order
C. Norman called the meeting to order at 1:02 pm CST. Quorum was established.

Minutes
Motion to approve the August 5, 2010 minutes made by M. Gilliam, seconded by P. McGee. Minutes were approved by acclamation.

Old Business

Rule amendment proposals suggested by P. Levine for Rules 3.107 and 4.112 were discussed by the region.

- Motion to refer the proposal for Rule 3.107 regarding additional requirements for a transfer request to the Rules Committee for vote at the 2011 Annual Business Meeting made by G. Tullock, seconded by K. Winckler.
  - Concerns were expressed considering the upcoming proposal for Rule 3.107 to be voted on by the Commission the following day at the 2010 Annual Business Meeting.
  - The Region decided to delay action on this motion and recess the meeting upon the conclusion of all other business on the agenda.

- Motion to refer the proposal for Rule 4.112 establishing a time frame for Case Closures to the Rules Committee for vote at the 2011 Annual Business Meeting made by G. Tullock, seconded by K. Winckler.
  - A friendly amendment to extend the timeframe from 5 business days to 10 business days was offered by P. McGee and accepted by G. Tullock and K. Winckler.
  - Motion Carried.

Rule 4.112 Closing of supervision by the receiving state

(a) The receiving state may close its supervision of an offender and cease supervision upon:
(1) The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;
(2) Notification to the sending state of the absconding of the offender from supervision in the receiving state;
(3) Notification to the sending state that the offender has been sentenced to incarceration for 180 days or longer, including judgment and sentencing documents and information about the offender’s location;
(4) Notification of death; or
(5) Return to sending state.

(b) A receiving state shall not terminate its supervision of an offender while the sending
state is in the process of retaking the offender under Rule 5.101.

(c) At the time a receiving state closes supervision, a case closure notice shall be provided to the sending state which shall include last known address and employment.

(d) The sending state shall submit the case closure notice reply to the receiving state within ten (10) business days of receipt.

**Justification:** With the implementation of ICOTS, states are now required to submit a case closure notice indicating validation or invalidation of a case closure by the receiving state to ensure that all parties are aware of and in agreement with closure of a case. There is not currently any provision in the Compact rules for this process or a time frame for submission of the reply. Timely closure of cases is essential to removing inactive cases from the public ICOTS portal.

The proposed amendments to be voted on at the 2010 Annual Business Meeting were discussed.

- M. Gilliam commented on the Ad Hoc Committee’s goal of ensuring the proposals incorporated public safety.
- D. Morrison expressed concerns regarding extradition budgets and the mandate of retaking offenders versus the ability to return.
- R. Grimes noted Texas asks the receiving state to request returning reporting instructions so that the movement of these offenders are being tracked in ICOTS.
- A. Tolley expressed concerns of creating rules for all situations instead of states working together using discretionary authority.
- D. Eberhard stated for the record that in the Maurice Clemons case regarding Arkansas and Washington, Arkansas did have a warrant in place and Washington failed to act on it.
- D. Eberhard expressed concerns of the proposals goal of enhancing public safety of returning an offender to a sending state where it was already determined that the best place for that offender to be is in the receiving state.
- J. James expressed concerns when a receiving state drops pending charges upon retaking an offender.

**New Business**

C. Norman encouraged participation in nominating new officers for the Commission.

K. Winckler nominated M. Gilliam for Commission Chair, seconded by H. Lowery.

G. Tullock encouraged participation to establish a quorum for region meetings via WebEx.
K. Winckler suggested pictures of the region members be displayed during the web conferences and that Commissioners provide “real phone numbers” to enhance communication within the region.

M. Gilliam encouraged participation from the new Commissioners in the region.

**States Update**

*Alabama* has received its audit results and has begun to amend procedures and shifting responsibilities to the field based on the results.

*Arkansas* recently appointed David Eberhard as director and Commissioner. Linda Strong and the compact office are supervised under Probation and Parole.

*District of Columbia* recently completed the audit and working on training staff.

*Florida* regularly conducting WebEx trainings, working on improvements based on audit results and noted ICOTS reports are useful.

*Georgia* received mixed results from audit. Jenna James is the new Commissioner of Georgia concluding the 2010 Annual Business Meeting.

*Kentucky* has a new Commissioner, preparing for audit in November and is still working on appointing a state council. A. Tolley asked for feedback from other states on how they handle out of state detainers and compact offenders.

*Louisiana* is working to get ready for the audit and appointed a state council recently.

*Maryland* is preparing for the audit and changing front line business processes throughout the state due to technology upgrades.

*Mississippi* is preparing for the audit.

*Missouri* has a new Commissioner. E. McSwain has been working with caseload managers and to fill vacancies within the department.

*North Carolina* is participating in evidence based practices (EBP), preparing for the audit, training and recently reclassified several staff in the compact office.

*South Carolina* lost one compact office member and would not be able to fill out the position due to the budget concerns.

*Tennessee* recently received funds to hire social workers.

*Texas* provides WebEx trainings on ICOTS and Rules monthly. The Compact Office regularly runs ICOTS reports.
**Virginia** recently instituted ICAOS Rules and ICOTS training in basic training for officers. Experiencing issues implementing local case management system as well as budget constraint the last few months.

**West Virginia** recently hired new staff member, experiencing issues with 2 state council appointments, requesting the national office to speak at upcoming officer trainings and using ICOTS reports.

**Victims’ Representative** ad hoc committee met for first meeting in San Antonio. P. Tuthill thanked everyone’s participation.

Motion to recess until after the Rules Committee report at the 2010 Annual Business Meeting made by K. Winckler, seconded by D. Morrison. Meeting recessed at 3:02 pm CST.

Meeting reconvened at 1:08 pm CST on October 13, 2010.

Discussion regarding Florida’s proposal to Rule 3.107 resumed.
- P. Levine incorporated proposed changes into the newly adopted version of Rule 3.107.
- Motion made to forward the proposed changes to the Rules Committee carried.

**Rule 3.107 Application for transfer of supervision**

(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 information entered into electronic information system;
2. instant offense in sufficient detail to describe the type and severity of offense, who committed the offense, where and when the offense was committed, how the offense was committed, and whether the charge has been reduced at the time of imposition of sentence;
3. specific offense at conviction and sending state statute number;
4. photograph of offender;
5. order of supervision with standard and special conditions of supervision within thirty (30) days of the offender’s arrival in the receiving state if not available at the time the transfer request is submitted;
6. any orders restricting the offender’s contact with victims or any other person;
7. any known orders protecting the offender from contact with any other person;
8. information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
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. pre-sentence investigation report, if available;
(11) supervision history, if the offender has been on supervision for more than thirty (30) days at the time the transfer request is submitted;

(12) 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.

(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, such as the Judgment and Commitment, and any other information may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents if available.

**Justification:**

(a) (1): The electronic information system does not utilize forms. The word “form” should be deleted to avoid confusion.

(a) (2): This language is very specific as to what information should be included in the narrative description of the offense.

(a) (3): The statute under which the offender was sentenced in the sending state will assist the officer in the receiving state in determining the comparable receiving state statute and classification of the offender in the receiving state. Currently, the rule only requires that the sending state indicate whether the charge was reduced at the time of imposition of sentence. There is no field in ICOTS that requires or captures the specific offense at conviction, only broad NCIC categories of offenses.

(a) (5): The order of supervision specifying both standard and special conditions of supervision is needed to indicate the offense for which the offender was ultimately convicted, as opposed to what the offender was charged with at the time of arrest. There is also no field in ICOTS that requires or captures standard conditions of supervision. Inclusion of the order of supervision will serve as back up documentation of the special conditions imposed by the sending state. The rule will allow for transmission of the supervision order within thirty (30) days of acceptance if it is not available at the time the transfer request is submitted.

(a) (9): Information related to offenders’ known gang affiliations provides useful information to probation officers and other law enforcement agencies tracking the interstate movement of gang members. This information will also enhance the safety of the investigating officer in the receiving state.

(a) (11): Setting a specific time frame to require supervision history provides clear guidance as to when this information is required.

(c): There is no need to give an example of additional documents that might be requested.
Adjourn

The meeting adjourned at 1:12 pm CST.