Welcome and Introduction

ICAOS Ad Hoc Committee on Violations and Retaking

On March 31, 2010, the Executive Committee of the Interstate Commission for Adult Offender Supervision authorized creation of the ad hoc Committee on Violations and Retaking to review ICAOS rules related to processes for responding to violations and retaking offenders. The ad hoc committee met for 2 days in May 2010 and discussed, among other things, the incident involving the Arkansas parolee, transferred to Washington state under the Interstate Compact, who shot and killed four police officers in Washington.

The proposed rule amendments that will be discussed today will be voted on at the Annual Business Meeting of the Interstate Commission for Adult Offender Supervision in October 2010. The proposed rule amendments with the greatest potential impact would require that all warrants issued for compact offenders be entered in the National Crime Information Center (NCIC) with a nationwide pick up radius. Current rules require a nationwide pick up radius for warrants issued for offenders convicted of a new felony in the receiving state, offenders who have committed three significant violations in the receiving state, offenders who have absconded from supervision, and offenders who refuse to return to the sending state after transfer denial.

Due to the potential impact on our criminal justice partners, Secretary McNeil has reached out to the Governor’s Office, the Florida Prosecuting Attorneys’ Association, each of the twenty elected state attorneys, the Florida Sheriffs’ Association, the Office of the State Court Administrator, and the State Council so that their views and recommendations will be represented when the state of Florida casts its vote.

Proposed Rules and Rule Amendments:

- Amendment to Rule 1.101 Definitions
- Amendment to Rule 3.107 Transfer Request
- Amendment to Rule 4.109 Violation Reports
- Proposed Rule 4.109-2 Absconding Violation
Proposed Rules and Rule Amendments continued:

- Amendment to Rule 5.101 Retaking by the Sending State
- Amendment to Rule 5.102 Mandatory Retaking for a New Felony Conviction
- Amendment to Rule 5.103 Mandatory Retaking for Violation of Conditions of Supervision
- Proposed Rule 5.103-1 Mandatory Retaking for Offenders Who Abscond
- Proposed Rule 5.103-2 Mandatory Retaking for Violent Offenders and Violent Crimes

**Authority:** State Councils for Interstate Adult Offender Supervision are created pursuant to section 949.072, F.S. The State Council will act as an advisory body to raise awareness and make recommendations to the Interstate Commission for Adult Offender Supervision relating to offender supervision and public safety in the State of Florida.
Welcome and Introductions:

Ms. Jenny Nimer, Assistant Secretary for Community Corrections, Florida Department of Corrections, called the meeting to order at 1:05 pm. Ms. Nimer welcomed everyone and thanked them for being in attendance.

State Council Members in Attendance:

Jenny Nimer, State Council Chair, Florida Department of Corrections  
Honorable Lance Day, Judge 4th Judicial Circuit

State Council Members not in Attendance:

Donald Eslinger, Sheriff, Seminole County  
Elizabeth (Lisa) Goodner, Administrator, Office of the State Courts Administrator  
Pat Tuthill, Victims’ Representative

Guests:

Richard Davison, Deputy Secretary, Florida Department of Corrections  
Bonnie Rogers, Chief of Staff, Florida Department of Corrections  
Scott Shevenell, Senior Attorney, Florida Department of Corrections  
Randy Ball, Florida Governor’s Office  
Pamela Levine, Bureau Chief, Bureau of Interstate Compact  
Karen Tucker, Assistant Bureau Chief, Bureau of Interstate Compact

Ms. Nimer stated that her goal is to receive feedback from various entities on the ICAOS proposed rules and rule amendments which will have an effect on all agencies, not just the Florida Department of Corrections. Each state will vote on these rules and amendments at the annual business meeting. Ms. Nimer believes there will be much debate regarding the proposed rules and amendments at the annual meeting.

Deputy Secretary Davison stated that the Florida Department of Corrections position and vote will be reflective of the State of Florida. Deputy Secretary Davison also announced that the State Council will have new members on board soon. Appointments are currently pending with the Governor’s Office.
ICAOS Ad Hoc Committee on Violations and Retaking:

Ms. Pamela Levine explained that the Executive Committee of the Interstate Commission for Adult Offender supervision voted to establish the ad hoc Committee on Violations and Retaking. The overriding impact of the proposed rules and amendments would be that all warrants issued for compact offenders will have to have a nationwide pick up radius. The Department has concerns about the proposals’ impact on the resources of our criminal justice partners. It is important to reach out to all involved parties so that their comments and recommendations can be represented.

A copy of the ad hoc committee’s report along with a summary of the rules was provided to all attendees for their review.

Mr. Ball asked if the rules passed how many more violators would this include. Ms. Levine explained that currently there are about 6,300 Florida offenders out of state under supervision. As of December 2009, there were approximately 1,400 violators.

Ms. Levine explained the current criteria for mandatory retaking of offenders (new felony conviction, 3 significant violations, absconding, offenders who refuse to return after rejection of supervision). Florida does issue warrants for offenders when retaking is not mandatory and does not always take steps to retake these offenders. Other states do not want to supervise offenders who have an outstanding violation warrant. Currently, a sending state can instruct the offender to return on his/her own. If the offender fails to do return as instructed, a nationwide warrant must be issued.

The proposed rules may strain the resources of sheriff departments as well as local jails. The Courts will need to know what type of warrants to issue on offenders. Judge Day suggested that offenders go before the Court for approval before being allowed to transfer out of state.

All comments regarding the rules are due back to the Interstate Commission for Adult Offender Supervision by August 9, 2010. The rules will be presented to the full Commission for a vote at the annual meeting in October, 2010 in San Antonio, Texas.

Deputy Secretary Davison stated the position of the State Council is needed before voting on the proposed rules and amendments. He advised that Secretary McNeil will be speaking at the Florida Sheriff’s Association meeting and that he will be speaking at the Florida Prosecuting Attorney Association’s annual conference.

Closing:

In closing, Deputy Secretary Davison suggested that the Department continue to obtain input from other criminal justice partners and once that feedback is received, the information will be shared during a telephone meeting with the State Council members.

Meeting adjourned at 2:05 pm.