STATE COUNCIL FOR
ADULT OFFENDER SUPERVISION

- Meeting Agenda -

April 21, 2009
10:00 a.m.

The Department of Public Safety and Correctional Services
Office of the Secretary
4th Floor Conference Room
300 E. Joppa Road, Towson, Maryland 21286

I. Welcoming remarks and introductions
   Gary D. Maynard, Secretary of Public Safety and Correctional Services

II. Overview of Interstate Compact for Adult Offender Supervision
    Melanie Brock, Deputy Compact Administrator, Division of Parole and Probation

III. Structure of DPP Interstate Compact Unit
     Melanie Brock and Patrick McGee, Director of Parole and Probation

IV. ICOTS – Interstate Compact Offender Tracking System
    Melanie Brock

V. Main concerns and efforts
   Melanie Brock and Patrick McGee

VI. Role of the State Council
    Patrick McGee

VII. Discussion
     State Council members

VIII. Adjournment
State Council for Interstate Adult Offender Supervision

Meeting—April 21, 2009
10:00 a.m.

Department of Public Safety and Correctional Services
Office of the Secretary
4th Floor Conference Room
300 E. Joppa Road, Towson, Maryland 21286

Attendees:
Gary D. Maynard, Chair and Secretary of Public Safety and Correctional Services
Patrick McGee, Commissioner/Compact Administrator and Director of Parole and Probation
John McCarthy, Montgomery County State’s Attorney, for Scott Patterson
The Honorable Julie Stevenson Solt, Associate Judge, Circuit Court for Frederick County
Lt. Greg Mazella, Maryland State Police, for Maj. Ronald Cullison
Tomasina Hiers, Assistant Secretary and Chief of Staff, DPSCS
Melanie Brock, Deputy Compact Administrator, Division of Parole and Probation
Susan Baron, Assistant Attorney General for DPSCS
Eleanor McMullen, Special Assistant to the DPP Director and Staff to State Council

Agenda Item I: Welcoming Remarks and Introductions

Chairman Gary Maynard, Secretary of the Department of Public Safety and Correctional Services, convened the State Council meeting. He thanked the official members for agreeing to serve on the State Council. He noted how pleased he was that all 50 states are part of the Interstate Compact for Adult Offender Supervision and that public safety is enhanced by holding offenders accountable for their movement from state to state.

The attendees then introduced themselves and offered their expectations for what role they play in service to the State Council.

Agenda Item II: Overview of Interstate Compact for Adult Offender Supervision

Deputy Compact Administrator Melanie Brock recounted that although there has always been an Interstate Compact governing offender supervision transfer, the rules governing offender transfers where broad and states were not uniform in their application and enforcement of the rules. With the passage of the current Interstate Compact by all 50 states, Puerto Rico and the U.S. Virgin Islands, the rules governing supervision transfer apply uniformly from state to state.

Compact Administrator and Division of Parole and Probation Director Patrick McGee noted that the Interstate Compact has been ratified by Congress and carries the force and effect of Federal law. This means states may be sued in Federal court to enforce the Compact and money damages may be levied by the court.

Ms. Brock explained that there is a national governing body for the Compact, the Interstate Commission for Adult Offender Supervision, which is comprised of an Executive Director and related staff and a Commissioner from each state. The Interstate Commission is headquartered in Lexington, Kentucky and meets once a year.
The rules governing supervision transfers under the Interstate Compact are included in the materials provided to the State Council members and can also be viewed from the Interstate Commission’s website, http://www.interstatecompact.org. New rules and rule amendments are proposed and voted upon on an every-other-year basis by the Interstate Commission.

Mr. McGee and Ms. Brock then explained that the Interstate Compact and its rules apply only to offenders who are relocating from one state to another and not merely to interstate travel by an offender where there is no intention to relocate residence.

Mr. McGee also explained that transferring supervision in accordance with the Compact applies only to offenders who are currently being supervised for a felony or for certain misdemeanors (subsequent DUI offenses, sexual offenses, misdemeanor firearm offenses, and misdemeanor offenses involving physical injury). He also noted that some charges that constitute a misdemeanor in Maryland, such as CDS possession, are felonies in other states. This leads Maryland to import more offenders under the Compact than Maryland exports to other states. He referred Council members to the flow charts found under the “Quick Reference” tab in their binders for additional information about offender transfers.

Assistant Attorney General Susan Baron asked if the District of Columbia was a member of the Compact. Mr. McGee explained that it is and that the federally appointed Court Services and Offender Supervision Agency (CSOSA) is the DC counterpoint of Maryland’s Division of Parole and Probation.

Chairman Maynard asked if Federal Probation was a Compact member and Ms. Brock replied that it is not, but that Federal Probation officials often contact her as a courtesy regarding Federal probationers who relocate to Maryland.

Agenda Item III: Structure of DPP Interstate Compact Unit

Mr. McGee explained that the Division of Parole and Probation’s Interstate Compact Unit, which is supervised by Deputy Compact Administrator Melanie Brock, oversees the day-to-day operations for Interstate Compact offender transfers. The unit is located at the Division’s Guilford Avenue office in Baltimore City and is comprised of four Parole and Probation Agents and three clerical employees. The unit oversees all supervision transfer business.

Ms. Brock explained that the Compact explicitly provides that the member states’ compact offices are the official conduit for information going to and from states.

With regard to the extradition of offenders, it is the expectation of the Interstate Compact that a state will extradite an offender who is out of state and in violation of the terms of his probation or parole. Ms. Brock explained that parolees who are transferred out of Maryland are required to post a parole bond that can then be used toward the costs of their extradition (a service which is performed by the Maryland State Police). She estimated that of the 600 parole cases transferred under the Compact, about 60 involve extradition.

With regard to probationers, the decision to extradite is made at the local level by the State’s Attorneys Offices and local law enforcement because they bear the cost of extradition. Ms. Brock noted that the local State’s Attorneys usually always agree to extradite felons.

Montgomery County State’s Attorney John McCarthy asked what happens when the local State’s Attorney’s offices decline to extradite. Mr. McGee stated that the State is then
technically in violation of the Compact. He added that the Division of Parole and Probation has offered in a few cases to reimburse the local law enforcement for the costs of extradition. Mr. McGee explained that the Division of Parole and Probation is not authorized to extradite offenders because it is not a recognized law enforcement unit under Maryland law.

Agenda Item IV: ICOTS – Interstate Compact Offender Tracking System

Mr. McGee referred Council members to the tab in their binders marked “ICOTS”. He explained that ICOTS is a web-based information system that replaces the paper forms that Compact offices previously relied upon to conduct business. He added that ICOTS will allow states to develop and run reports to determine how well workloads are managed.

Mr. McGee noted that system improvements are still being worked out, but that most states have expressed overall satisfaction with the ICOTS system.

Agenda Item V: Main concerns and efforts

Mr. McGee and Ms. Brock stated that the matters of continued interest concern the transfer of: 1) sexual offenders; and 2) offenders who relocate to other states to attend substance abuse treatment. The Compact rules were amended in recent years to allow a receiving state five days to approve a sexual offender’s supervision transfer even if the offender was a resident of the receiving state at the time he was sentenced in the sending state.

The issue of increasing concern is the practice by certain Maryland judges to circumvent the Interstate Compact by ordering “unsupervised” probation for an offender while requiring the offender to attend substance abuse treatment and authorizing the offender to attend out-of-state treatment programs. The Interstate Commission has made their position clear that supervision is not “unsupervised” if there is any condition that requires follow-through and subsequent reporting to the sentencing court.

Currently, there are two offenders attending treatment out of state who did not request supervision transfer via the Division through the Compact. Mr. McGee and Ms. Brock stated that they attempted in each case to have the judge recall the offender to Maryland but that the judges refused to. Mr. McGee wrote a detailed letter to Chief Judge Robert Bell regarding the two cases but has yet to receive a response.

Agenda Item VI: Role of the State Council

Mr. McGee stated that Council members need not wait for a meeting to raise issues about the Compact; that they should feel free to call Mr. McGee or Ms. Brock about cases specific to the Compact. Mr. McGee suggested meeting again once the Interstate Commission publishes the proposed rule amendments that will be voted upon at the Commission’s Annual Business Meeting in November 2009.

Chairman Maynard asked Council members to consider the frequency of Council meetings as part of the agenda for the next meeting.

The conference ended at 11:40 am.