State Council for Interstate Adult Offender Supervision

Meeting Minutes — December 12, 2013

Department of Public Safety and Correctional Services
10th Floor Conference Room - 300 E. Joppa Road, Towson, Maryland 21286

Attendees:

Rhea Harris, Assistant Secretary of Public Safety and Correctional Services
Anne McCloskey, Chair, Maryland Coalition Against Crime, Inc.
Ronald Cullison, Assistant Bureau Chief, Criminal Investigation Bureau, Maryland State Police
Susan Baron, Assistant Attorney General and Counsel to the Council
Melanie Brock, Deputy Compact Administrator, Division of Parole and Probation
Eleanor McMullen, Special Assistant and Staff to State Council

Agenda Item 1: Rule Amendments

The Interstate Commission for Adult Offender Supervision held its annual business meeting in Boston, Massachusetts from August 28, 2013 through August 30, 2013. Rule amendments passed during the meeting will become effective March 1, 2014.

The highlights of the rule amendments include the mandatory transfer of veterans who are eligible to receive healthcare through the United States Department of Veteran Affairs to states that provide such medical and mental healthcare services to veterans. Ms. Brock mentioned that Maryland offenders who are veterans are often accepted by the state of West Virginia so they can avail themselves of the veterans’ hospital in Martinsburg, WV.

The definition of “absconder” was amended for language clarity, and the definition of “warrant” was amended to make clear that a warrant issued for an interstate offender must be entered into the National Crime Information Center (NCIC) with a nationwide pick-up radius and no bond amount set.

Transfer requests for offenders who are released from incarceration in a receiving state (from a detainer) and who request to relocate to that receiving state will not be required to return to the sending state to initiate the transfer process so long as the offender otherwise meets the eligibility requirements for transfer. The receiving state must assist in acquiring the offender’s signature on the “Application for Interstate Compact Transfer” and any other required forms.

Transfer requests must contain a summary of prison discipline and mental health history for the last 2 years unless dissemination of that information is prohibited by law in the sending state.
Agenda Item II: Retaking offenders and extradition

Rule amendments were also passed to clarify mandatory versus discretionary retakings of offenders by the sending state.

The Department of Public Safety and Correctional Services has budgeted money to return parolees and mandatory release supervisees to Maryland when warranted. The retaking/extradition of probationers is a matter handled by local jurisdictions and usually administered through the local state’s attorney’s office and sheriff’s office. The Department submitted draft legislation in 2012 to collect $100 from every offender who applied for transfer to another state. The monies collected from this application fee would have been deposited into a non-lapsing fund for the purpose of reimbursing local law enforcement for the cost of returning interstate probationers to Maryland. The bill died in the House Judiciary subcommittee and the Governor’s Office did not approve the bill’s reintroduction for the 2013 session.

Maryland isn’t the only state to struggle with the matter of retaking probationers. However, the State Council has the responsibility to consider necessary changes for the improved and successful administration of the Interstate Compact in Maryland.

Agenda Item III: Probable cause hearings

There have been instances in the state of judges releasing offenders on bond following the offender’s arrest before Maryland’s Interstate Compact office can conduct a probable cause hearing on behalf of the sending state. Ms. Brock is educating judges and state’s attorneys that bond does not have to be granted right away and that Maryland is required to perform a probable cause hearing for the offender’s possible return to the sending state.

Agenda Item IV: Victim notification

The national office for the Interstate Commission on Adult Offender Supervision is working with Appriss Inc. to provide notification to victims through VINEWATCH about the compact movement of parolees and mandatory release supervisees.

The Maryland Interstate Compact Office is reviewing the technical requirements for VINEWATCH and will have more specifics in the coming months. Ms. Brock will look into whether victims who are already enrolled in VINE will be incorporated into the new Interstate system or whether they will have to apply for VINEWATCH separately.
Agenda Item V: Discussion

The transfer profiles provided by the national office continue to show that Maryland takes in more offenders that it transfers out (3,600 offenders in vs. 1,800 out). Of those offenders coming into Maryland, 88% of the transfers are for mandatory reasons; the remainder are discretionary transfers.

In terms of the operation of the Compact in Maryland, Ms. Brock noted that the introduction of the electronic transfer system (ICOTS – Interstate Compact Offender Transfer System) has been the greatest improvement to Compact operations. She cited the system’s ability to expedite communications between states.

The biggest challenge continues to be the limited extradition of probationers due to local budget concerns.

Assistant Secretary Rhea Harris apologized for the long delay in scheduling a Council meeting. She pledged to get these meetings back on a regular schedule.