MEMORANDUM

TO: Members of Tennessee Council for Interstate Adult Offender Supervision
   Board of Probation and Parole, Board Members
   All Staff, Board of Probation and Parole

FROM: Gary Tullock, Director of Field Services

DATE: March 25, 2011

RE: Minutes of the March 24, 2011 Meeting of Tennessee Council for
   Interstate Adult Offender Supervision

The Tennessee Council For Interstate Adult Offender Supervision conducted a meeting on March 24, 2011 at 1:05 p.m. Present were: Council Members Chairman Charles Traughber, Director of Field Services Gary Tullock, Kathleen Starnes-Maxwell Victim Liaison and Stephen Young Attorney-at-Law representing criminal justice attorneys. Also in attendance were Representative Bob McKee, Harry Hageman ICAOS Executive Director, Jennifer Burnett Council of State Governments Researcher, General Counsel Columba McHale, and Deputy Compact Administrator Deborah Duke.

Minutes
The Council unanimously approved to adopt the minutes from the December 9, 2010 meeting.

AG Opinion for Complete Transfer proposed rule
Director Tullock reviewed the rule suggested by the East Region for the “Complete Transfer of Resident” where the sending state relinquishes all authority over the case and the receiving state accepts all responsibility for the case. Judge Jones had suggested getting the Attorney General’s opinion on the legality of this proposal. ICAOS attorney Rick Masters was asked by the ICAOS Rules Committee to check into the legality of this rule. He believed the rule exceeds the scope of authority of the commission, is in direct conflict of the ICAOS rules, and usurps legislative authority to regulate sentencing by altering the jurisdiction. The ICAOS Rules Committee does not support this rule and it is possible it may not stand up to legal muster and will be withdrawn. Chairman Traughber stated that legislation would need to be adopted for this rule to work. The recommendation to the Council by Director Tullock was to delay requesting the AG opinion since the rule may not go forward. Motion was made, “Tennessee opposed to Complete Transfer Rule”, which was approved by the council.

Advisory Opinions
Director Tullock reviewed the Advisory opinion concerning the status of “violent offenders”. It is necessary to issue a warrant and extradite “violent offenders” instead of just ordering them to return.

Minutes TN Council for Adult Offender Supervision
When ROPP began to tap into extradition funds, we found that at this point the local jurisdictions would cover the extraditions.

The opinion regarding misdemeanants and firearms used in hunting incidents was also reviewed and led to a discussion of general compact eligibility of misdemeanants. The only misdemeanants eligible for supervision has specific crimes; violent offense, sex offense, 2nd DUI, offense with a firearm. Chairman Traughber asked if supervision can be by private probation per the compact. Harry Hageman responded that the compact does not specifically say it can't. Past arguments concerning supervising misdemeanants at all had led to the supervision of only certain types of misdemeanants. Supervision is at the discretion of the receiving state; non-eligible offenders are free to go to another state outside the compact process.

Research Report
The Council had raised the question of why Tennessee receives more offenders than it sends out. Since Tennessee was not the only importing state that had this question, Mr. Hageman contacted the Council of State Governments for their research resources with the result being the data presented to the council today by Mr. Hageman and Ms. Burnett.

Chairman Traughber stated that this data is very important when presenting to the legislature. The Chairman requested clarification of the definition of “resident family” and “resident” and pointed out the highest percentage of offenders returning to TN had drug offenses. Public safety indicators were compared between Tennessee and various states, with the emphasis on Georgia's large number of offenders under supervision. Mr. Hageman stated that Georgia might arrest people for offenses for which TN may not be arresting, thus creating a larger population under supervision. The report also showed that TN’s other border states have more offenders on supervision than TN. This report can be found on the ICAOS website (www.interstatecompact.org) under the tab for Tools, State Profiles. You should be logged in to ICAOS in order to access this report.

Mr. Young questioned why these offenders are committing crimes in other states and returning to TN? He wanted to know what drives these numbers, if it has to do with education and income levels. Chairman Traughber wanted to know if we had any control over these factors in order to slow the influx of offenders and asked Ms. Burnett's opinion on this data. The question is beyond the scope and capacity of this research. Ms. Burnett suggested taking the raw data to a university for further research and she would be able to assist with grant money if necessary. Mr. Tullock has a contact, Dr. Montgomery, at TSU who he will contact.

New Business
Ms. Starnes mentioned that there may be a bill in the legislature regarding collection of fines from offenders.

The next TN Council meeting will be June 9, 2011 at 1:00 p.m.
Meeting adjourned 2:40 p.m.

Minutes approved by:

[Signatures]

Charles M. Traughber, Chairman

[Date]

September 8, 2011