TEXAS STATE COUNCIL FOR INTERSTATE ADULT OFFENDER SUPERVISION
MEETING MINUTES
1:00 pm. CST
January 15, 2010

Members in Attendance

1. Kathie Winckler, Chairperson
2. Stuart Jenkins, Compact Administrator
3. Rissie Owens, Governor's Appointee
4. The Honorable Lee Gabriel, Appointee of the Presiding Judge of the Texas Court of Criminal Appeals
5. Regina Grimes, Executive Director's Designee

Members not in Attendance

1. Linda White, Governor's Appointee and Victims' representative
2. Speaker of the House of Representatives's Appointee (vacant)
3. Lieutenant Governor's Appointee (vacant)

Guests

4. Ethel White, Texas Interstate Compact Assistant Director
5. David Moreno, Assistant to Section director, Texas Interstate Compact
6. Troy Fox, Hearing Section Director, Texas Board of Pardons and Paroles

Call to Order

Chairperson Winckler called the meeting to order at 1:10 p.m. Five voting members were present establishing the quorum.

Agenda

Minutes

Chairperson Winckler made a motion to approve the minutes of the December 4, 2008 state council meeting. Judge Gabriel noted a change from Richard Hagen to Rick Hagen. Ms. Owens seconded. Agenda approved as amended with change from Rick Hagen to Richard Hagen. The minutes were
approved as drafted.

**Reports**

Ms. Grimes presented her report to the Council.

Ms. Grimes presented a handout that provided a brief overview of the impact of the Interstate Compact Offender Tracking System (ICOTS) on Texas Interstate Compact operations. Postage cost of $5,717.00 will be saved for the 2010-2011 biennium due to a returned postage meter machine. A fax machine was returned to OCE. A vacant Clerk II position has been returned to budget for $10,266.00 savings. An Administrative Technician II position that has been vacant since September of 2009 for additional savings. The office continues to monitor TO and FROM TX cases for compliance with the timeframes of the rules. There are 1367 probation users in ICOTS and 250 parole users. Ms. Grimes has requested help from the Probation Advisory Council (PAC) and Parole Division in advising changes in user status.

On December 15, 2009, the number of TO TX probation cases was 4,192 with 1,900 TO TX parole cases on active supervision. The number of FROM TX probation cases was 7,455 and FROM TX parole was 3,121. TX owes states fewer overdue items than they owe us. As an example, Texas had 872 progress reports for probation, but states owe TX 2,866. Response times have improved steadily.

Texas parole responded to a Transfer Request within 45 days 75% of the time in September, 82.70% in October, 85.85% in November and 85.34% in December. Probation response within 45 days was 79% in September, 85% in October, 87.2% in November and 87.4% for December. The only area where the percentage has gone down is progress reports and that was because the Texas ICO was not able to run those reports until November or December of this year so it showed a 100% compliance and decreased. Ms Grimes stated that the goal is to hit 90 to 95% by the end of the year. Issues of concern include victim notifications. CCU sends a notification to Victim Services when a case is accepted. Mike Wolfe, the newly elected Probation Advisory Council Chair (PAC), and Ms Grimes will convene the interstate compact subcommittee. Probable cause hearings continue to be an issue for the CSCDs, but not for parole. The final broader issue of concern is data clean up.

Chairperson Winckler provided comments to Ms. Grimes report and informed the Council that Texas continues to send more offenders out of state than bringing in, and the impact of ICOTS on the ability to maintain knowledge and real data about where the offenders are and that TX is doing much better than most states.
Judge Gabriel asked what was a Reply to Violation Report. Ms. Grimes responded that a reply to violation is due within 10 days of receipt and asked Ms. White if this was a good explanation, and Ms. White responded that it was. Ms. Grimes commented that there is a need for lawyer and judge education in the area of the Interstate Compact. Judge Gabriel said that she would be happy to speak about Interstate Compact training with the chairman of the Texas Center for the Judiciary in August or September when they have their meeting.

Kathie Winckler presented her report to the Council.

Chairperson Winckler said that she had made a presentation to misdemeanor court judges at the DWI College held by the Texas Center for the Judiciary that included a discussion on ineligible misdemeanors. Ms. Winckler said that she has been asked if the ineligible misdemeanor rule was ever going to change and answered that it probably would not be changed absent a tragedy.

Chairperson Winckler provided the Council with a table that showed her vote on the rules amendments at the annual business meeting of the Commission in November 2009. Prior to her vote, Ms. Winckler sent the proposed rules changes to the probation chiefs for comment, and prepared a table outlining their responses, and based her vote on those responses. Ms. Winckler discussed her vote and some of the rules and informed the Council of the March 1, 2010 effective date. Ms. Winckler also advised that the Lt Governor and Speaker have not appointed their representatives to the Council and sought assistance from the Council for ideas in getting a response.

Chairperson Winckler discussed the public search portal that will be part of ICOTS. Many people, in particular victims' groups, have wanted the public search portal and are most concerned about the need for offender information. The Commission has put in place a policy to shield from public view information about persons who are subject to witness protection programs. Under this policy the commissioner of the sending state will submit a request to the executive director of the Commission, who will make the decision whether to shield the information from public view.
Discussion was had of how to raise awareness among judges of Interstate Compact law when a judge makes an order inconsistent with Compact law. Judge Gabriel responded that a judge just may not have an understanding of compact law, but that if it was ever explained that the judge could accidentally hurt Texas, they probably would do what they were supposed to do. Judge Gabriel suggested that TXICO contact the probation chief of the judge's county first and ask the chief to contact the judge and explain the appropriate procedure. Chairperson Winckler said that she is always willing to speak to any judge if that would be helpful.

Chairperson Winckler informed the Council of the discussion forum on the Interstate Compact website where offenders and offender families can have their questions answered by the executive director of the Commission. Ms Winckler discussed the incident involving Washington State and Arkansas that has received national attention, in which the offender killed four police officers before being killed during an apprehension by a police officer.

Judge Gabriel and Ms. Grimes discussed the a case in Judge Gabriel's court in which a defendant who would have been a discretionary transfer to Minnesota was discharged from supervision.

Chairperson Winckler began discussion of the next meeting date. The last meeting was December 4, 2008. Council decided to meet once a year. The next meeting date is January 21, 2011 at 1 pm

**Old Business**

There was no old business.

**New Business**

There was no new business.

**Adjourn**

Chairperson Winckler made a motion to adjourn. Ms. Grimes seconded. The motion passed.

The meeting adjourned at 2:25 p.m.