TEXAS STATE COUNCIL FOR INTERSTATE ADULT OFFENDER SUPERVISION MEETING
MINUTES

1:03 pm. CST

January 23, 2014

TEXAS STATE CAPITAL, ROOM E1.016

Members in Attendance

1. Steve Robinson, Commissioner
2. Stuart Jenkins, Compact Administrator
3. Regina Grimes, Executive Director’s Designee
4. Mike Wolfe, Appointee of the Lieutenant Governor
5. Rissie Owens, Chairperson, Texas Board of Pardons and Paroles, Appointee of the Governor

Members not in Attendance

1. The Honorable Lee Gabriel, Appointee of the Presiding Judge of the Texas Court of Criminal Appeals
2. Linda White, Victims’ Representative, Appointee of the Governor

Guests

1. David Moreno, Assistant to Section Director, Texas Interstate Compact
2. Jennifer King, TDCJ Criminal Justice Assistance Division
3. Brenda Musgrove, TDCJ Criminal Justice Assistance Division
4. Texas Legislative Services

Call to Order

Mr. Robinson called the meeting to order at 1:03 p.m. Five voting members were present establishing a quorum.

Agenda

Mr. Wolfe made a motion to approve the agenda. Ms. Owens seconded. Agenda approved.

Minutes

Mr. Wolfe made a motion to approve the minutes of the November 8, 2012 State Council meeting as amended. Ms. Owens seconded. The minutes were approved as amended.

Discussion

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Ms. Grimes presented the Texas Interstate Compact office (TXICO) report to the Council.

Ms. Grimes presented handouts and provided a brief overview.

Ms. Grimes reported as follows:

**a. Offenders Supervised**

A copy of the TDCJ website Interstate Compact page was distributed. For FY 2013, the number of Texas (TX) probationers supervised out-of-state was 7,379. The number of Texas parolees supervised out-of-state was 3,443. The number of probationers from other states supervised in TX was 4,329. The number of parolees from other states supervised in TX was 2,056. There was a total of 17,187 offenders on either parole or probation transferred to or from TX under the compact.

**b. Compliance Percentages**

Compliance percentages taken from the Interstate Compact Offender Tracking System (ICOTS) are run monthly. The Texas Compact Office provides a monthly ICOTS/ICAOS update to all ICOTS users.

**Mr. Wolfe** said that TX has 122 probation departments covering 254 counties.

**Mr. Robinson** asked Mr. Wolfe if Community Supervision and Corrections departments (CSCDs or Texas probation departments) have specified Interstate compact caseloads.

**Mr. Wolfe** explained that whether a department has a specialized Interstate Compact unit depends on the size of the department.

**Regina Grimes** said that based on the ICOTS external reports run monthly, the parole division compliance rate for progress reports for TO TX parole only cases has been 100% from April to December 2013.

The percentage for parole progress reports was based on a pilot project conducted in February 2013. February 2013 was parole division progress reports month. All parole ICOTS users who are the parole supervisors and unit supervisors submitted progress reports in February 2013 on all TO TX parole cases. This submission did three (3) things. The submissions stopped email traffic on the status of the progress report which is important because TX Interstate Compact receives 400 to 600 ICOTS notifications a day; increased the compliance percentage; and reset the next due date for 365 days from the submission, since the rules only require submission annually.

**Steve Robinson** responded that the technology allows for people to be reminded ahead of time versus after the fact, and that this submission has in fact increased the compliance percentages.

**Stuart Jenkins** said that the compliance rates for probation are probably higher than the reports indicate. In his opinion the reports are a problem because what he found out was that the compliance numbers kept dropping, but the progress reports were being done. He used an analogy. If your inspection sticker comes due, you have to the end of the month to get your inspection sticker. Parole processing historically is due by the end of the month so for progress reports, if the officer completes it February 6 but it was due February 4 the system shows you are not in compliance. So for Mr. Jenkins that was the main reason
why parole started the project. Mr. Jenkins said in his opinion, the work that is being done is sometimes not being reflected that way.

**Steve Robinson** asked who receives the monthly update?

**Regina Grimes** answered that the monthly update is sent to approximately 1500 TX ICOTS users including 1200 probation users and 300 parole.

The ICOTS/ICAOS update also advised users of the new rules effective March 1, and training.

**Regina Grimes** said that the idea of an annual progress reports month was discussed with the Probation Advisory Council (PAC).

**Mike Wolfe** said that the PAC is the only committee that represent all 122 chiefs and explained that the PAC meets quarterly in Austin. Mr. Wolfe recommended a room change for the State Council meeting due to easier access. Mr. Wolfe advised that Ms. Grimes has been a regular on the PAC agenda for about 4-5 years and gives updates on compliance and constantly urges probation to be in compliance. Mr. Wolfe said that Ms. Grimes has submitted a late list to the departments, but that probation has never been able to come to an agreement on doing what parole did on progress reports. Mr. Wolfe explained that there is one parole division director, but 122 probation directors. He said that at a PAC meeting there may be 50 to 70 probation department directors in attendance and there are some CSCDs that will not move and there are some that are very compliant and will help no matter what on compact issues, but that is an ongoing issue that has been addressed with CSCDs.

**Steve Robinson** wanted to get some clarity about the submission of progress reports because he was formerly a juvenile chief for several years and understands the challenge and suggested that if the state council was going to move forward with some type of strategy on raising compliance rates on a project similar to the parole progress report project that the council look at it and have a presentation about it and talk about how it could be done and what the expectations would be before we launch out because there is need to take on something that has a high probability of failing.

**Mike Wolfe** added that since the inception of ICOTS, the response rate, even though it is 78% for probation and there are 4300 people that TX probation is supervising, which is a little more than twice of parole that the rate is still pretty good. Mr. Wolfe also supported Mr. Jenkins in his analysis that if you miss it by the one year anniversary date even by a day, it is considered late.

**Steve Robinson** said that if he understands this correctly, the compliance rate does not mean that the progress reports are not getting done.

**Mike Wolfe** answered with regards to the CSCDS and the Texas Interstate Compact Office there has never been a better spirit of cooperation over the last 4-5 years since Ms. Grimes has been the Director. Ms. Grimes has made herself available at PAC meetings and made herself available to the Directors, and has taken on department issues, so if a probation department is not communicating with the Compact office, it is because they chose not too.

**Steve Robinson** asked if the font could be a little bit bigger on the ICOTS/ICAOS update.
Regina Grimes said that Texas consistently has fewer items owed to other states than states owe to TX. For December, 2013 there were a total of 1094 overdue items for Texas parole and probation combined with Texas being responsible for 489 items and other states being responsible for 605 items.

Mike Wolfe commented that the vast majority of those are probably overdues for CSCDs

Regina Grimes answered the vast majority of overdue items are Notices of Arrivals (NOAs) and Notices of Deartures (NODs) and added that some of the parole NODs can be discounted by about 50% because of the release dates. Ms. Grimes said that it seems that officers forget that last step, the NOD. NODs remain an area where there could be improvement.

Regina Grimes said that there have been a few issues with sporadic ICOTS outages recently but the National Office monitors the system and they are usually really good about responding to technical issues and problems.

c. Training

Regina Grimes said that the National Office trainings offered for the upcoming month are part of the ICOTS/ICAOS updates. The Texas Compact Office encourages users to use the on-demand training modules. The Parole Division has new officers take the on-demand training modules that take about an hour and a half within 180 days of hire.

Steve Robinson requested if the Interstate compact office would send a reminder to the ICOTS users the second week of February of the Rules training hosted by the National Office.

Regina Grimes answered yes.

Mike Wolfe said that Ms. Grimes was given access to the CSCD list server 2 years ago which is the server that all the probation directors use and she is able to send out email notifications to all the probation directors and assistant directors, including routine notifications.

Regina Grimes said that there were about 1198 parole and probation staff who accessed the live webex trainings last year in Texas.

d. Attorney CLE

Regina Grimes said that Texas is one of 11 states that has a Continuing Legal Education accreditation for attorneys who take six (6) of the on-demand training modules.

e. Retaking

Regina Grimes provided a copy of an article on retaking that Ms. Winckler and she published in June, 2013 on the Texas District and County Attorney’s Association (TDCAA) website to reach out to prosecutors because in Texas, prosecutors usually make warrant issuance decisions. The Jail administrator guide was provided to the Texas Sheriff’s Association and to State Council members.

Mike Wolfe said he had not heard any recent complaints on retaking and asked Ms. Grimes if she had.
Regina Grimes answered there have been concerns with individual prosecutors who have had to be contacted regarding a warrant decision and they are not familiar with compact provisions. The prosecutor may have made a decision that because the case is a misdemeanor that they do not have to retake, but once the prosecutor is informed of the rules, there is cooperation.

Mike Wolfe said that what has been happening is that there were certain sheriff’s departments utilizing their autonomy and who they would and would not pick up. This was mostly a probation issue. Mr. Wolfe stated that he did not think parole had this issue because of the nature of their warrants, but in some probation cases there could actually be a felony deferred adjudication and the sheriff’s department would refuse to go retake after a warrant had been issued. Ms. Grimes has spent an enormous amount of time working on the issue which continues to surface.

Steve Robinson said that in reality they don’t have that choice based on the compact rules.

f. VINE

Regina Grimes said that victim’s representatives were familiar with the VINE system. ICOTS was tied with the VINE system to get notifications to victims who request certain offender movement notification.

Regina Grimes welcomed the new Commissioner.

Report from Texas Interstate Compact Commissioner

a. Chairman Steve Robinson commended Kathy Winckler for the tremendous amount of time and effort that she gave as the Texas Commissioner, and into chairing this committee. Ms. Winckler’s rules summary and a copy of the amended rules that passed were distributed to the council members.

b. Chairman Robinson said that an ad hoc committee that had been created by the national commission to study the issue of cross border supervision. Based on a report prepared by Kathie Winckler, Commissioner Robinson said that there are an estimated 76 million people on probation and parole supervision that live on one side of the river and work on the other or who work and reside across jurisdictions and that brought about the creation of an ad hoc committee to study that. The first meeting was January 22, 2014, the day before the Texas State Council meeting and that both Ms. Grimes and Chairman Robinson are members of that ad hoc committee held in Columbus Ohio. Neither was able to attend due to the scheduled TX State Council meeting.

Chairman Robinson concluded the agenda items and asked if there were any other issues that any member of the council needed to discuss or had information they needed to bring forward.

Hearing none

Chairman Robinson made a motion to adjourn. Ms. Owens seconded. The motion passed.

The meeting was adjourned at 1:45 p.m.