TEXAS STATE COUNCIL FOR INTERSTATE ADULT OFFENDER SUPERVISION
MEETING MINUTES
1:00 pm. CST
October 21, 2011
TEXAS STATE CAPITOL, ROOM E1.016

Members in Attendance

1. Kathie Winckler, Chairperson
2. Stuart, Jenkins, Compact Administrator
3. Rissie Owens, Governor’s Appointee
4. Regina Grimes, Executive Director’s Designee
5. Mike Wolfe, Lt. Governor Appointee
6. Linda White, Victims Representative

Members not in Attendance

1. The Honorable Lee Gabriel, Appointee of the Presiding Judge of the Texas Court of Criminal Appeals
2. Representative Jerry Madden, Speaker of the House Appointee

Guests

1. John Mullaney, Program Specialist I
2. Ethel White, Texas Interstate Compact Assistant Director
3. David Moreno, Assistant to Section Director, Texas Interstate Compact
4. Tracy Dingman, Office of the General Counsel
5. Pete Winckler, Legislative aide, Senator Glenn Hager

Call to Order

Chairperson Winckler called the meeting to order at 1:02 p.m. Six voting members were present establishing a quorum.

Agenda

Rissie Owens made a motion to approve the agenda. Stuart Jenkins seconded. Agenda approved.

Minutes

Chairperson Winckler made a motion to approve the minutes of the January 15, 2010 State Council meeting. Rissie Owens seconded. The minutes were approved as drafted.
Ms. Grimes presented her report to the Council.

Ms. Grimes presented a handout and provided a brief overview of the 2011 retaking rules amendments effective March 1, 2011.

**a. NCIC warrant issuance requirements and violation report responses**

Mr. Wolfe commented that most Community Supervision and Corrections Departments (CSCDs) do not have the authority to enter warrants. Mr. Wolfe did not see this issue going away anytime soon. He suggested that Ms. Grimes contact district attorneys and make them aware of the rules requirements.

Ms. Grimes commented that new rules require states to file warrants and detainers for offenders who are in jail. Ms. Winckler stated that she voted against this because she felt that this was a very costly to states and not necessary in all cases.

Chairperson Winckler commented that at the Annual Business Meeting there were discussions on whether some mechanism can be devised to make it feasible for states to retake offenders without incurring the expense. However, in the meantime retaking must be done.

Mr. Wolfe asked about extradition fees that some CSCDs impose. This was viewed as a valid option by Ms. Grimes.

**b. Submission of discretionary cases for supervision, including ineligible misdemeanors**

Chairperson Winckler questioned how we can get states to stop rejecting discretionary cases. She cited rule 3.101 (c)(2), which states that all states must use their discretion in accepting or rejecting offenders consistent with the purpose of the Compact, and further cited the “Purpose” provisions of the Compact, which include promotion of joint and cooperative action, promotion of public safety, protection of the rights of victims, control and regulation of interstate movement of offenders, effective tracking, supervision and rehabilitation of offenders, and equitable distribution of costs, benefits, and obligations. Chairperson Winckler commented that for calendar year 2011, on average, states have accepted 57 percent of discretionary transfer cases. Texas has accepted 38 percent. Ms. Ethel White commented that discretionary cases, such as those who have received scholarships, are reviewed on a case-by-case basis.

Ms. Linda White asked what makes an offender a discretionary or non-discretionary case. Ms. Grimes briefly explained the difference between discretionary and mandatory cases. Chairwoman Winckler commented that she wanted to raise awareness of discretionary case issues because several states have raised the concern with her. Mr. Jenkins commented that it is not a huge problem but is more of a consistency issue.

Ms. Grimes stated that on ineligible misdemeanors, CSCDs could submit a request, but that receiving states would not necessarily give the Texas compact office a decision, but would often return the request saying they do not supervise misdemeanors. The compact office reminded the CSCDs of the Commission’s Advisory Opinion 2.2008, allowing offender relocation on ineligible misdemeanors without a transfer request.
c. Compliance percentages on TO TX probation and parole cases
Ms. Grimes stated that the compliance percentages for transfer replies for parole stated at our last meeting were 85 percent and for probation were 87 percent, and that probation has been at 90 percent or better since July 2010. With the exception of July 2011 when parole was at 89 percent, parole has been at 90 percent since December 2010. Mr. Wolfe wanted it noted that probation is out-performing parole.

d. Total active offender numbers and pending or overdue item numbers
Ms Grimes distributed a handout listing the number of total active offenders. Ms. Grimes commented that the areas of concern on the overdue reports are progress and violation reports. Also on overdue items, for the first time in three years, Texas owed more items to states than states owed to us for the month of September 2011.

At the October Probation Advisory Committee (PAC) meeting, lists of delinquent items owed to the Interstate Compact Office, such as notices of arrival, notices of departure, and overdue progress reports, were distributed to the CSCD directors. The Texas Compact Office continually needs help from directors and ICOTS users to monitor their cases.

e. SB 1681
Ms Grimes discussed recent legislation passed in the 80th legislative session and its potential impact on Interstate Compact cases. Chairperson Winckler asked if it is believed that Senate Bill 1681 could present issues for Interstate Compact offenders. Ms. Grimes responded that she believes there will be no impact on Interstate cases. Interstate offenders would have to be taken before a magistrate within 48 hours of a new arrest as would any other offender.

f. HB 1205, discretionary early termination for an offender receiving a high school diploma, associates degree, or other diploma
Offenders may receive a credit of 90 days if they accomplish this goal. Mr. Wolfe stated that if the offender’s probation is revoked, the 90-day credit would go against his CSCD time.

Chairperson Winckler said that we need to notify sending states of this 90-day credit when an offender becomes eligible to receive it. Ms. Grimes advised that ICOTS users could submit a CAR to determine offender completion of programs that would make offenders eligible for time credit sentenced to community supervision after September 1, 2011.

Ms Winckler said that a policy and procedure implementing the steps to be taken would be very useful.

g. ICOTS and rules trainings conducted by Texas Interstate and referrals to National Office trainings in the ICAOS and ICOTS updates
Ms. Grimes talked about the trainings both the National Office of the Interstate Commission and the Texas Interstate Compact Office provide. Ms. Grimes informed the Council that ICOTS and ICAOS updates are sent out every month to make all users aware of trainings. However, recently Texas Interstate has had to cancel some trainings because of a lack of participation.
Mr. Wolfe commented on trainings. CSCD directors approve officer training hours. At times directors forget to send officers to these trainings. At the next PAC meeting the directors will make it a requirement that probation officers take a required number of hours of Interstate Compact training.

Chairperson Winckler said that she believes that requiring training in Interstate Compact rules would be very helpful because she sometimes receives phone calls from family members saying that officers appear not to know how to do interstate transfers.

**h. Notification from the Texas State Bar that Interstate Compact article was to be submitted to the State Bar Board of Directors**
Ms. Grimes informed the Council that she wrote an article for the Texas State Bar and that they may be publishing it.

**i. Quick Reference Guide**
Ms. Grimes presented the Quick Reference Guide prepared and distributed by the Texas Interstate Compact Office, explained that this provides a brief overview of the Interstate Compact for Adult Offender Supervision, (ICAOS) and said that all ICAOS Rules and other ICAOS information can be found on the Interstate Compact website, interstatecompact.org.

**j. Staff Recognition**
Ms. Grimes presented John Mullaney and Ethel White with plaques of recognition for their work on ICOTS implementation. Kathie Winckler also commended Mr. Mullaney and Ms White for all their hard work.

**Report of the State Council Chair**
Chairperson Kathie Winckler presented her report to the Council.

**Recent amendments to ICAOS Rules**
Chairperson Winckler stated that on March 1, 2012, the recent amendments to the ICAOS Rules will go into effect. Ms Winckler distributed a summary of rule amendments that were passed at the September 2011 Annual Business Meeting of the Interstate Commission for Adult Offender Supervision in Montgomery, Alabama. Ms Winckler and the Council discussed rule amendments, such as the change to the definition of resident that will allow those who have been absent from a state because of military deployment to be considered residents of the receiving state, and the requirement that transfer requests include known gang affiliation.

**Issues analyzed and reported on by ICAOS’s ad hoc committees**

i. **Retaking**  Ms. Winckler would like an ad hoc committee to continue to look at the effect of rule amendments that require retaking.

ii. **Dues formula**  Ms. Winckler served on this ad hoc committee. Ms. Winckler strongly opposed an effort from Tennessee that would have more than doubled Texas’ dues. The proposal would have required that states with the most offenders leaving the state pay the greatest dues.
iii. Risk assessment instruments
An ad hoc committee formed to study the use of risk assessment instruments rejected the use of one instrument by all states. However, the committee believed that the use of risk assessment instruments would be very helpful in determining the level of supervision for transferred offenders if the various results of the instruments could be made meaningful by standardizing them. The Commission’s Executive Committee will take up the matter. A recommendation was made that the risk assessment result be required in the transfer material that is given to the receiving state.

iv. Victims’ issues
Pat Tuthill, the Interstate Commission’s victims advocate, is strongly advocating that victim notification be automated and made part of the automated offender tracking system.

Information technology initiatives
The Commission received a proposal from Appriss, the vendor for the Interstate Compact Offender Tracking System (ICOTS), to renew the contract. The last three years have gone well with Appriss, and ICOTS has proven a stable and reliable system. However, the Commission wants to make sure that it is receiving the best possible service at the lowest price. Therefore, a request for proposals will be issued by the Commission to potential vendors in spring 2012, and the responses will be compared to Appriss’s proposal.

The Commission received a proposal from Appriss that it share ICOTS information with Appriss’s proprietary information system, Justice Xchange, in return for a share of the revenue. The Commission rejected Appriss’s initial proposal and is drafting its own counter proposal. While the majority of commissioners appear to feel that making Interstate Compact offender information more freely available to law enforcement is important, it is also believed that the information must be protected from exposure to non-essential users.

The American Parole and Probation Association (APPA) received a grant from the Bureau of Justice Assistance to work with the Commission to make ICOTS data available to states through their fusion centers or other state criminal justice information centers. While fusion centers were mainly devised to monitor security threats, there is an attempt being made to make them inclusive of all hazards, rather than just security. New York State has done a small pilot project within its fusion center that appeared to be successful.

Old Business
There was no old business.

New Business
Ms. Grimes said the impact of ICOTS to the Texas Interstate Compact Office could be seen in the deletion of six positions in the office, while at the same time the time needed to enter ICOTS transfer requests declined from 12 to 8 minutes. However, a large part of what Texas Interstate staff does is remind officers and states to respond.

External reports have not been performing consistently. The longest period of time that the external reports were not available was seven weeks. Because she chairs the Commission’s Technology Committee, Chairperson Winckler asked to be notified when the reports do not work so that she may investigate the cause.
Chairperson Winckler called for any other new business, and hearing none, began discussion of the next meeting date. The last meeting was January 15, 2010. Council decided to meet annually on Friday afternoons. The next meeting date is October 19, 2012 at 1 pm.

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

The meeting was adjourned about at 3:00 p.m.