TEXAS STATE COUNCIL FOR INTERSTATE ADULT OFFENDER SUPERVISION MEETING
MINUTES
1:00 pm. CST
November 8, 2012
TEXAS STATE CAPITAL, ROOM E1.016

Members in Attendance

1. Kathie Winckler, Ms
2. Stuart Jenkins, Compact Administrator
3. Regina Grimes, Executive Director’s Designee
4. Mike Wolfe, Appointee of the Lieutenant Governor
5. Marsha McLane, Representing State Rep. Jerry Madden

Members not in Attendance

1. The Honorable Lee Gabriel, Appointee of the Presiding Judge of the Texas Court of Criminal Appeals
2. State Rep. Jerry Madden, Appointee of the Speaker of the Texas House
3. Linda White, Victims’ Representative, Appointee of the Governor
4. Rissie Owens, Chairperson, Texas Board of Pardons and Paroles, Appointee of the Governor

Guests

1. Ethel White, Texas Interstate Compact Assistant Director
2. David Moreno, Assistant to Section Director, Texas Interstate Compact
3. Pete Winckler, Legislative aide, Senator Glenn Hegar

Call to Order

Ms. Winckler called the meeting to order at 1:00 p.m. Five voting members were present establishing a quorum.

Agenda

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

Minutes

Ms. Grimes requested to make the following changes to the minutes: On the first page and second page at the bottom of the last paragraph, the advisory opinion should be referred to as “2-2008.”

Mr. Wolfe made a motion to approve the minutes of the October 21, 2011 State Council meeting as amended. Mr. Jenkins seconded. The minutes were approved as amended.

Discussion

Ms. Winckler requested that David Moreno send the approved minutes to the Interstate Commission’s National Office.
Reports

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

Ms. Grimes presented handouts and provided a brief overview.

Ms. Grimes’s report as follows:

**Offenders supervised**

A copy of the monthly ICAOS and ICOTS update was distributed. For FY 2012, Texas had 7,580 probationers and 3,151 parolees supervised in other states, and 4,524 probationers and 2,081 parolees supervised in Texas, for a total of 17,336 offenders under Interstate Compact jurisdiction.

**Compliance percentages**

Compliance percentages are taken from ICOTS internal reports. TXICO runs these reports monthly. The internal report averages the compliance rate over the past 12 months. The compliance rate for transfer investigation replies has exceeded 90 percent for both probation and parole consistently for the past twelve months. For October 2012, the parole compliance rate for transfer investigation replies was 94 percent, and for probation it was 92 percent. Timely responses to violation replies on From TX cases and progress reports on To TX cases are needed.

Mr. Wolfe suggested that pending progress reports be sent monthly on the CSCD directory server to those jurisdictions that are delinquent. This would allow the Community Supervision and Corrections Departments (CSCDs) the opportunity to see improvement prior to the upcoming January PAC meeting.

For October 2012, there was a total of 1,032 overdue TO and FROM TX items. Texas owed 427 items to other states, and the states were responsible for 605 responses. States have consistently owed Texas more responses than TX owed to the states for the past year.

Texas users and states need to improve compliance with notices of arrival and notices of departure.

**Ms. McLane** asked if offenders in prison who plan to go out of state are being told to wait until release to fill out the paper work. This was a problem in the past, and should be looked into due to the high cost of maintaining offenders in halfway houses.

**Ms. Winckler** asked if institutional parole officers are getting sufficient training.

**Ms. McLane** asked if statistics on the number of offenders who submit the transfer request while in a halfway house could be obtained so that a determination can be made to see the size of the problem.

**Mr. Jenkins** advised that the state pays $38 a day per offender for halfway house.

**Ms. Grimes** reported that there have been sporadic performance issues with ICOTS, but none that have interfered with conducting business in the Interstate Compact Office.

**Mr. Wolfe** said that ICOTS is getting good reviews, and that whoever was responsible for ICOTS in Lexington, Kentucky deserves kudos.
Trainings

Over the past year the Texas Interstate Compact Office has trained at the Parole and Unit Supervisor schools. The focus of those trainings has been transfer investigation requests. TXICO staff report some improvement by parole in processing FROM TX transfer requests. TXICO also trained at the CJAD Skills Conference, the Texas Board of Pardons and Paroles, the JAC trainings, and on-site trainings for Bell and McLennan counties.

Revisions to the CJAD Bench Manual on retaking have been submitted.

Texas is one of 15 states that provides CLE credits to attorneys for the on-demand training modules. The Bexar County District Attorney’s office recently contacted TXICO to inquire about providing this training option to the assistant district attorneys in their office.

Retaking vs Extradition

The question of informing sheriffs of the obligation to retake offenders when they are being held in other states was raised. The National Office of the Interstate Commission has prepared training modules for sheriffs.

Marsh McLane will provide a contact for the Commission on Jail standards to Ms. Grimes.

Mr. Wolfe will provide a contact from the Texas Association of Councils who works with the Sheriffs Association.

Ms. Winckler said that funding for trips to pick up offenders continues to be a concern to sheriffs.

Mr. Wolfe pointed out that smaller jurisdictions have budget concerns, but Taylor County’s sheriffs will retake or extradite as needed. Mr. Wolfe suggested that probation departments reimburse the sheriffs’ offices for retaking expenses. If CJAD were to require CSCDs to set up a retaking fee as a CSCD standard that fee could be used to offset the cost of retaking. This is something that could be discussed with Carey Welebob, the Community Justice Assistance Division (CJAD) Director.

Ms. Winckler questioned whether this standard would be popular among the CSCDs.

Mr. Wolfe said that whether a standard will be popular depends on what it is, what it is for, and whether there is real meaning behind it. Requiring CSCD reimbursement of sheriffs for the costs incurred in retaking offenders turns this into a local issue, not a state wide issue. It becomes an issue of the local CSCD department’s ability to talk to the local sheriff, which sometimes can be a easier and cleaner. However, it may not work well in all cases because of varying local circumstances, but at least this would be a starting point.

Recognition

Ethel White retires at the end of December after 30 years of state service. Congratulatory comments were received from Mr. Wolfe, Ms. Winckler, Mr. Jenkins, Ms. McLane and Ms Grimes.
Ms. Winckler presented the Commissioner’s report to the State Council


This year, a non-rule making year, marked the tenth anniversary of the Commission.

The annual meeting has three parts: in-service training; separate meetings of the South, Mid-West, East, and West regions; and the general session. Georgia had several rules proposals in the South Region meeting, but after discussion, no action was taken on the proposals.

In the general session, the Technology Committee, which Ms. Winckler chairs, presented a request for authorization of expenditures to redesign the violation report process. The expenditure was approved, and work will move forward on the redesign, with a launch date of summer 2013 expected. In addition to the redesign of the violation report process, Ms. Winckler announced that talks are ongoing with the vendor to create an automated victim notification system at a monthly cost of about $4,000, and it is hoped that this system can be launched at the same time as the violation report process. A vote of the commissioners on their willingness to incur this monthly cost, and the response was resoundingly favorable.

The Victims’ Committee representative, Pat Tuthill, reported that an automated victim notification system is highly sought by the victims’ community.

At the ABM the Training Committee chair reported that Texas had participated in a pilot program at the request of that committee to target specific areas of user error. The pilot resulted in a 100 percent increase in compliance. The pilot consisted of contact by the National Office to the user directly giving the user a mini training.

The Finance Committee reported that the Commission was operating at 17 percent under budget. The Commission voted to recommend an increase in the amount of investments to $30,000 a month in order to secure a sufficient reserve.

Thanks was given to Pete Winckler, with Senator Hegar’s office for once again securing a meeting location at the State Capitol.

The Commissioner’s report continued:

A panel of judges led by the chief justice of the North Dakota Supreme Court provided insights from the bench to the commissioners at the ABM. Ms. Winckler discussed two newly issued advisory opinions, 4-2012, on the definition of the defined term “relocate”; and 5-2012 on the use of video closed circuit TV for probable cause hearings to protect a witness. Ms. Winckler expressed concern about the probability that the term “relocate” will be redefined at the next ABM in a way that would prevent supervising officers from issuing travel permits to offenders for relatively short-term work outside of Texas.

A summary of the recent advisory opinions prepared by Ms. Winckler was distributed.

Ms. Winckler asked how are persons who travel for work supervised?

Mr. Wolfe said that Taylor County had offenders who worked outside of Texas on windmill farms. In these instances, the employers are contacted and asked where the offender would live and his work schedule. Mr. Wolfe said that Taylor County has frequently found that the offender’s work schedule is seven days a week, 12 hours a day, and then seven days off. A face-to-face interview is required within the 45-day period to verify
that the offender is actually living in their jurisdiction and to issue a travel permit. Another population that creates a similar problem is truck drivers. Sex offenders also present a problem until GPS is established.

Ms. Winckler informed the Council that in draft form the last paragraph of the opinion had originally said that the practice of reissuing travel permits is subject to criticism based on public safety concerns. Ms. Winckler stated that she raised objection during discussion of the opinion that this language would seem to be stating that the Interstate Commission’s own rules were contrary to public safety and asked that the language be changed. The opinion as published reads “While such a practice may be subject to criticism based on public safety concerns, the current definition of ‘Relocate’ does not appear to limit the cumulative number of days within which an offender may be permitted to remain in another state to a total of 45 cumulative days during the same 12 month period.” The Rules Committee will likely review and propose revision of the “relocate” definition.

Mr. Wolfe asked if TXICO tracks temporary travel permits on offenders being supervised by the county. Ms. Grimes replied that it does not.

Ms. Winckler will write a statement explaining her concerns about advisory opinion 4-2012 and send it to Ms. Grimes, who will circulate it to the CSCD Directors.

Mr. Wolfe will emphasize the advisory opinion at the January PAC meeting. There are probably 50 to 60 directors in the state that get an Interstate update from Ms. Grimes every quarter. Mr. Wolfe suggested that Carey Welebob, the CJAD Director, should be invited to the next State Council meeting. The relationship between probation and Interstate Compact is significantly better than it has ever been. Once the advisory opinion is released to the directors, it will be discussed among the directors who may express concerns about it. Mr. Wolfe has been advocating to the PAC that there be an Interstate Compact training module for CSOs in the CSO certification training.

Old Business

At the last State Council meeting in 2011, Ms. Winckler suggested a policy be implemented to advise states when offenders may be eligible for time credits following the completion of certain educational and treatment requirements and to receive information from receiving states as offenders complete programs that may make them eligible for time credits. As a result, Ms. Grimes requested in the regularly sent Texas Interstate Compact Office ICAOS/ICOTS Updates that ICOTS users submit Compact action requests to determine if an offender has completed a program and is entitled to time credits.

At the last State Council meeting, Ms. Winckler had asked to be informed of the number of discretionary cases approved by Texas. While Texas Interstate has seen a decrease in the number of discretionary cases submitted from the field, the numbers were not available to determine the percentage of discretionary cases Texas has accepted. However, Ms. Grimes said she would get those numbers and inform Ms. Winckler.

Ms. Winckler advised that the Commission is engaged in a project with the American Parole and Probation Association (APPA), under a grant obtained by APPA from the Bureau of Justice Assistance, to make information about certain Interstate Compact offenders available to local law enforcement agencies through their state-created fusion centers. The project is moving slowly, but it is expected to move forward and be made available to states sometime in the next year.
New Business

Annual reports prepared by the ICAOS National Office were distributed to all Council members.

Texas submitted a complaint to New York State complaining that New York was unwilling to conduct a probable cause hearing for a Texas offender. The Commission responded that this case would be used as an example in training but that no action would be taken by the Compliance Committee against New York.

Ms. Winckler called for any other new business, and hearing none, began discussion of the next meeting date. The next meeting date was established as November 7, 2013 at 1:00 p.m.

Ms. Winckler asked for a motion to adjourn, which was made and seconded. The motion passed.

The meeting was adjourned at 2:45 p.m.