



Interstate Commission for Adult Offender Supervision

Rules Committee Meeting MINUTES

July 29, 2020 - 2:00 pm ET

Teleconference

Members in Attendance:

1. Mary Kay Hudson (IN), Chair
2. Dori Littler (AZ), Vice-Chair
3. Rebecca Brunger (AK)
4. Joe Winkler (FL)
5. Chris Moore (GA)
6. Robert Maccarone (NY)
7. Tim Strickland (FL), Ex-Officio
8. Turran Blazier (IN), Ex-Officio
9. Tracy Hudrlik (MN), Ex-Officio
10. Margaret Thompson (PA), Ex-Officio

Members not in Attendance:

1. Linda Rosenberg (PA)
2. Joselyn Lopez (WI)
3. Pat Odell (WY), Ex-Officio

Guests:

1. Brandon Watts (TX)
2. David Gutierrez (TX)
3. Tina Balandran (TX)
4. Thomas Travis, Legal Counsel

Staff:

1. Ashley Lippert, Executive Director
2. Allen Eskridge, Policy and Operations Director
3. Barno Saturday, Logistics and Administrative Coordinator
4. Mindy Spring, Administrative and Training Coordinator
5. Xavier Donnelly, ICOTS Project Manager
6. Kelsey Moore, Web Applications and Tech Support Manager

Call to Order

Chair M. Hudson (IN) called the meeting to order at 2:05 pm ET. Executive Director A. Lippert called the roll. Six out of nine voting members were present, a quorum was established.

Approval of Agenda and Minutes

Commissioner R. Maccarone (NY) moved to approve the agenda as presented. Commissioner D. Littler (AZ) seconded. Agenda approved.

Commissioner C. Moore (GA) moved to approve the minutes from April 7, 2020 meeting as drafted. Commissioner R. Brunger (AK) seconded. Minutes approved.

Old Business

Managing offenders convicted of domestic violence: Commissioner D. Littler (AZ) stated that back in 2018, the West Region forwarded to the Rules Committee the concept of developing a rule for domestic violence offenders. She inquired if the committee members were in favor of considering drafting a rule proposal around this concept.

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Proposal to create/amend rules:

“Domestic violence offender” means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and whose victim in the instant offense is known to reside in the receiving state.

Rule 3.XXX Transfer of domestic violence offenders

Reporting instructions for domestic violence offenders – Rules 3.101-1, 3.103 and 3.106 apply to the transfer of domestic violence offenders, as defined by the compact, except for the following:

1. The receiving state shall have 5 business days to review the proposed residence to ensure compliance with local policies or laws or victim notification

Justification:

Rule 3.103 currently does not provide for any exception to DV offenders who are returning home to reside in the same state as their victim. We have seen numerous instances of offenders returning home who assault their victims again. The “victim sensitive” status in ICOTS is not enough and states either don’t pay attention to this status or don’t know what to do with it. Adding this exception to DV offenders like we do with sex offenders could give the receiving state and the sending state a good opportunity to ensure known victims are notified prior to the offender’s departure to the state where they also reside.

The Rules Committee discussed this concept and whether the Commission needed rules for this population. The Rules Committee did not support developing rules for domestic violence offenders at this time.

Commissioner D. Littler (AZ) moved to consider drafting a rule proposal around domestic violence offenders as forwarded by the West Region.

Motion died for lack of second.

Address conflicting timeframes in Rule 4.111(f) & Rule 5.101(a): Chair M. Hudson (IN) stated that at its April meeting, the Rules Committee discussed internal conflicts between several ICAOS rules with respect to return of offenders to sending states, and the sending state’s timeframe to obtain a warrant for failure to appear in that state. The committee requested General Counsel Travis to write an opinion on a likely textual outcome in the event of dispute between two particular rules: Rule 4.111(f) and newly enacted Rule 5.101(a).

General Counsel Travis analyzed the conflict between those rules and addressed the other ICAOS Rules potentially in conflict. Based on his findings, the use of “30 days” in Rule 5.101(a) places more than one rule in conflict, and results an implicit repeal of the “10 days” specified in other rules. The most recent amendment to Rule 5.101(a) not only results in a direct conflict with Rule 4.111, but also calls into question Rule 2.110(c) and potentially Rule 5.103(c). All of these rules were previously consistent in providing 10-day deadlines. The simplest solution to promote consistency and predictability was to amend Rule 5.101(a) back to 10 business days in line with the other rules.

Commissioner R. Maccarone (NY) stated that at the last ABM meeting, the majority of the states voted against a 15-day timeframe noting a potential problem with changing this timeframe from 30 days to 10 days.

The Rules Committee agreed that the conflict should be analyzed closely, since last year’s amendment to Rule 5.101(a) was vetted through the rule amendment process and voted by the full Commission. The committee decided to establish a workgroup to survey the Commission to find a more efficient and consistent single standard of warrant tracking. Meanwhile, any issue with interpreting Rule 5.101(a) should be resolved via training.

The committee agreed that this timeframe conflict in the rules did not qualify as an emergency per the rule making process. The committee will find the best solution to warrant timelines and present it to the full Commission for a vote at the 2021 ABM.

A workgroup was established with the following members: Commissioner D. Littler (AZ) as chair, Commissioner R. Maccarone (NY), Commissioner R. Brunger (AK), DCA T. Strickland (FL), DCA T. Hudrlik (MN), and DCA T. Blazier (IN).

The committee will ask the region chairs to discuss this issue at their region meetings. The national office will provide FY20 warrant audit results to facilitate informative discussion and decision making within the region.

Commissioner R. Maccarone (NY) suggested creating a charge for this workgroup for a clear understating of what needs to be accomplished.

The committee will meet again in October 2020.

Adjourn

Commissioner C. Moore (GA) moved to adjourn. Commissioner J. Lopez (WI) seconded.

The meeting adjourned at 3:34 pm ET.