



Interstate Commission for Adult Offender Supervision

Deputy Compact Administrator Liaison Committee MINUTES

November 5, 2020 11:00 am ET
Teleconference

Members in attendance:

1. Tracy Hudrlik (MN), Chair
2. Natalie Latulippe (CT)
3. Elizabeth Powell (DC)
4. Simona Hammond (IA)
5. Timothy Strickland (FL)
6. Mathew Billinger (KS)
7. Denis Clark (ME)
8. Tanja Gilmore (WA)

Members not in attendance:

1. Patricia Odell (WY)

Staff:

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

Call to Order

Chair T. Hudrlik (MN) called the meeting to order at 11:02 am ET. Logistics Coordinator B. Saturday called the roll. Eight members were present, establishing a quorum.

Approval of Agenda and Minutes

DCA T. Strickland (FL) moved to approve the agenda as presented. DCA S. Hammons (IA) seconded. Agenda approved.

DCA N. Latulippe (CT) moved to approve the minutes from June 8, 2020 meeting as drafted. DCA M. Billinger (KS) seconded. Minutes approved.

Discussion

Recap of 2020 Annual Business Meeting (ABM): Training Coordinator M. Spring presented the post ABM survey results to the committee. As the first virtual meeting, it had a lot of positive feedback with many mentioning the importance of face-to-face interactions.

ABM Needs Assessment Results: Chair T. Hudrlik (MN) stated that earlier this year, the Training Committee approved the use of a needs assessment to collect information for developing ABM sessions and workshops specific to Commission needs while addressing the most pressing and emerging issues. Commission members received the assessment in October to establish objectives for the 2021 ABM.

Training Coordinator M. Spring stated that more DCAs submitted responses than Commissioners and that 2021 was a rule-making year with limited time for training sessions specific to DCAs. However, many of the ideas submitted could be used as topics for discussion at the DCA region meetings and non-ABM trainings. Commissioner recommendations included speaker and presenter suggestions.

The ABM Workgroup will review the needs assessment submissions at their meeting in December and make appropriate recommendations.

DCA Program Proposal: Training Coordinator M. Spring stated that the last several compliance audits were focus on ICOTS data entry and user management. The ICAOS dashboards were vital to ensuring data accuracy and proper user management that complied with state policies, procedures, and the ICOTS Privacy Policy. The national office put together the *DCA Liaison Committee's Best Practice & Dashboard Usage Program* to assist the Commission in areas in need of attention. With help from the national office, the committee would share best practices and provide a practical learning opportunity for utilizing the dashboards.

She added that the program focused on establishing state's procedures to ensure ICOTS data was accurate and used properly throughout the year. The committee could announce objectives for each initiative in the DCA quarterly newsletter.

The committee was in favor of the program and Chair T. Hudrlik (MN) will present the program to the Executive Committee for approval.

Quarterly DCA Newsletter: Chair T. Hudrlik (MN) reminded the committee members to submit their newsletter articles by November 25.

DCA E. Powell (DC) suggested archiving the newsletters by topic on the Commission's website. She was looking for an old article about a dashboard report and had difficulties finding it.

Training Coordinator M. Spring noted that the ICAOS dashboard page contained trainings for all but two recently published reports.

The committee discussed adding individual training links to each compliance dashboard report.

DCA T. Strickland (FL) asked to incorporate the dashboard reports' related articles into CORE.

ICOTS Project Manager X. Donnelly stated that it was possible to realize both of these requests.

New Rules Proposals: Chair T. Hudrlik (MN) presented a proposal to amend Rule 4.105 for review and discussion.

4.105 – Arrival and departure notifications; withdrawal of reporting instructions

- (a) *Departure notifications*—At the time of an offender's departure from any state pursuant to a transfer of supervision or the granting of reporting instructions, the state from which the offender departs shall notify the intended receiving state, and, if applicable, the sending state, through the electronic information system of the date and time of the offender's ~~intended~~ actual departure and the date by which the offender has been instructed to arrive.

Chair T. Hudrlik (MN) stated that submitting a notice of departure after an offender departs would stop the need for issuing a notice of failure to arrive, when an offender has not left the sending or receiving state yet. This would ensure that supervising agents know the location of an offender. It would also remove the need for multiple CARs and emails to other states to find out, where the offender was physically living as well as make agents responsible for an offender to know their reporting instructions. She added that this rule amendment would result in making modifications in ICOTS as well.

DCA N. Latulippe (CT) suggested issuing the NOD on Friday, if the offender planned to travel on Saturday or Sunday.

The committee was in support of the proposal.

Chair T. Hudrlik (MN) will fine-tune the proposal and submit it through the Midwest Region.

DCA M. Billinger (KS) presented a proposal to amend Rule 5.108 – Probable cause hearing in receiving state.

Rule 5.108 – Probable cause hearing in receiving state

- (a) An offender subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.
- (b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision that are subject to revocation.

(c) A copy of a judgment of conviction regarding the conviction of a new criminal offense by the offender shall be deemed conclusive proof that an offender may be retaken by a sending state without the need for further proceedings.

(d) The offender shall be entitled to the following rights at the probable cause hearing:

1. Written notice of the alleged violation(s);
2. Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
3. The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
4. The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.

(e) The receiving state shall prepare and submit to the sending state a written report within 10 business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.

(f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision that would result in the pursuance of revocation, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.

(g) If probable cause is not established, the receiving state shall:

1. Continue supervision if the offender is not in custody.
2. Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.
3. Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

DCA M. Billinger (KS) stated that added language would make the rule consistent with both the ICAOS Bench Book and current training. In 2016, this rule was amended to remove language, as the Commission no longer used the term *significant* in referring to violations resulting in revocation in order to be consistent with the supervision of probationers and parolees in the receiving state. The intent was to create a single standard of supervision in the respective states by eliminating the three significant violations. However, by removing the word *significant* it leaves open to interpretation that any admission of any violation could result in the requirement for retaking.

After discussion, the committee made the following change in red to section (b).

(b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to ~~1 or more~~ violations of the conditions of supervision that are subject to revocation.

The committee was in support of the proposal.

Chair T. Hudrlik (MN) introduced a concept to amend Rule 1.101 Definition of Resident. She noted that this definition was restrictive as well as confusing to many agents. If it took three years for a case to get resolved and the offender lived in that state for two years before he convicted, he still would not meet the definition of resident.

She suggested for the definition of resident to mirror the definition for resident family making an offender considered a resident, if they lived in the same state for six months since sentencing. She added that this rule amendment would not affect incarcerated offenders.

DCA D. Clark (ME) and T. Strickland (FL) noted they had not seen many issues with the definition of resident.

Training Coordinator M. Spring noted that based on the results of the new dashboard report on transfer decisions, most rejections for resident were due to agents interpreting this definition incorrectly.

The committee was in favor of this concept.

Chair T. Hudrlik (MN) presented another concept to amend Rule 1.101 Definition of Supervision to make it clear that when a state transfers cases, they expect clients to report and to be held accountable.

The committee discussed clarifying the rule based on the description of unsupervised offenders in the ICAOS Benchbook.

The committee was in support of this concept.

Chair T. Hudrlik (MN) inquired if DCA regions had discussed or would discuss any new rule proposals at their meetings.

DCA T. Gilmore (WA) stated that the West Region DCAs met yesterday. The region did not have any proposal for submission.

DCA N. Latulippe (CT) stated that the East Region DCAs were meeting in a couple of weeks to discuss potential rule proposals. She noted that she had not received any proposals yet.

DCA T. Strickland (FL) stated that the South Region DCAs were meeting tomorrow to discuss an amendment to Rule 3.103 to mirror language from 3.102(d)(1) regarding offenders released from detainers in the receiving state.

The committee was in support of this proposal.

DCA T. Strickland (FL) noted that the region would also discuss new Kentucky legislation regarding interstate probation offenders and reporting information on their training and education.

Old /New Business

DCA Mentoring Program: Currently, DCA T. Gilmore (WA) mentors new DCA W. West (NV).

Adjourn

DCA D. Clark (ME) moved to adjourn. DCA T. Strickland (FL) seconded.

The meeting adjourned at 12:18 pm ET.