



Interstate Commission for Adult Offender Supervision

Rules Committee Meeting MINUTES

**November 17, 2020 - 1:00 PM ET
Teleconference**

Members in Attendance:

1. Mary Kay Hudson (IN), Chair
2. Dori Littler (AZ), Vice-Chair
3. Rebecca Brunger (AK)
4. Amber Schubert (AR)
5. Chris Moore (GA)
6. Susan Gagnon (ME)
7. Amy Vorachek (ND)
8. Robert Maccarone (NY)
9. Tim Strickland (FL), Ex-Officio
10. Tracy Hudrlik (MN), Ex-Officio
11. Margaret Thompson (PA), Ex-Officio
12. Thomas Travis, Legal Counsel

Members not in Attendance:

1. Pat Odell (WY), Ex-Officio

Guests:

1. Tina Balandran (TX)
2. David Gutierrez (TX)
3. Brandon Watts (TX)

Staff:

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

Call to Order

Chair M. Hudson (IN) called the meeting to order at 1:02 pm ET. Executive Director A. Lippert called the roll. All 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 D. Littler (AZ) moved to approve the minutes from October 8, 2020 meeting as drafted. Commissioner R. Maccarone (NY) seconded. Minutes approved.

Discussion

Warrant Timeframes: Chair M. Hudson (IN) stated that at the last meeting, the committee had a lengthy discussion on the warrant timeframes. She reminded the committee that earlier this year, it established a workgroup to address whether the Commission should consider a consistent timeframe in the interest of training stakeholders and public safety. The current rules had varying timeframes for issuing a compact compliant warrant from ‘upon receipt’ to ‘30 days’, and some rules requiring a warrant did not have a timeframe at all.

The workgroup recommends to adopt the package that includes amendments to six rules (2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1) expanding the timeframe for issuing compact compliant warrants to a standard 15-business day, when an offender fails to arrive or return as instructed or is subject to retaking.

Commissioner D. Littler (AZ) moved to adopt the workgroup’s rule proposal package expanding the timeframe for issuing compact compliant warrants to a standard 15-business day for Commission’s consideration at the 2021 Annual Business Meeting. Commissioner R. Brunger (AK) seconded.

Commissioner D. Littler (AZ) encouraged the committee to vote for the rule package as it was in line with the purpose of the Compact and public safety. She reminded the committee that these rules addressed issuing a warrant for a compact offender, who was in violation status with unknown whereabouts.

Commissioner R. Maccarone (NY) stated that he had a lengthy discussion on this matter at his State Council meeting earlier that day. New York is developing a tool to aid judiciary to comply with the new standards. He stated the importance of creating a distinct and easily recognized process for issuing interstate compact warrants, noting that the supervising state had already done its due diligence to find the individual. He will share the tool with other states once it is completed.

Commissioner R. Maccarone (NY) stated that passing a 15-business day timeframe was important in the interest of public safety. New York was in support of the package.

Commissioner C. Moore (GA) noted that for the most part Georgia could comply with issuing a warrant in 15 business days. He added that the biggest issue for them was not issuing a warrant, but having sheriffs to enter it correctly into the NCIC system. He encouraged states to go above the minimum requirement. Georgia was in support of this rule package.

DCA T. Hudrlik (MN) stated that she was part of the workgroup on warrant timelines and she supported the 15-business day timeframe. She was concerned that the Commission would not pass this rule package at all. To ensure the votes, she suggested giving the Commission an option to choose between the 15-business day timeframe and 30-calendar day timeframe.

DCA T. Strickland (FL) stated that he discussed the issue with his commissioner. It would not be easy for Florida to implement this package and they would not be able to meet the 15-business day timeframe right away. Nevertheless, they were in support of the proposal.

Legal Counsel T. Travis reminded the committee that the current timeframe in Rule 5.101(a) was in conflict with the timeframe listed in Rule 4.111(f) for the same action. He noted the need for consistency in the rules particularly, when they reference one another.

Commissioner R. Brunger (AK) agreed with Legal Counsel Travis to establish consistency in the rules. She noted that the primary focus of the proposal was in the interest of public safety. Alaska supports the proposal.

Commissioner A. Vorachek (ND) stated that North Dakota was in support of 15-business day warrant timeframe. She expressed her concerns about the timeframe expansion in Rules 2.110, 4.111, and 5.103 from 10 business days to 15 business days, as it would allow too much leeway.

Commissioner D. Littler (AZ) noted that current warrant rules were in existence for 16 years, but many states still could not comply with the 10-business day requirement to issue a compact compliance warrant.

Legal Counsel T. Travis noted that in court of law, a history of not enforcing the rule did not mean the entity could not do so in the future. He added that if the committee recognized that the 10-business day timeframe was unreasonable, then now it might be the time to change it.

Chair M. Hudson (IN) spoke in favor of the rule proposal package. She noted that states should utilize the Technical and Training assistance policy, if they need assistance to get in compliance with the proposed rule standard.

Motion passed by seven (IN, AZ, AK, GA, ME, ND& NY) to one (AR).

After the meeting, Chair M. Hudson (IN), Commissioner D. Littler, and Executive Director A. Lippert will discuss a plan for presenting the warrant timeframes rule package to the Commission.

New Business

New Rule Proposals: Executive Director A. Lippert stated that national office had not received any new rule proposals yet. She added that the Midwest Region planned to discuss three rule proposals at its upcoming meeting in January. All regions were scheduled to meet between now and February 1.

Commissioner C. Moore (GA) stated that Georgia encountered a great deal of inconsistencies with the definition of absconder. Agents still use elements of old definition, when they send their violation reports. He suggested issuing a training bulletin on this matter.

The Committee will meet again in the upcoming months.

Adjourn

Commissioner D. Littler (AZ) moved to adjourn. Commissioner C. Moore (GA) seconded.

The meeting adjourned at 1:53 pm ET.