



Interstate Commission for Adult Offender Supervision

Rules Committee Meeting MINUTES

July 11, 2019

WebEx

Members in Attendance:

1. Dori Littler (AZ), Vice-Chair
2. Chris Moore (GA)
3. Robert Maccarone (NY)
4. Brody Burks (TX)
5. Joselyn Lopez (WI)
6. Margaret Thompson (PA), Ex-Officio
7. Pat Odell (WY), Ex-Officio
8. Rick Masters, Legal Counsel

Members not in Attendance:

1. Doug Clark (SD), Chair
2. Joe Winkler (FL)
3. Linda Rosenberg (PA)
4. Tim Strickland (FL), Ex-Officio
5. Tracy Hudrlik (MN), Ex-Officio

Guests:

1. Matthew Charton (NY)

Staff:

1. Ashley Lippert, Executive Director
2. Allen Eskridge, Policy and Operations Director
3. Mindy Spring, Administrative and Training Coordinator
4. Kevin Terry, Website Analyst
5. Xavier Donnelly, ICOTS Project Manager

Call to Order

Vice-chair D. Littler (AZ) called the meeting to order at 2:04 pm ET. Five voting members were present, constituting a quorum.

Approval of Agenda and Minutes

Commissioner R. Maccarone (NY) moved to approve the agenda as presented. Commissioner B. Burks (TX) seconded. Agenda approved.

Commissioner J. Lopez (WI) moved to approve the minutes from the April 9, 2019 meeting as drafted. Commissioner C. Moore (GA) seconded. Minutes approved.

Discussion

The rule proposals comment period occurred May 1 through July 1. Vice-chair D. Littler (AZ) provided an overview of the comments received.

Proposal to Rule 1.101 Definition of Abscond and Rule 4.109-2 Absconding Violations proposed by the Midwest Region: The committee discussed the comments concerning the placement of the proposed language. The committee decided to add a verb to Rule 4.109-2(a)(1) and might later consider adding language to Rule 4.109 as suggested in the comments.

Commissioner B. Burks (TX) moved to add ‘documenting’ to proposal to Rule 4.109-2(a)(1) and forward for the Commission vote at the Annual Business Meeting. Commissioner R. Maccarone (NY) seconded. Motion passed.

Legal Counsel R. Masters noted that this change was ‘stylistic’ in nature and did not require approval from the Midwest Region.

Proposal to Rule 1.101 Definition of Sex-Offender, Rule 3.101-3 Transfer of Supervision of Sex-Offenders, and Rule 3.107 Transfer Request proposed by the Rules Committee: The committee discussed what ‘terms and conditions’ meant in reference to the proposal’s definition. The committee decided it was a sending state’s training issue.

The committee discussed comments related to what was required at the time of transfer. The committee recalled discussions from its face-to-face meeting that much of what was being proposed to be struck or moved was due to it already being required in Rule 3.107. Requiring too much on the front end of a transfer could result in invalid denials. States should already be sharing all the information they have and not just the minimum outlined in the ICAOS Rules, when transferring offenders.

The committee discussed comments related to keeping ‘or receiving state’ as it pertains to the definition of ‘sex-offender’. In her comments, DCA T. Balandran (TX) expressed concerns removing that language from the definition, although the number of active cases with active registration only in the receiving state are very minimal (less than 0.01%).

Commissioner B. Burks (TX) noted that due to philosophical differences in Texas, he would abstain from any vote to move the proposal forward.

Commissioner C. Moore (GA) moved to forward the proposal to Rules 1.101 Definition of Sex-Offender, 3.101-3 Transfer of Supervision of Sex-Offenders, and Rule 3.107 Transfer Request for the Commission vote at the Annual Business Meeting. Commissioner J. Lopez (WI) seconded. Motion passed with Texas abstaining from the vote.

Proposal to Rules 1.101 Definitions of Temporary Travel Permit and Victim Sensitive, 3.108 Victims’ right to be heard and comment 3.108-1 Victim Notification, 3.110 Travel Permits & 4.111 Returning Offenders: The committee reviewed comments made by the Commonwealth of Virginia. The committee agreed the term ‘known’ was unnecessary and decided to strike it from the proposal to Rule 3.108-1.

Commissioner B. Burks (TX) moved to strike ‘known’ from a proposal to Rule 3.108-1. Commissioner R. Maccarone (NY) seconded. Motion carried.

The committee continued reviewing Virginia’s comments regarding the processes of victim notification. DCA J. Lohman (VA) was questioning if the term according to state law applied to how a state notifies a victim or if the state law requires victim notification.

Executive Director A. Lippert noted that Virginia had raised these concerns about the process in prior technology committee meetings.

Legal Counsel R. Masters indicated that the act of victim notification was a function of the sending state and facilitated in accordance with the sending state’s laws and processes. This activity was not a Compact function, nor was it enforceable by the Compact. The rule merely was an acknowledgement that each state has varying processes.

The committee reviewed comments from Indiana regarding “comments” vs. “concerns” and determined the terms were in reference to the same idea.

The committee discussed comments to move forward with rule changes but keep the ICOTS indicator of ‘victim sensitive.’ As Pennsylvania, Colorado, and Arizona noted, this indicator was helpful for sending states in ensuring notifications made on Compact cases.

The committee discussed the new rule as part of the proposal concerning travel permits. Commissioner D. Littler (AZ) suggested adding a timeframe or definition to lessen the burden of requiring notification every time an offender travels, which can be often for those living in border areas.

Executive Director A. Lippert noted that at the face-to-face meeting, the committee discussed that the purpose of developing the travel permit rule was to capture offenders returning to the sending state where a victim resides.

Commissioner R. Maccarone (NY) suggested delaying the rest of the victim related proposals discussion until the next meeting.

Commissioner R. Maccarone (NY) moved to table the victim related proposals discussion until the next meeting. Commissioner C. Moore (GA) seconded. Motion passed.

The committee decided to schedule an additional meeting for August to cover all proposals. The national office will provide date options and the August 19 meeting will occur as scheduled.

Old/New Business

There was no old/new business.

Adjourn

Commissioner B. Burks (TX) moved to adjourn. Commissioner C. Moore (GA) seconded.

The meeting adjourned at 3:33 pm ET.