



## Interstate Commission for Adult Offender Supervision

### Rules Committee Meeting MINUTES

December 18, 2019

WebEx

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#### **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. Joselyn Lopez (WI)
8. Tim Strickland (FL), Ex-Officio
9. Turran Blazier (IN), Ex-Officio
10. Tracy Hudrlik (MN), Ex-Officio
11. Margaret Thompson (PA), Ex-Officio
12. Pat Odell (WY), Ex-Officio

#### **Members not in Attendance:**

1. Linda Rosenberg (PA)

#### **Guests:**

1. Tina Balandran (TX)
2. Brandon Watts (TX)

#### **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

#### **Call to Order**

Chair M. Hudson (IN) called the meeting to order at 2:01 pm ET. Seven voting members were present, constituting a quorum.

#### **Approval of Agenda and Minutes**

**Commissioner J. Lopez (WI) moved to approve the agenda as presented. Commissioner R. Maccarone (NY) seconded. Agenda approved.**

**Commissioner R. Maccarone (NY) moved to approve the minutes from October 9, 2019 meeting as drafted. Commissioner R. Brunger (AK) seconded. Minutes approved.**

The committee reviewed its goals for the 2019-2020 fiscal year.

1. *Collaborate with the Compliance Committee on the analysis of this year's warrant review and provide recommendations for next year's audit*

Executive Director A. Lippert reminded the committee that based on the results of the FY20 audit, the Executive Committee instructed the Compliance and Rules Committees to collaborate on the FY21 audit planning. Specifically, to develop follow up questions for the FY21 audit based on the FY20 results that further emphasize state's responsibilities around warrant issuance and tracking in an ongoing effort to ensure compliance.

Chair M. Hudson (IN) thanked the Rules Committee members - Commissioner R. Maccarone, Commissioner D. Littler, DCA T. Hudrlik, and DCA T. Strickland – who volunteered to work with the Compliance Committee on this matter.

Executive Director A. Lippert stated that the workgroup would meet again in February to finalize their recommendation and present it at the March face-to-face Executive Committee meeting for approval. If approved, the national office would announce the audit in May 2020 and start the audit in July 2020.

2. *Review warrant timeframes already established in the rules and rules that do not provide a timeframe to obtain compact compliant warrants.*

The committee decided to discuss this matter at its face-to-face meeting in April 2020.

3. *Revisit proposal to Rule 3.103 withdrawn by the West Region prior to the ABM vote to address issues the proposal was attempting to address. It was also noted there are inconsistent interpretations not related to this year's proposal that came up during discussion which may warrant splitting language out into a separate rule.*

The committee decided to discuss this matter at its face-to-face meeting in April 2020.

4. *Look at the Misdemeanor Rule (2.105) and the transfer and retaking processes for misdemeanants*

Chair M. Hudson (IN) inquired whether there was a specific problem with the misdemeanor rule.

Executive Director A. Lippert stated that concerns were raised around issuing warrants for offenders with misdemeanor offences.

Commissioner R. Maccarone (NY) stated that in the past there was a proposal to remove misdemeanors entirely from being eligible to Interstate Compact.

DCA M. Thompsons (PA) noted that it was challenging to issue a national wide warrant for misdemeanor offenders due to the low number of cases.

DCA T. Strickland (FL) and DCA T. Hudrlik (MN) stated that it was a training issue and emphasized the importance of providing necessary training to the compact staff.

Commissioner D. Littler (AZ) stated that it was a compliance issues with states not willing to follow the ICAOS Rules.

The committee discussed sending out a survey to identify states' problems with the misdemeanor rule.

Chair M. Hudson (IN) noted that the survey needed to focus on a specific problem rather than having open ended question on issues with this rule.

After discussion, the committee decided not to take any actions at this time ad leave it on the committee goal's list.

*5. Review the West's concept rule proposal of managing offenders convicted of domestic violence.*

Commissioner D. Littler (AZ) stated that the West Region had already put together a draft rule proposal of managing offenders convicted of domestic violence. The committee will review the proposal at its next meeting.

*6. Monitor the implementation process of the 2019 approved amendments as they go into effect April 1, 2020*

Training Coordinator M. Spring stated that the Training Committee along with the national office provided the 2019 approved amendments recap and ICOTS enhancement update in early December and would follow up with a detailed amendment training with ICOTS screen shots in January and February. The March and April will be open for states to provide instate trainings and request technical and training assistance, if necessary.

Training Coordinator M. Spring noted that the Training Committee had concerns about the new Rule 3.110 Travel Permits. She added that since this rule was based on states' internal travel permit policies, the national office was not able to manage it nor ensure its compliance.

She stated that during December trainings, they received questions about the type of travel permit in the new rule and wanted to clarify the Rules Committee's intent. As written, the rule did not specify what kind of permission a state had to receive – written or verbal. She noted that under definition, the "Travel Permit" was defined as a "written permission".

*Q: What if a state does not issue travel permits, and allows offenders to travel among states with verbal permission only?*

*A: This new rule was not intended to exclude such situations; however, the definition of travel permit does read as follows:*

*"Travel permit" means the **written permission** granted to an offender authorizing the offender to travel from one state to another. As this scenario was not part of any known*

*conversation/posted comment during the rule adoption process, the trainers will seek guidance from the Rules Committee and try to report back on this matter at the upcoming training in February 2020. In the meantime, the Rule does not prevent states from providing additional notifications above the rule requirement. (this rule should be implemented in accordance with each individual state's policies)*

Commissioner J. Lopez (WI) stated that she asked the DCA region chairs to discuss this matter at their region meetings and report back to the Training Committee.

Commissioner D. Littler (AZ) stated that it might not be a big issue since only two people inquired about a verbal permission at the provided trainings.

Executive Director A. Lippert noted that if needed, the committee could propose a rule change at the upcoming Annual Business Meeting, even though 2020 was not a rule-making year.

DCA T. Hudrlik with the help of the DCA Region Chairs, will collect the DCA's feedback whether there could be problems with implementation of this rule. She will report her findings back to the committee.

The committee decided to collect more information to determine if it was a real issue for states before taking any additional steps.

Training Coordinator M. Spring inquired about training on revised Rule 3.108-1.

*Rule 3.108-1 Victim notification and requests for offender information*

*(b) The receiving state shall respond to requests for offender information from the sending state no later than the 5th business day following the receipt of the request.*

- *Is 'offender information' different from what will be requested in a Progress Report (30 days?)*

She inquired whether the offender information was different from a progress report that was already in ICOTS and if this rule applied to all offenders.

The committee agreed that the rule applied to offenders with victim related issues and that the rule was not clearly written.

The national office will adjust the training PPT accordingly.

The committee decided to continue its discussion on the request for additional offender information at its February meeting.

The national office will poll the committee members for the best date to meet via teleconference in February and March.

The committee will meet face-to-face on April 7, 2020 in Cincinnati, OH.

**Adjourn**

**Commissioner C. Moore (GA) moved to adjourn. Commissioner R. Maccarone (NY) seconded.**

The meeting adjourned at 3:11 pm ET.