



Interstate Commission for Adult Offender Supervision

South Region Meeting MINUTES

October 8, 2019 · 11:00 am PT
San Diego, CA

Members in Attendance:

1. Brody Burks (TX), Chair
2. Tom Langer (AL)
3. Richard Tischner (DC)
4. Joe Winkler (FL)
5. Chris Moore (GA)
6. Martha Danner (MD)
7. Christy Gutherz (MS)
8. Diann Skiles (WV)
9. Kevin Murphy (AR)
10. Steve Turner (KY)
11. Jerry Adger (SC)
12. Jim Parks (VA)
13. Julie Kempker (MO)

Members not in Attendance

1. Kevin Duckworth (OK)
2. Timothy Moose (NC)
3. Lisa Helton (TN)
4. Pete Fremin (LA)

Guests:

1. Betty Payton (NC)
2. Lee Ishman (AL)
3. Beverly Gilder (AL)
4. Elizabeth Powell (DC)
5. Lisa Greene (DC)
6. Tim Strickland (FL)
7. Brandon Watts (FL)
8. Joe Kuebler (GA)
9. Miriam Dyson (GA)
10. Don Werner (KY)
11. Gregg Smith (LA)
12. LaShonda Lee-Campbell (MD)
13. Rick Kuttenkuler (MO)
14. Ryan Halbert (MO)
15. Richie Spears (MS)
16. Andrea Barnes (MS)
17. Christopher Harris (SC)

18. Rene Green (TN)
19. Deborah Duke (TN)
20. Pamela Thielke (TX)
21. Tina Balandran (TX)
22. Julie Lohman (VA)

Staff

I. Mindy Spring, Administrative and Training Coordinator

Call to Order

Chair B. Burks (TX) called the meeting to order at 10:55 am PT. M. Spring called the roll. Thirteen voting members were present, establishing a quorum.

Approval of Agenda and Minutes

Commissioner S. Turner (KY) moved to approve the agenda as presented. Commissioner J. Parks (VA) seconded. Agenda approved.

Commissioner T. Langer (AL) moved to approve the minutes from July 30, 2019 as drafted. Commissioner S. Turner (KY) seconded. Minutes approved.

Discussion

2019 Rule Proposal Discussion:

Chair B. Burks (TX) stated the sex offender proposal does not allow a receiving state to not supervise as a sex offender even if registration is not required in either state if the sending state imposes sex offender conditions of supervision. Further, the new definition does not prevent a receiving state from requiring sex offender registration or supervising the offender as they would a similar sex offender convicted in their state.

Chair B. Burks (TX) noted the victim rule package will be voted on in 3 separate votes. The new Travel Permit rule (3.110) will be voted separately as will the ICOTS change to remove the Victim Sensitive indicator due to concerns from states who use the feature internally.

The region discussed the proposal to Rule 3.103 removing eligibility for offenders retaken and after disposition the violation requiring a formal revocation hearing be conducted to be eligible. Concerns were raised with this proposal as options for sanctions vary state to state and the proposal will limit options available. It was noted the justification from the West on this proposal was due to cases where states were sending requests for absconders who have never been transferred or retaken through the compact.

DCA R. Spears (MS) noted his concern of the statement during the proposal presentation that Rule 3.103 only applied to probationers. M. Spring indicated when the original language was drafted to allow mandatory reporting instructions under this rule 'after disposition of violation or revocation' it is clear in the minutes from the South Region (where the proposal originated from) and Rules Committee that the language was not intended to exclude parolees. It was stated in the 2015 minutes the impact of leaving 'probation' in section (a) of the rule was referring to offenders qualifying at initial sentencing. The national office will follow up with a clarification.

The region discussed the proposal for Rule 5.103-1 and the new 15-day requirement for issuing a 'warrant' per the compact definition. Concerns were discussed on the ability to meet the timeframe and 15-days would be a challenge for most states, particularly on the probation side.

DCA J. Lohman (VA) noted she believes there may be a training issue with the implementation of the proposal to Rule 5.101.

The region discussed the proposal for Rule 4.111 and concerns offenders will want to return to the sending state to avoid prosecution of a non-violent misdemeanor offense.

The region continued to discuss issues with establishing timeframes with warrants. DCA R. Spears (MS) inquired whether the absconder criteria outlined in the rules should include documentation on missed appointments and other timeframes so states have sufficient information to request a warrant. M. Spring noted one situation found in the warrant audit that was more common than expected was that for many offenders reported as absconders, the sending state would somehow 'order them back' and no warrant was issued due to the offender returning on their own. States responded on these cases that a warrant wasn't issued because they appeared at their violation hearings back in the sending state before a warrant was able to be executed. This questions whether the offender was an absconder in the first place if a sending state was able to locate the offender soon after the violation report was transmitted.

Commissioner C. Moore (GA) noted the importance of states being able to defend supervision levels and perhaps there is some way to relate time frame requirements for warrants based on risk level.

Chair B. Burks (TX) noted there are liability implications creating rules with timeframes as it creates a ministerial duty to comply.

Chair B. Burks (TX) indicated his position in Texas has changed and is no longer the criminal justice advisor to the Governor. In consideration of that, he is willing to step down as Region Chair and asked for interest from other members of the South Region to be Chair.

New Business

South Region Chair Election

Chair B. Burks (TX) nominated Commissioner J. Kempker (MO) as the new South Region Chair, seconded by Commissioner C. Guthertz (MS). Commissioner J. Kempker (MO) is the new South Region Chair by acclimation as no other nominations were received.

Adjourn

Commissioner J. Adger (SC) motioned to adjourn. Commissioner D. Skiles (WV) seconded.

Meeting adjourned at 11:57 am PT