



Interstate Commission for Adult Offender Supervision

South Region Meeting MINUTES

January 11, 2021 · 11:00 am ET
Video Conference

Members in Attendance:

1. Julie Kempker (MO), Chair
2. Tom Langer (AL)
3. Amber Schubert (AR)
4. Richard Tischner (DC)
5. Chris Moore (GA)
6. Steve Turner (KY)
7. Martha Danner (MD)
8. James Rudek (OK)
9. David Gutierrez (TX)
10. Jim Parks (VA)
11. Diann Skiles (WV)

Members not in Attendance

1. Joe Winkler (FL)
2. [Vacant] (LA)
3. Nathan Blevins (MS)
4. Timothy Moose (NC)
5. Jerry Adger (SC)
6. Lisa Helton (TN)

Guests:

1. Elizabeth Powell (DC)
2. Tim Strickland (FL)
3. Angela New (FL)
4. Miriam Dyson (GA)
5. Joe Kuebler (GA)
6. Don Werner (KY)
7. Jerry Primes (LA)
8. LaShonda Lee-Campbell (MD)
9. Ryan Halbert (MO)
10. Betty Payton (NC)
11. Melanie Collins (NC)
12. Chris Harris (SC)
13. Lloyd Turner (SC)
14. Frank Mesarick (OK)
15. Rene Green (TN)
16. Brandon Watts (TX)
17. Tina Balandran (TX)
18. Julie Lohman (VA)

19. Amy Kirk (WV)

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
6. Kelsey Moore, Web Applications and Tech Support Manager

Call to Order

Chair J. Kempker (MO) called the meeting to order at 11:00 am ET. Executive Director A. Lippert called the roll. Eleven out of seventeen voting members were present, establishing a quorum.

Approval of Agenda and Minutes

Commissioner D. Skiles (WV) moved to approve the agenda as presented. Commissioner T. Lander (AL) seconded. Agenda approved.

Commissioner T. Langer (AL) moved to approve the minutes from September 10, 2020 as drafted. Commissioner J. Parks (VA) seconded. Minutes approved.

Discussion

New Rule Proposals: DCA R. Halbert (MO) presented an amendment to add a remote sentencing process to Rule 3.107 *Reporting instructions; offender living in the receiving state at the time of sentencing or after disposition of a violation or revocation proceeding.*

Rule 3.103 Reporting instructions; offender living in the receiving state at the time of sentencing or after disposition of a violation or revocation proceeding

- (a) (3) The sending state shall ensure that the offender signs all forms requiring the offender's signature under Rule 3.107 prior to granting a travel permit to the offender.
- (A) Upon request from the receiving state, the sending state shall transmit all signed forms within 5 business days.
- (B) When an offender is sentenced remotely and is in the receiving state at the time of sentencing, the receiving state shall assist the sending state in acquiring the offender's signature on the "Application for Interstate Compact Transfer" and any other forms that may be required under Rule 3.107, and shall transmit these forms to the sending state within 7 business days and mail the original to the sending state.

Justification:

Many courts have adopted practices that allow offenders to be sentenced remotely via video conference. This has shown to be beneficial in several ways, including allowing offenders that reside in other states to remain in the area they reside, without the expense of traveling for the sole purpose of being sentenced.

Current rules do not support remote sentencing as the sending state is required to ensure the offender signs all forms prior to granting a travel permit when obtaining reporting instructions for an offender living in the receiving state at time of sentencing. Since the offender is not in the sending state, it is not possible for a sending state to obtain the required signatures. Requiring an offender to travel to the sending state to sign paperwork can have a significant financial impact on an offender, which can in turn have a negative impact on their community supervision as well.

This issue was previously addressed in Rule 3.102(d) for offenders released from custody in the receiving state, which presents a similar challenge. The proposed change to this rule mirrors the wording of Rule 3.102(d)(1) and would clarify that a receiving state is required to assist in obtaining signatures for offenders that were sentenced remotely and not available to sign the required documents in the receiving state.

Commissioner M. Danner (MD) inquired about the validity of electronic signatures provided by offenders.

Executive Director A. Lippert noted that electronic signatures were permissible under the Compact and their acceptance depended on states' law. She added that the national office published ICAOS Legal Counsel's article on electronic signatures in its July newsletter.

Commissioner M. Danner (MD) moved to forward a proposal to amend Rule 3.103 for submission to the 2021 Annual Business Meeting as presented. Commissioner D. Skiles (WV) seconded. Motion passed.

State Updates: Commissioner M. Danner (MD) stated that Maryland was in the process of vaccinating their public safety employees including the Division of Parole and Probation on a voluntary basis.

Chair J. Kempker (MO) stated that Missouri planned to vaccinate the Department of Corrections staff by the end of February.

Commissioner D. Skiles (WV) stated that her staff had already received the COVID-19 vaccines.

Executive Director Update: Executive Director A. Lippert presented her report to the region:

- DCA T. Hudrlik (MN) completed her two-year term as the DCA Liaison Committee chair. The Executive Committee appointed DCA S. Brooks (OH) to be the new chair.
- The Executive Committee approved a plan to assist states with preparation for rescinding the applicability of Rule 2.111 on April 1, 2021. The committee will make the formal decision in February or March to rescind the rule.
- The Executive Committee approved changes to the state council policy AP 3-2009. The changes allowed states to submit their state council information online. Executive Director A. Lippert demonstrated the online state council reporting form developed by the national office. The form pre-populates state's existing data simplifying the process for making corrections or additions.

The Executive Committee agreed that no enforcement for the states council policy compliance would occur in 2020.

- The ABM Planning Workgroup is working on setting the agenda for the 2021 Annual Business Meeting in Milwaukee, WI.

The Executive Committee selected New York City, NY as the location for the 2022 Annual Business Meeting. The calendar year of 2022 was a DCA Training Institute year and the Commission's 20th anniversary.

Old Business/New Business

Warrant Timeframes Rule Proposal Package: Executive Director A. Lippert informed the region that the Rules Committee established a workgroup to address inconsistency in warrant timeframes as listed in ICAOS Rules. Consequently, the Rules Committee approved the workgroup's recommendation to expand the timeframe for issuing compact compliant warrants to a standard 15 business days, when an offender fails to arrive/return as instructed or is subject to retaking. She added that the Commission would vote on the proposal package at the 2020 Annual Business Meeting.

Commissioner C. Moore (GA), Rules Committee member, stated that the proposed changes provided a consistent timeframe in the interest of training stakeholders and public safety. He had concerns regarding the violation reports that the Rules Committee would work on the solution.

Chair J. Kempker (MO) noted that Missouri supported the proposal, adding that it would be a struggle to implement it.

DCA T. Strickland (FL), Rules Committee member, noted that that only warrant timeframe (Rule 5.101) listed in the proposed package was shortened from 30 calendar days to 15 business days. The other timeframes stayed the same or were extended.

Commissioner T. Langer (AL) supports the proposal. He inquired whether states were going to be held responsible for incompliance during the first few years of adjustment.

Executive Director A. Lippert stated the national office would provide appropriate training and assistance through a new ICOTS enhancement that tracked warrants.

Commissioner C. Moore (GA) added that the Compliance Committee considered mitigating circumstances regardless whether the negative sanctions recommended or not.

Commissioner D. Gutierrez (TX) thanked the Rules Committee and workgroup's members for their work on the proposal package. He noted that Texas had concerns with the implementing the package.

Commissioner M. Danner (MD) will reach out to the Corrections Secretary and Governor's Office to request the cooperation Maryland needs to comply with the requirements.

Executive Director A. Lippert encouraged the region members to comment on the proposed package during the rule proposal comment period.

Adjourn

Commissioner C. Moore (GA) moved to adjourn. Commissioner T. Langer (AL) seconded.

The meeting adjourned at 11:39 am ET.