



Interstate Commission for Adult Offender Supervision

South Region Meeting MINUTES

**September 23, 2021 · 10:00 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. Joe Winkler (FL)
6. Chris Moore (GA)
7. Steve Turner (KY)
8. Jamie Lee (LA)
9. Martha Danner (MD)
10. Nathan Blevins (MS)
11. Timothy Moose (NC)
12. Lisa Helton (TN)
13. David Gutierrez (TX)
14. Jim Parks (VA)
15. Diann Skiles (WV)

Members not in Attendance:

16. Jerry Adger (SC)
17. James Rudek (OK)

Guests:

1. Beverly Gilder (AL)
2. Lee Ishman (AL)
3. Stacey Whitlow (AL)
4. Barry Garland (AR)
5. Linda Mustafa (AR)
6. Rhonda Washington (AR)
7. Ashley Sims (DC)
8. Elizabeth Powell (DC)
9. Christopher Lane (FL)
10. Felisha Lowe (GA)
11. Joseph Bacud (GA)
12. Keena Johnson-Radev (GA)
13. Miriam Dyson (GA)
14. Heavenly Taylor (GA)
15. LaVon Hill (KY)
16. Jerry Primes (LA)
17. LaShonda Campbell (MD)

18. Ryan Halbert (MO)
19. Katrina Dill (MS)
20. Paulette Cleaver (MS)
21. Richie Spears (MS)
22. Termico Thomas (MS)
23. Betty Payton (NC)
24. Melanie Collins (NC)
25. Carrie Croy (OK)
26. Frank Mesarick (OK)
27. Richie Spears (MS)
28. Christopher Harris (SC)
29. Lloyd Turner (SC)
30. Brittany Holley (TN)
31. Rene Hinojosa (TX)
32. Erin Banty (VA)
33. Kristin Goodlett (VA)
34. Tiffany Kirby (VA)

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. Drake Greeott, Web Development Manager

Call to Order

Chair J. Kempker (MO) called the meeting to order at 10:00 am ET. Executive Director A. Lippert called the roll. Fifteen out of seventeen voting members were present, a quorum was established.

Approval of Agenda and Minutes

Commissioner T. Langer (AL) moved to approve the agenda as presented. Commissioner C. Moore (GA) seconded. Agenda approved.

Commissioner T. Lander (AL) moved to approve the minutes from March 1, 2021 as drafted. Commissioner D. Gutierrez (TX) seconded. Minutes approved.

Commissioner C. Moore (GA) moved to approve the minutes from April 13, 2021 as drafted. Commissioner J. Winkler (FL) seconded. Minutes approved.

Discussion

Review rule and ICOTS enhancement proposals for Commission's consideration at the 2021 Annual Business Meeting. Proposal to amend Bylaws Article 2, Section 2: Executive Director A. Lippert stated that the Commission would vote on this proposal to amend the Bylaws by inviting National District Attorneys Association (NDAA) to become an ex-officio member. NDAA is made up of a much larger membership base, encompassing both large and small jurisdictions.

The region had no comments on the proposal.

Proposal to amend Rule 1.101 Definition of Resident: Chair J. Kempker (MO) stated that the Rules Committee clarified and made changes to the existing rule as it was overly restrictive.

The region had no comments on the proposal.

Proposal to amend Rule 5.108 Probable Cause Hearing in the Receiving State: Chair J. Kempker (MO) stated that the proposal clarified that probable cause must be established prior to retaking on a violation that is revokable in the receiving state.

The region had no comments on the proposal.

Warrant Proposal Package: Chair J. Kempker (MO) stated that the proposal package expanded 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 M. Danner (MD) stated that in Maryland, Police and Sheriffs' departments enter the warrants into the system. They often had issues even with local warrants not being entered in a timely manner. She stated that Maryland would not be able to meet the 15-day timeframe.

Commissioner D. Gutierrez (TX) noted his concerns that Texas would not be able to meet with the proposed 15-day timeframe due to its size and geographical diversity. He added that the proposal package was well crafted and urged to postpone the vote for a later time when the Commission was ready to adhere to the new standards and was not impacted by the pandemic.

Commissioner N. Blevins (MS) spoke against the proposal package noting the difficulties with getting in touch with judges in timely manner as their courts had not resumed their activities.

Texas and West Virginia experienced the same issue as Mississippi.

Commissioner J. Parks (VA) stated that in addition to the concerns discussed, if the proposal package passed, Virginia would have to prioritize the Interstate Compact offenders over their local offenders.

Commissioner A. Schubert (AR), Rules Committee member, noted that she knew that Arkansas would not be able to meet the proposed warrant timeframes. She added that it also meant that Arkansas did not meet the current timeframes as written in the rules. She stated that the Commission needed to set the benchmark and move forward as the proposed 15-day timeframe was better than the current rules. Similar to Virginia, if the rule package passed, Arkansas would be prioritizing the Interstate Compact offenders over their own offenders.

Commissioner C. Moore (GA) supports the rule proposal package. He had full confidence in the Compliance Committee to examine the cases closely and find ways to help resolve the issues before imposing the sanctions.

Executive Director A. Lippert stated that the Rules Committee considered multiple timeframes including 10-business days and 30-calendar days. She continued that the committee decided

against 30-calendar day timeframe due to the public safety concerns. She reminded the region that 15 business days equaled to 22-calendar days, and the proposed package expended the timeframes in all but one rule. She suggested states utilize their state council's judicial members to assist with implementing this proposal package.

DCA E. Powell (DC) noted that Washington DC would not be able to meet the 15-business day timeframe.

Proposed ICOTS enhancements: Chair J. Kempker (MO) presented proposed ICOTS enhancements and their cost to the region.

The Technology Committee proposed ICOTS enhancement to create warrant tracking process that consisted of two parts:

1. Warrant Status Bundle. Cost - \$56,565.
 - a. Special status – Warrant Status: \$36,525
 - b. New warrant status email notifications: \$16,500
 - c. Warrant Status data fields to data export: \$3,540
2. New Discretionary Retaking activity. Cost - \$38,625.

The Technology Committee will present the warrant tracking enhancements as separate votes and recommends the Commission approve the warrant tracking bundle at a cost of \$56,565. The committee remained neutral on prioritizing the new discretionary retaking at a cost of \$38,625.

The total cost to add the above enhancements to ICOTS was \$95,190.

States' COVID update: Alabama – Commissioner T. Langer stated that they had no current restrictions or executive order related to COVID-19.

Arkansas - Commissioner A. Schubert stated that Governor had extended the executive order related to the pandemic. The main challenge they continued to have, was the jail space. They must confirm a place to hold the offenders before beginning the extradition process and their director must sign off on each case. In addition, they experienced issues with jails in other states that would not inform them in timely manner that the extraditing offender had tested positive for COVID.

West Virginia - Commissioner D. Skiles stated there were no executive orders in place at this time. They experienced problems with transporting offenders, as the Prisoner Transport Services (PTS) offered limited services at this time.

South Carolina - DCA L. Turner stated that there were no executive orders in place. However, their number of COVID-19 cases were going up.

Georgia - Commissioner C. Moore noted that there were no executive orders in place at this time. Sheriffs worked independently from executive orders, sometimes accepting the offender extradition cases and the other times rejecting them. Similar to the other states, they had problems with jails in other states failing to inform them about the extraditing offender testing positive for COVID.

Tennessee – Commissioner L. Helton stated that they had no executive orders impacting their Compact operations. She noted small jails are having space issues due to quarantine and isolation.

Maryland – Commissioner M. Danner stated that Maryland did not have current restrictions impacting Compact operations. They are required to wear masks in the government buildings.

Florida – Commissioner J. Winkler noted that Florida resumed all Interstate Compact activities effective July 1.

Virginia – Commissioner J. Parks stated that currently Virginia had no executive orders related to COVID-19.

Louisiana – DCA J. Primes stated that Louisiana had no executive orders or restrictions in place related to COVID-19. The courts were getting back to normal. Louisiana was dealing with the aftermath of Hurricane Ida.

Oklahoma: C. Croy noted that there were no restrictions in place and the business was as usual in Oklahoma.

Texas - Commissioner D. Gutiérrez stated that there were no executive orders in place and the Compact Office was back to normal business operations. The courts started opening. Texas continued to utilize best practices learned from the pandemic to operate its Interstate Compact unit.

Mississippi – Commissioner N. Blevins stated that they were back to business as usual. Like the other states, Mississippi was deadline with jail space issues.

North Carolina – Commissioner T. Moose stated that currently they had an executive order in place that does not impact Compact operations. They had been back to the normal business operations for several months. The biggest challenges they had were with jails due to quarantine and isolations.

Kentucky – Commissioner S. Turner stated there were no executive orders in place. They had no issues with jails. He noted that their offender transportation monthly cost quadrupled since the pandemic.

Missouri – Chair J. Kempker stated that Missouri was in full operation throughout the pandemic. They had no executive orders in place.

FY 2023 Dues Assessment changes based on 2020 census and offender numbers: Executive Director A. Lippert stated that the dues assessment formula in use since 2002 was outlined in the Rule 2.103: $((State\ Population/US\ Population) + (State\ Offender\ Transfers/Total\ US\ Offender\ Transfers))/2$. In 2002, calculations relied on population data from the US Census Bureau and the US Department of Commerce. In addition, the Commission incorporated a population estimate for compact offenders. At that time, there were additional estimates and adjustments for territory data due to incomplete information. As applied, the formula produced results for all states that were subsequently divided into five tiers.

In 2008, the Executive Committee added an additional tier for the US Virgin Islands per an ad hoc finance committee finding. This tiering distribution continued uninterrupted with an adjustment in dues calculation based on population figures from the 2010 decennial Census through FY 2022's assessment.

The 2020 decennial Census provided an opportunity to update state populations and evaluate any resulting change in individual as well as Commission-wide funding totals. Based on this data, the following individual state tier changes:

- Idaho increases from Tier 2 to Tier 3;
- Tennessee increases from Tier 3 to Tier 4;
- Michigan decreases from Tier 4 to Tier 3; and,
- Florida increases from Tier 5 to Tier 6.

Tennessee and Florida are the South Region states that were affected by census changes.

Under the proposed FY 2023 dues scenario using the newest decennial Census figures, total revenue increases slightly more than one percent.

Executive Director A. Lippert noted that the region members could find the detailed census changes and budget information in the 2021 ABM Docket book.

The region members did not have any comments on this matter.

Old Business/New Business

Region chair election: Chair J. Kempker (MO) asked for any nominations from the floor for region chair.

Commissioner T. Langer (AL) made a motion to nominate Chair J. Kempker (MO) for South Region chair. Commissioner J. Kempker (MO) accepted the nomination. Motion approved.

Adjourn

Commissioner C. Moore (GA) moved to adjourn. Commissioner D. Gutierrez (TX) seconded.

The meeting adjourned at 11:12 am ET.