



**Interstate Commission for Adult Offender  
Supervision**

**South Region Meeting**

**Minutes**

**September 27, 2022 · 12:45 pm ET**

**Nassau · New York Hilton Midtown Hotel, New York, NY**

---

**Members in Attendance:**

1. Julie Kempker (MO), Chair
2. Tom Langer (AL)
3. Amber Schubert (AR)
4. Chris Moore (GA)
5. Steve Turner (KY)
6. Martha Danner (MD)
7. David Gutierrez (TX)
8. Jordan McKinley (WV)
9. Jamie Lee (LA)
10. Chris Hill (TN)
11. James Rudek (OK)
12. Jim Parks (VA)

**Members not in Attendance:**

13. Elizabeth Powell (DC)
14. Nathan Blevins (MS)
15. Jerry Adger (SC)
16. Timothy Moose (NC)
17. Joe Winkler (FL)

**Guests:**

1. Veronica Cunningham (APPA)
2. Pat Tuthill (FL Victim's Rep)
3. Elizabeth Powell (DC)
4. Tim Strickland (FL)
5. Miriam Dyson (GA)
6. Don Werner (KY)
7. Darla Hood (LA)
8. Alison Woodruff (MO)
9. Mandy Boots (MO)
10. Richie Spears (MS)
11. Betty Payton (NC)
12. Emily Keefer (OK)
13. Richie Spears (MS)

14. Matthew Buchanan (SC)
15. Rene Hinojosa (TX)
16. Jocelyn Angton (TX)
17. Cynthia Stout (TX)
18. Julie Lohman (VA)

#### **Staff**

1. Mindy Spring, Training and Administrative Coordinator

#### **Call to Order**

Chair J. Kempker (MO) called the meeting to order at 12:45 pm ET. Twelve out of seventeen members were in attendance establishing a quorum.

**Motion to approve agenda made by Commissioner T. Langer (AL), seconded by Commissioner J. Lee (LA). Agenda approved.**

**Motion to approve July 28, 2022 minutes made by Commissioner A. Schubert (AR), seconded by Commissioner J. Lee (LA). Minutes approved.**

#### **Discussion**

M. Spring provided information related to rule proposals to be considered at the 2023 ABM noting the deadline for region and committee referrals is February 1, 2023.

In the absence of Commissioner J. Winkler (FL), Chair J. Kemper (MO) requested DCA T. Strickland present Florida's justification for proposing new Rule 4.101-1 related to electronic monitoring equipment and rule amendment for Rule 5.101-2.

#### *Rule proposal for New Rule 4.101-1*

DCA T. Strickland noted the new rule mirrors language in rule 4.104 and is being proposed due to Florida's statutory requirement and opinion of legal counsel that electronic monitoring equipment must be worn by certain transferring sex offenders until arrival in the receiving state when the receiving state assumes supervisory responsibilities. He noted some jurisdictions within certain states refuse to assist in the return of electronic monitoring equipment due to a perceived liability concern. Further, some DCAs have indicated they do not have authority to require officers to assist.

Commissioner A. Schubert inquired whether the need for language regarding the receiving state is necessary as the ability to impose conditions, including electronic monitoring exist in rule 4.103 as well as inquired whether the requirement for return of the equipment is provided in the supervision conditions by the sending state. DCA T. Strickland stated Florida's concern is solely to get the equipment returned.

Commissioner T. Langer asked whether Florida's equipment requires a special key for removal in which FL indicated the equipment is to simply be cut off by a legal authority, but should not be cut off by the offenders themselves as the states refusing to assist and other member states have suggested as a work around. States would not be held responsible for damage to the

equipment. However, language stating such was removed from the proposal after the region's prior discussion on the proposal due to concerns the language would impose broader implications than intended.

Commissioner C. Moore inquired whether there is bigger liability concern if the offender absconds during the transfer process.

Florida's victim's rep P. Tuthill expressed support for the proposal.

DCA L. Ishman (AL) stated officers in Alabama refuse to assist in removing equipment unless required by an ICAOS rule.

South Carolina's General M. Buchanan will be reviewing its statutes to confirm whether South Carolina has a similar requirement. Commissioner T. Langer and Designee J. McKinley noted the same for Alabama and West Virginia.

The region discussed whether the proposal would create an unintended rule compliance issue.

**Motion to forward new Rule 4.101-1 to the rules committee and recommend for adoption made by Commissioner C. Moore (GA), seconded by Commissioner T. Langer (AL). Motion carried unanimously.**

**Rule 4.101-1 OFFENDER ELECTRONIC MONITORING IN RECEIVING OR SENDING STATE**

**A receiving state shall require that an offender transferred under the interstate compact comply with any electronic monitoring requirements in accordance with the laws or policies of the receiving state and shall assist the sending state in retrieval of electronic monitoring equipment worn by the offender from the sending state by removal of the equipment from the offender upon arrival and shipping the equipment back to the sending state. The sending state shall be responsible for the cost of shipping.**

***Rule proposal for amending Rule 5.101-2***

DCA T. Strickland reviewed the proposal to amend Rule 5.101-2 to include supervision sentences for new crime convictions. Commissioner A. Schubert spoke in favor of the proposal noting it supports recent discussions on the increase in remote sentencing and hearings as well as alternatives for retaking.

**Motion to forward amendment to Rule 5.101-2 made by Commissioner M. Danner (MD), seconded by Commissioner C. Moore (GA). Motion carried unanimously.**

***DISCRETIONARY PROCESS FOR DISPOSITION OF VIOLATION IN THE SENDING STATE FOR A NEW CRIME CONVICTION***

***Notwithstanding any other rule, a sentence imposing a period of incarceration and/or supervision on an offender convicted of a new crime which occurred outside the sending state during the compact period may satisfy or partially satisfy the sentence imposed by***

*the sending state for the violation committed. This requires the approval of the sentencing or releasing authority in the sending state and consent of the offender.*

- a) Unless waived by the offender, the sending state shall conduct, at its own expense, an electronic or in-person violation hearing. The offender does not have to be incarcerated for this hearing.*
- b) The sending state shall send the violation hearing results to the receiving state within 10 business days.*
- c) If the offender's sentence ~~to incarceration~~ for the new crime fully satisfies the incarceration sentence for the violation imposed by the sending state for the new crime, the sending state is no longer required to retake if Rules 5.102 and 5.103 apply.*
- d) If the offender's sentence to incarceration for the new crime only partially satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is required to retake if Rules 5.102 and 5.103 apply.*
- e) If the offender's sentence to supervision for the new crime only partially satisfies the supervision sentence for the violation imposed by the sending state for the new crime, the sending state is no longer required to retake if Rules 5.102 and 5.103 apply and the offender will remain on supervision in the receiving state.*
- f) The receiving state may close the case under Rule 4.112 (a)(3).*

#### *Officer nominations*

No nominations for officer positions were made by the South Region.

#### *State Updates*

DCA T. Strickland provided information related to Hurricane Ian and its expected impact to the state and compact operations.

No other states provided an update.

**Motion to adjourn made by Commissioner C. Moore (GA), seconded by Commissioner S. Turner (KY). Meeting adjourned at 1:37 pm ET.**