**TEXAS STATE COUNCIL**

**FOR INTERSTATE OR ADULT OFFENDER SUPERVISION**

David G. Gutiérrez, Chair

Price Daniel Sr. Building

209 W. 14th Street, fifth floor

Austin, Texas 78701

Tuesday, November 14th, 2023, at 10:00 AM

**MINUTES**

**Call to Order**

Council Chairman, David Gutiérrez called the State Council meeting to order at 10:03 A.M, Tuesday, November 14th, 2023.

**Members in attendance**

1. David Gutiérrez (Commissioner appointed by governor)
2. Randall “Scott” MacNaughton (member appointed by governor)
3. Rene Hinojosa (Compact Administrator appointed by governor)
4. Cynthia Stout (Director of the Texas Interstate Compact Office (TXICO), Deputy Compact Administrator (DCA) appointed by executive director)
5. Pamela Alexander – Schneider (member appointed by governor as victim representative)

The council established a quorum with five present members.

**Members not in Attendance**

1. Honorable Judge Mary Lou Keel (member appointed by presiding judge of the Court of Criminal Appeals) due to conference meeting
2. Jayme Culbertson (member appointed by speaker of the house of representatives) due to illness

**Guests in attendance**

1. Carey Green (Director of CJAD)
2. Tim McDonald (Chief of Staff for the BPP)

**Staff in attendance**

1. Jocelyn Angton (Assistant Director of the TXICO and DCA)
2. Kathryn Harwood (AA III, TXICO)

**Approval of minutes**

David Gutiérrez made a motion to approve the minutes from November 14th, 2022. The motion was carried.

**Discussion**

Cynthia Stout provided some background and historical information for the meeting.

The purpose of Interstate Commission for Adult Offender Supervision (ICAOS) is through controlling/tracking the movement of offenders and though the communication and collaboration with other state, we help promote public safety and effective supervision and rehabilitation and protect the rights of victims. It helps with stability as most transfers are due to family and friends in another state, who provide emotional and financial support. That coupled with programs/services in that state leads to life stability. The council’s contact information, terms of service, and the structure of the TX compact office was included in a booklet for each member.

Texas joined the Interstate Compact and it was written into Government Code 510 on June 11th, 2001, which gives ICAOS its authority and has the force and effect of federal law. The ICAOS rules state receiving states must supervise out of state clients the way they would clients sentenced in their own state, including sanctions or interventions, incentives, etc.

The purpose of the state council is to provide valuable information to the compact administrator and commissioner on the commission’s activities and administration of the compact. The state council was encouraged to take an active role in the TXICO.

Cynthia Stout provided supervision totals.

To Texas Parole 2,104 + Probation 4,514 = Total 6,618

From Texas Parole 2,331 + Probation 7,542 = Total 9,873

Cynthia Stout provided compliance percentages.

Probation consistently transfers more cases than parole to and from TX.

TXICO exceeded the minimum compliance level of 80% or higher on the six types of standards audited by the national office: Transfer Replies, Request for Reporting Instructions, Progress Reports, Case Closure Notices, Case Closure Notice Replies, and VR replies.

TX scored in the 90% in all audited action items, except for VR replies, which are in the 80% and the biggest challenge, often because the officer is waiting for the judge to sign the warrant or the officer is out and no one is assigned the action item, but other states have similar compliance levels regarding VR replies, however the compact office will continue to strive for improvement in the compliance rate.

David Gutiérrez explained the work that goes into maintaining these standards and explained that when VR replies are not completed in a timely matter, Commissioners sometimes get involved by communicating with each other, which usually resolves the issue.

Tim McDonald inquired about the origin of the problem with Transfer Replies. Cynthia Stout explained when the receiving state has completed a violation report for a TX probationer, the TX probation office is delayed in replying to the violation report and further explained the difficult position the probation department *and* the compact office are in when the judge or DA will not comply with ICAOS rules.

Cynthia Stout provided violation information.

To Texas cases - Total 623 Violation Reports / 560 warrants issued (210 Parole + 350 Probation)

From Texas cases - Total 730 Violation Reports / 644 warrants issued (144 Parole + 500 Probation)

Most of the violations to and from TX were due to absconding and behavior requiring retaking, not new felony charges,

Cynthia Stout provided information regarding training.

Overview training was completed with parole and probation, as well as some targeted training on documenting the client’s behavior to increase VR reply compliance. In-person training with Deaf Smith County and surrounding counties and parole offices from Lubbock, Plainview, and Amarillo are scheduled for early December. Targeted trainings will continue in 2024 regarding Transfer Requests and Requests for Reporting Instructions.

Cynthia Stout provided information regarding the Probation Advisory Committee (PAC).

The PAC is attended by the directors of CSCDs, and they are provided with updates on probation matters on a quarterly basis; Interstate Compact provides updates with information like what is presented at the state council meeting, as it applies to probation.

Probation formed a small work group to explore ways to improve outcomes regarding compact cases. Right now, they are in the exploration phase. It is an ICAOS rule that warrants issued be no bond, full extradition and entered into NCIC and we experience issues at times with probation cases issuing compact non-compliant warrants or not retaking cases as required. The work group sent a poll to the CSCDs regarding compact compliant warrants and retakings. About 50 respondents so far have replied. Most do not have issues, but some do. We are looking forward to an update on the progress from this group soon.

David Gutierrez discussed Legislative changes.

Due to the law that passed during the 88th Legislature, it is now a crime in Texas for a person to cause, conspire, or cooperate with another to remove or disable an electronic monitoring tracking device.

David Gutierrez discussed the Data Integrity Audit.

TX met criteria NOT to be reaudited because we maintain a high percentage of accurate and reliable data. Recognition was given to the TXICO state administrator, John Mullaney who works diligently to clean up junk records and withdraw rejected cases.

David Guiterrez discussed dues.

Dues increased this fiscal year, as mentioned at the last state council meeting, due to inflation and not being raised since 2009. TX paid $52,719.31 last fiscal year vs. $55,487.08 this fiscal year, a difference of $2,767.77, with TX being the highest state for compact transfers, therefore the state paying the highest dues. The top ten states for the highest and lowest compact transfers were presented.

David Guiterrez discussed ICOTS Enhancements.

Following a request for proposal process, the Commission selected Optimum Technology to migrate to a new hosting environment and Cynthia Stout commented that ICOTS continues to be working well after this migration. A new resource was released in FY 23 to assist supervised individuals and their families in navigating the Interstate transfer process and features frequently asked questions and provides a step-by-step means to determine if someone meets the Compact’s eligibility criteria.

David Gutierrez discussed the Annual Business Meeting (ABM.)

The ABM was in Norfolk, VA this year. A takeaway from the meeting was that states should communicate and work towards solutions when problems arise and ensure decisions are made adhering to the purpose of the compact---“Embracing the Spirit of the Compact.”

Two engaging guest speakers presented at this year’s meeting.

Dr. Alexandra Walker, a founding member for the Alliance for Community and Justice Innovation, discussed effective leadership and embracing the science of effective risk and recidivism reduction, but also the science of effective implementation using evidence-based practices and just reform initiatives.

Emily Hitchings, a former police officer in Colorado, and the current Director for the National Emergency Responder and Public Safety Center, discussed a multitude of challenges in corrections and the real stressors with the work, but also insight and strategies for navigating them successfully. Similarly, TDCJ Victim Services provides resources regarding staff wellness through Employee Support Services including peer support, information and referrals, critical incident support and debriefing, training and follow up.

The Commission approved a proposed change to Rule 5.108 (f) Probable Cause Hearing in the Receiving State by majority vote of its member states. The receiving state has an obligation to take a transferee into custody upon a finding of a probable cause for retaking for behavior requiring retaking. Wording has changed from “shall” to “may” hold the offender in custody. Cynthia expressed concern over this rule change as if probable cause is found, the holding facility may hold client if they so choose, or they can release them as it is not clear who determines the “may” or “shall.”

Due to a wording change, “supervised individual” will now take the place of “offender” in ICAOS,” except in the name. Interstate Commission for Adult **Offender** Supervision will remain the same.

Christy Bertera, a Criminal Justice Specialist, received the Peyton Tuthill award, which was named after the daughter of Patricia Tuthill who was brutally raped and murdered by a parolee from Maryland who was in Colorado without their knowledge. Patricia ensured the compact’s passage in every state. Christy upholds the Commission's mission to promote public safety, improve offender outcomes, and protect victims.

The next ABM will be held in Scottsdale, AZ, September 9th-11th, 2024.

**No old business was discussed.**

**New business was discussed.**

Cynthia Stout inquired how the members of the state council can be used as a resource to assist when the probation department and the TXICO are unable to resolve issues, for example with warrants are not compact-compliant or when a client is not retaken as required. Carey Green suggested to set up a meeting with Meagan Laviore from the Office of Court Administration for ideas on engaging with the courts, the Texas Judicial Council, or the Texas District and County Attorney’s Association.

**The next state council meeting was suggested to be held in either April or May of 2024 at the Price Daniel Building with an exact date to be determined.**

**Adjourn**

Chairman Gutiérrez adjourned the meeting at 10:56 A.M.