



Interstate Commission for Adult Offender Supervision

Rules Committee Meeting MINUTES

June 3, 2024 - 2:00 pm ET

Teleconference

Members in Attendance:

1. Tracy Hudrlik (MN), chair
2. Chris Moore (GA), vice-chair
3. Brook Mamizuka (HI)
4. Susan Gagnon (ME)
5. Katrina Ransom (OH)
6. Deon McDaniel (NV)
7. Matthew Charton (NY)
8. Timothy Strickland (FL), Ex-Officio
9. Brenna Kojis (WI), Ex-Officio
10. Matthew Reed (PA), Ex-officio
11. Tom Travis, Legal Counsel

Members not in Attendance:

1. Martha Danner (MD)
2. Amy Vorachek (ND)

Guests:

1. Kelly Palmateer (NY)
2. LaShonda Campbell (MD)

Staff:

1. Ashley Lippert, Executive Director
2. Barno Saturday, Logistics and Administrator Coordinator
3. Xavier Donnelly, ICOTS Project Manager
4. Mindy Spring, Administrative and Training Coordinator
5. Drake Greeott, Web Development Manager

Call to Order

Chair T. Hudrlik (MN) called the meeting to order at 2:00 pm ET. Executive Director A. Lippert called the roll. Seven voting members were present, a quorum was established.

Approval of Agenda and Minutes

Commissioner M. Charton (NY) moved to approve the agenda as presented. Commissioner K. Ransom (OH) seconded. Agenda approved.

Commissioner C. Moore (GA) moved to approve the minutes from the May 1, 2024, meeting as drafted. Commissioner S. Gagnon (ME) seconded. Minutes approved as drafted.

Discussion

At the last meeting, the committee prepared a rule package for the Commission's approval at the 2024 ABM. The committee integrated "supervised individual" language into current rules. The comment period for these amendments is open from May 15 until July 1, 2024.

Chair T. Hudrlik (MN) noted that there was only one comment posted regarding the language changes. The committee will review all comments at its July meeting.

Rule Recommendations from Committee: Renumbering Rule 3.110 Travel Permits: Chair T. Hudrlik (MN) presented the proposal to the committee for review and consideration.

Rule Title (Editorial Change: Title & Renumbering only)

Rule 4.111-1 ~~3.110~~: Travel Permits to the Sending State During Supervision

No change to Rule Language

- (a) Notification of travel permits - The receiving state shall notify the sending state prior to the issuance of a travel permit for a supervised individual traveling to the sending state.
- (b) This rule does not apply to supervised individuals who are employed or attending treatment or medical appointments in the sending state, provided that the following conditions are met:
 - 1. Travel is limited to what is necessary to report to work and perform the duties of the job or to attend treatment or medical appointments; and
 - 2. The supervised individual shall return to the receiving state immediately upon completion of the appointment or employment.

Justification

Rule 3.110 adopted in 2020 covers travel permits to the sending state during supervision. As the rule is not part of the transfer process, but rather a process during the term of supervision in the receiving state, the rule should be re-numbered to Chapter 4 of ICAOS rules. The title should also be revised to reflect the circumstances of when the rule is applied. As there is no rule language change proposed, this title and numbering change could be considered an editorial change under Rule 2.109(k.)

Effect on Other Rules: None

ICOTS Impact: None

The committee supported the proposal.

Commissioner M. Charton (NY) moved to approve a proposal to amend Rule 3.110 for the full Commission's consideration and vote at the 2025 Annual Business Meeting. Commissioner K. Ransom (OH) seconded. Motion passed.

Recommendations for Rules 5.102 & 5.103-1: Chair T. Hudrlik (MN) presented the proposal to the committee for review and consideration.

**Rule 5.102 Mandatory Retaking for a New Felony or New Violent Crime Conviction
Rule 5.103-1: Mandatory Retaking for Supervised Individuals Who Abscond**

Rule 5.102

(a) Upon a request from the receiving state and documentation that the supervised individual's new felony or violent conviction would result in the pursuance of revocation in the receiving state, a sending state shall retake a supervised individual from the receiving state or a subsequent receiving state after the:

1. completion of a term of incarceration for that conviction; or
2. placement under supervision for that felony or violent crime offense.

(b) When a sending state is required to retake a supervised individual, the sending state shall issue a warrant no later than 15 business days and, upon apprehension of the supervised individual, file a detainer with the holding facility where the offender is in custody.

Rule 5.103-1

(a) Within 15 business days of receipt of an absconder violation report and case closure, the sending state shall issue a warrant and, upon apprehension of the supervised individual, file a detainer with the holding facility where the supervised individual is in custody.

(b) If a supervised individual who has absconded is apprehended on a sending state's warrant within the jurisdiction of the receiving state that issued the violation report and case closure, the receiving state shall inform the sending state of its decision to resume supervision or require retaking. ~~upon request by the sending state, conduct a probable cause hearing as provided in Rule 5.108 (d) and (e) unless waived as provided in Rule 5.108 (b).~~

(c) Upon a request from the receiving state to pursue retaking for absconding, the receiving state shall provide documentation that the supervised individual's absconding would result in the pursuance of revocation in the receiving state.

(d) Prior to retaking and upon request by the sending state, the receiving state shall conduct a probable cause hearing as provided in Rule 5.108 (d) and (e) unless waived as provided in Rule 5.108 (b).

~~(d)~~ (e) Upon a finding of probable cause the sending state shall retake the supervised individual from the receiving state.

~~(e)~~ (f) If probable cause is not established, the receiving state shall resume supervision upon the request of the sending state.

~~(e)~~ (g)The sending state shall keep its warrant and detainer in place until the supervised individual is retaken pursuant to paragraph (c) or supervision is resumed pursuant to paragraph (f) ~~(e)~~.

Justification

Retaking individuals who violate the terms of their supervision is a complex issue and should be used as a last resort rather than a punitive measure. Rule 4.109 requires that all violation reports requiring retaking must illustrate sanctions and documented corrective actions imposed by a receiving state have been exhausted. Retaking as ‘the punishment’ or used as a ‘sanction’ may not be in line with the purposes of the compact. Aligning with evidenced based principles for supervision, focus should center on rehabilitation and support rather than punishment alone when addressing non-compliance. It is important to resort to retaking only when necessary, with clear communication and reporting requirements between states. Incentives, corrective actions, sanctions etc. are rather tools used in supervision and by the courts through their stakeholder roles and decision making authority. Compact requirements rather serve as reporting and communicating requirements state to state. These amendments ensure retaking is utilized when options to supervise had been exhausted and a plan of supervision no longer exists in the receiving state. This proposal also clarifies when it’s appropriate to use a violation report to request retaking.

Effect on Other Rules: None

ICOTS Impact: None

Commissioner M. Charton (NY) noted that New York does not have a violation matrix and these decisions are made on the local level. He stated that the documentation piece will be difficult to identify. He added that the submission of a violation report already answers whether the states are going to pursue the revocation or not.

The committee noted that it would be difficult to enforce this rule and the matter could possibly be resolved by training.

The committee agreed that the proposal required more work.

The committee discussed proposed changes to Rule 5.103-1.

Executive Director A. Lippert noted that the Executive Committee approved conducting an assessment in FY25 that evaluates the circumstances surrounding an individual’s retaking and retransfer under the Compact. Once the results are available, the committee should take them into consideration and revisit the amendment. The assessment results could result in different changes to the rule.

The committee agreed that the Commission needs to revisit the absconder rules. The committee tabled the discussion on the proposal to amend Rule 5.103-1.

Recommendation for Rule 1.101 ‘Relocate’ definition: Chair T. Hudrlik (MN) presented the proposal to the committee for review and consideration.

Rule Title

Rule 1.101_ Definition of ‘Relocate’

Relocate – means to remain in another state for more than 45 consecutive days ~~in any 12 month period.~~

Justification

Strike language ‘in any 12 month period.’ Language is unnecessary and sometimes leads to confusion regarding consecutive versus cumulative days. Furthermore, AO 4-2012 appears to support this amendment.

Effect on Other Rules: None

ICOTS Impact: None

Commissioner K. Ransom (OH) moved to approve a proposal to amend Rule 1.101 for the full Commission consideration and vote at the 2025 Annual Business Meeting. Commissioner C. Moore (GA) seconded. Motion passed.

Region or Standing Committee Rule Referrals: The regions and committees have not submitted any rule proposals at this time.

Old/New Business

The committee will meet in July to review submitted comments for the language change rule package and make adjustments if necessary. The committee will also discuss the presentation of the language change rule package at the annual business meeting.

Adjourn

Commissioner M. Charton (NY) moved to adjourn. Commissioner D. McDaniel (NV) seconded.

The meeting adjourned at 3:00 pm ET.