



Interstate Commission for Adult Offender Supervision

South Region Meeting MINUTES

December 10, 2024 @ 1 PM ET
Teleconference

Members in Attendance:

1. Steve Turner (KY), Chair
2. Tom Langer (AL)
3. Miles Morgan (AR)
4. Joe Winkler (FL)
5. Chris Moore (GA)
6. Yolanda Bethea (MD)
7. John Mosley (MO)
8. Rhett Covington (LA)
9. Maggie Brewer (NC)
10. Deborah Romine (OK)
11. Jim Parks (VA)
12. Jonathan Huffman (WV)

Members not in Attendance:

1. Richard Tischner (D.C.)
2. Nathan Blevins (MS)
3. Jodi Gallman (SC)
4. Chris Hill (TN)
5. [Vacant] (TX)

Guests:

1. Lee Ishman (AL)
2. Jim Cheek (AR)
3. Linda Mustafa (AR)
4. Joe Kuebler (GA)
5. Elizabeth Powell (D.C.)
6. Tim Strickland (FL)
7. Lashonda Lee-Campbell (MD)
8. Alison Woodruff (MO)
9. Rickey Garsee (MO)
10. Don Werner (KY)
11. LaVon Hill (KY)
12. Emily Keefer (OK)
13. Tawanna Davis (SC)
14. Betty Payton (NC)
15. Ashley Meadows (NC)
16. Taylor Wayland (TN)
17. Jocelyn Angton (TX)
18. Cindy Stout (TX)

19. Julie Lohman (VA)

Staff:

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

Call to Order

Chair S. Turner (KY) called the meeting to order at 1:02 pm ET. Twelve voting members were present, a quorum was established.

Approval of Agenda and Minutes

Commissioner J. Mosley (MO) moved to approve the agenda as presented. Commissioner T. Langer (AL) seconded. Motion passed.

Commissioner T. Langer (AL) moved to approve the minutes from September 11, 2024, meeting as presented. Commissioner J. Parks (VA) seconded. Motion passed.

Discussion

Rules Proposals for Consideration at the 2025 Annual Business Meeting: The region reviewed the rule proposals prepared by the South Region DCAs.

Proposed/Existing Rule Title: Chapter 1: Definitions

Rule 1.101

“Compacting state” means any state which has enacted the enabling legislation for this compact.

“State” means a state of the United States, the District of Columbia and any other territorial possessions of the United States.

Justification

The definitions are included in the statutory language and should be included in the commission rules.

Problem statement(s) At the Rules Committee Meeting to review the proposed language change it was noted that the terms in the compact statute were not in the definitions of the rules. As this issue was not included in the mandate of the proposed language change that the rules committee was reviewing it was proposed to the South Region for consideration.

The proposal did not receive any support from the region. No action was taken.

The region reviewed a proposal to amend Rule 2.106 Deferred Sentences.

Proposed/Existing Rule Title: Rule 2.106 Deferred Sentences

Supervised individuals subject to deferred sentences are eligible for transfer of supervision provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied. ~~under the same eligibility requirements, terms, and conditions applicable to all other supervised individuals under this compact.~~ Persons subject to supervision pursuant to a pre-trial release program, bail, or similar program are not eligible for transfer under the terms and conditions of this compact.

1. Supervised individuals who are subject to deferred sentences shall include those who:
 - (a) waive their right to a trial,
 - (b) enter a plea of guilt or no contest and their plea has been accepted by the court.

Justification

Like Rule 2.105 for misdemeanors, this provides clear criteria for what deferred sentences should qualify for compact transfers as listed in advisory opinions 4-2004 & 6-2005. Advisory opinions are not binding and incorporating the criteria into the rule provides enforceable clarity.

The region agreed that the rule requires further revision before it can be presented for a vote. Commissioner J. Huffman (WV) volunteered to rewrite the proposal and present the revised version at the next meeting.

The region will reconvene in January to review the revised version of the rule.

The region reviewed a proposal to amend Rule 3.103. Chair S. Turner (KY) pointed out that the Midwest Region also has a proposal to amend the same rule. He presented a side-by-side comparison document, prepared by the national office, outlining the differences between the South and Midwest Region's proposals.

Proposed/Existing Rule Title: Rule 3.103 - Reporting Instructions; Probationer Living in the Receiving State at the Time of Sentencing or After Disposition of a Violation or Revocation Proceeding Following the Mandatory or Discretionary Retaking of the Supervised Individual

- (a)
 1. A request for reporting instructions for a supervised individual who was living in the receiving state at the time of initial sentencing or ~~after~~ disposition of a violation or revocation proceeding following the mandatory or discretionary retaking of the supervised individual, shall be submitted by the sending state within 7 business days of the initial sentencing date, disposition of violation, revocation proceeding or release from incarceration to probation supervision. The sending state may grant a 7-day travel permit to an offender who was living in the receiving state at the time of initial sentencing or disposition of violation or revocation proceeding following the mandatory or discretionary retaking of the supervised individual. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.
 2. The receiving state shall issue reporting instructions no later than 2 business days, following receipt of such a request from the sending state.
 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. Upon request from the receiving state, the sending state shall transmit all signed forms within 5 business days.
 4. The sending state shall transmit a departure notice to the receiving state per Rule 4.105.

5. This section is applicable to offenders incarcerated for 6 months or less and released to probation supervision.

6. This section is not applicable to supervised individuals who, as a result of absconding, were living in the receiving state at the time of the disposition of a violation or revocation proceeding.

(b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.

(c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.

(d) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 business days following the granting of reporting instructions.

(e) If the receiving state rejects the transfer request for a supervised individual who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the supervised individual's return to the sending state under the requirements of Rule 4.111.

(f) If the sending state fails to send a completed transfer request by the 15th business day for a supervised individual who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.

Justification:

It was never the intention of the previous rule amendment to allow absconders to qualify for mandatory reporting instructions as living in the receiving state at the time of sentencing. The intent was to allow individuals with previously approved reporting instructions to be eligible for mandatory reporting instructions following retaking. Absconders who establish ties to a receiving state by nature of their non-compliance should not be rewarded with mandatory reporting instructions and the ability to travel pending the granting of reporting instructions or an investigation of transfer.

Also, removing the word "after" in the first section is intended to clarify that the individual qualifies at the time of the revocation and not at some future point after the revocation. In addition, changing "supervised individual" to "probationer" in the title further clarifies that this rule, as indicated in section 5, applies only to probationers and not parolees as parolees would receive a transfer request prior to release.

The region agreed that the proposal needs more work. The proposal did not receive any support from the region and no further action was taken.

The region reviewed a proposal to amend Rule 4.110.

Proposed/Existing Rule Title: Rule 4.110: Transfer to a Subsequent Receiving State

Proposed/Existing Rule Text:

(a) At the request of a supervised individual for transfer to a subsequent receiving state, and with the approval of the sending state, the sending state shall prepare and transmit a request for transfer to the subsequent state in the same manner as an initial request for transfer is made.

- (b) The receiving state shall assist the sending state in acquiring the supervised individual's signature on the any other forms requiring a signature under Rule 3.107, and shall transmit these forms to the sending state.
- (c) The receiving state shall submit a statement to the sending state summarizing the supervised individual's progress under supervision.
- (d) The receiving state shall issue a travel permit to the supervised individual when the sending state informs the receiving state that the individual's transfer to the subsequent receiving state has been approved.
- (e) Notification of the supervised individual's departure and arrival shall be made as required under Rule 4.105.
- (f) The receiving state retains authority to supervise until Acceptance of supervision or approval of reporting instructions by a subsequent state and issuance of reporting instructions. ~~to the supervised individual~~ Upon departing, the receiving state shall notify the sending state as required in Rule 4.105 and submit a closure notice under Rule 4.112.

Justification:

Provides clarity on retention of supervision authority of the receiving state until a notice of departure is submitted to the sending state pursuant to a subsequent state transfer.

Commissioner M. Brewer (NC) moved to forward the proposal for Rule 4.105 to the Rules Committee for consideration at the 2025 Annual Business Meeting. Commissioner J. Huffman (WV) seconded. Motion approved.

The region reviewed a proposal to amend Rule 4.105.

Rule Title: Rule 4.105 Arrival and Departure Notifications; Withdrawal of Reporting Instructions

- (a) Departure notifications—At the time of departure from any state pursuant to a transfer of supervision or the granting of reporting instructions, ~~the state from which the supervised individual departs shall notify the intended receiving state, and, if applicable, the sending state;~~ shall notify the receiving state through the electronic information system of the date and time of the intended departure and the date by which the supervised individual offender has been instructed to arrive.
 - 1. At the time of departure from a receiving state pursuant to either return of the supervised individual to the sending state or transfer to a subsequent receiving state, the receiving state shall notify the sending state through the electronic information system of the date and time of the intended departure and the date by which the supervised individual has been instructed to arrive.
- (b) Arrival notifications—At the time of a supervised individual's arrival in any state pursuant to a transfer of supervision or the granting of reporting instructions, or upon the failure of a supervised individual to arrive as instructed, the intended receiving state shall immediately notify the state from which the supervised individual departed, and, if applicable, the sending state, through the electronic information system of the supervised individual's arrival or failure to arrive.
- (c) A receiving state may withdraw its reporting instructions if the supervised individual does not report to the receiving state as directed.

Justification

Proposal provides clarity on the submission of notice of departures from a receiving state to the sending state when a supervised individual departs the receiving state either back to the sending state or to a subsequent receiving state.

Director A. Lippert pointed out that the proposal still uses the outdated term 'offender,' which should be updated to 'supervised individual.'

Commissioner J. Mosley (MO) moved to forward the proposal for Rule 4.105 to the Rules Committee for consideration at the 2025 Annual Business Meeting. Commissioner C. Moore (GA) seconded. Motion approved.

The region reviewed a proposal to amend Rule 5.101-2. Executive Director A. Lippert mentioned that the Midwest Region had passed a proposal to also amend this rule.

DCA T. Strickland (FL) pointed out that the South Region had submitted this proposal to the Rules Committee last year. However, the committee sent the proposal back for further revisions. The South Region DCAs then revised the proposal and resubmitted it for the South Region's consideration.

Rule 5.101-2 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 a supervised individual 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 supervised individual.

(a) For a new conviction with a sentence of incarceration:

1. Unless waived by the supervised individual, the sending state shall conduct, at its own expense, an electronic or in-person violation hearing.
2. The sending state shall send the violation hearing results to the receiving state within 10 business days.
3. If the supervised individual's sentence to incarceration for the new crime fully satisfies the 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.
4. If the supervised individual'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.
5. The receiving state may close the case under Rule 4.112 (a)(3).

(b) For a new conviction with a sentence of supervision:

1. Unless waived by the supervised individual, the sending state shall conduct, at its own expense, an electronic or in-person violation hearing.
2. The sending state shall send the violation hearing results to the receiving state within 10 business days.
3. If the violation sentence is to continue, modify or extend supervision, the sending state is no longer required to retake if Rules 5.102 and 5.103 apply.

Justification

With the expansion of remote sentencing during the pandemic many states have become used to remote/electronic hearings and sentencing. When offenders are convicted of a new crime where supervision in the receiving state is the sentence, the receiving state has determined that the offender is suitable for continued community supervision. This update will provide an alternative mechanism for disposition of a VOP due to a new crime conviction outside of the sending state where supervision is the sentence. In these cases, revocation is not likely, and this rule change will provide clarity that the offender does not have to currently be incarcerated to utilize the electronic hearing alternative process to dispose of a VOP where incarceration or supervision is ordered in the new conviction.

Commissioner J. Mosley (MO) moved to forward the proposal for Rule 5.101-2 to the Rules Committee for consideration at the 2025 Annual Business Meeting. Commissioner C. Moore (GA) seconded. Motion passed.

The region reviewed a proposal to amend Rule 5.105.

Proposed/Existing Rule Title: Rule 5.105: Time Allowed for Retaking

A sending state shall retake a supervised individual within 30 calendar days after the individual has been taken into custody on the sending state's warrant and the supervised individual is being held solely on the sending state's warrant and the sending state has been notified in accordance with Rule 2.101.

Justification:

Rule 5.105 has no trigger defined that starts the 30-calendar day timer for retaking specifically listed. As all communication between compact member states is defined in Rule 2.101 this amendment removes any ambiguity on when the retaking time frame begins.

Training Coordinator M. Spring noted that to track the change, the proposal will require modifications to ICOTS.

The proposal did not receive support from the region. No further action was taken.

Old/New Business

There was no old/new business.

Adjourn

Commissioner C. Moore (GA) moved to adjourn. Commissioner M. Brewer (NC) seconded.

The meeting adjourned at 2:06 pm.