



## Interstate Commission for Adult Offender Supervision

### Rules Committee Meeting MINUTES

August 6, 2019

WebEx

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#### **Members in Attendance:**

1. Doug Clark (SD), Chair
2. Dori Littler (AZ), Vice-Chair
3. Robert Maccarone (NY)
4. Brody Burks (TX)
5. Linda Rosenberg (PA)
6. Tracy Hudrlik (MN), Ex-Officio
7. Margaret Thompson (PA), Ex-Officio
8. Pat Odell (WY), Ex-Officio
9. Rick Masters, Legal Counsel

#### **Members not in Attendance:**

1. Joe Winkler (FL)
2. Joselyn Lopez (WI)
3. Chris Moore (GA)
4. Tim Strickland (FL), Ex-Officio

#### **Guests:**

1. Matthew Charton (NY)

#### **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. Kevin Terry, Website Analyst
6. Xavier Donnelly, ICOTS Project Manager

#### **Call to Order**

Chair D. Clark (SD) called the meeting to order at 2:11 pm ET. Five voting members were present, constituting a quorum.

#### **Discussion**

The Committee discussed changes to *Rules 1.101-Remove Definition of 'Victim-Sensitive' & 'Temporary Travel Permit, 3.108 Victims' right to be heard and comment; 3.108-1 Victim Notification & requests for offender information; 3.110 Travel Permits; 4.111 Returning Offenders* submitted by the Rules Committee.

The committee discussed the new rule as part of the proposal concerning travel permits. Commissioner D. Littler (AZ) suggested presenting the new *Rule 3.110 Travel Permit* separately from this group of proposals.

Commissioner R. Maccarone (NY) reminded the committee of a previous discussion that the requirements placed by the new rule were not feasible to comply with for daily commuters - offenders living in the border-states. He noted it would also be difficult to distinguish this group of daily commuters from the rest of the offenders.

Commissioner D. Littler (AZ) stated that it was possible to add exclusions for offenders who live in border areas.

DCA T. Hudrlik (MN) reminded the committee of its discussion that this function did not have an automatic trigger in ICOTS like other notifications. She expressed her concerns of the word “prior” in the new rule where “*The receiving state shall notify the sending state **prior** to the issuance of a travel permit...*”, stating that it was ambiguously defined. She added that ICOTS users were not properly using the victim sensitive label which creates junk data.

**Commissioner B. Burks (TX) moved to present the proposal for new Rule 3.110 for separate vote from the rest of rule package related to victim notifications. Commissioner R. Maccarone (NY) seconded. Motion approved.**

**Commissioner B. Burks (TX) made a motion to adopt the remaining rule proposal package and recommend for approval at the 2019 Annual Business Meeting. Commissioner D. Littler (AZ) seconded. Motion passed.**

**Commissioner R. Maccarone (NY) moved to withdraw and table the new Rule 3.110 for further consideration. Commissioner B. Burks (TX) seconded. Motion failed by two (NY, TX) to three (PA, AZ, SD).**

Chair D. Clark (SD) along with Commissioner D. Littler (AZ) will revise the new Rule 3.110 and present it for the committee’s consideration at the next meeting.

The committee discussed a proposal to *Rule 3.103 (a) - Reporting instructions; offender living in the receiving state at the time of sentencing or after disposition of a violation or revocation proceeding by a court, paroling authority or other criminal justice agency following the retaking of the offender from the receiving state* submitted by the West Region. For offenders qualifying for this rule after a revocation proceeding, this proposal requires that retaking occurred under the Compact Rules, as well as a formal authority of a court or paroling authority hears the proceeding.

Commissioner B. Burks (TX) stated that at the last South Region meeting, members expressed concerns with the implementation of this rule.

DCA T. Hudrlik (MN) expressed her hesitation with putting on a condition that many states cannot comply.

Commissioner R. Maccarone (NY) suggested revising the title to make it more grammatically correct. The committee decided to review these changes later, since it did not impose alterations to the substance of the rule.

**Commissioner D. Littler (AZ) moved to adopt and recommend for approval the West Region’s proposal to Rule 3.103 (a) at the 2019 Annual Business Meeting. Commissioner D. Clark (SD) seconded. Motion passed by vote four (AZ, SD, PA, NY) to one (TX).**

The committee discussed a proposal to *Rule 5.103-1 Mandatory retaking for offenders who abscond* submitted by the West Region. The proposal establishes a timeframe that a warrant is issued for an absconder within 15 days of receiving the violation report.

Commissioner D. Littler (AZ) noted that the West Region came up with this proposal because of the ambiguity of “upon the request” currently in the rule and that a timeframe is needed.

Commissioner B. Burks (TX) noted that the South Region had concerns over training on this rule proposal.

The committee discussed extending the implementation date for this particular rule to allow more time for training.

**Commissioner B. Burks (TX) moved to recommend for adoption of the West Region proposal to Rule 5.103-1 at the 2019 Annual Business Meeting. Commissioner L. Rosenberg (PA) seconded. Motion approved.**

The committee will meet again on August 19.

### **Adjourn**

Commissioner B. Burks (TX) moved to adjourn. Commissioner L. Rosenberg (PA) seconded.

The meeting adjourned at 3:37 pm ET.