



Interstate Commission for Adult Offender Supervision

Rules Committee Meeting MINUTES

August 19, 2019

WebEx

Members in Attendance:

1. Doug Clark (SD), Chair
2. Dori Littler (AZ), Vice-Chair
3. Joe Winkler (FL)
4. Chris Moore (GA)
5. Robert Maccarone (NY)
6. Linda Rosenberg (PA)
7. Brody Burks (TX)
8. Tim Strickland (FL), Ex-Officio
9. Margaret Thompson (PA), Ex-Officio
10. Pat Odell (WY), Ex-Officio

Members not in Attendance:

1. Joselyn Lopez (WI)
2. Tracy Hudrlik (MN), Ex-Officio
3. Rick Masters, Legal Counsel

Guests:

1. Tina Balandran (TX)

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 2:01 pm ET. Seven voting members were present, constituting a quorum.

Approval of Agenda and Minutes

Commissioner B. Burks (TX) moved to approve the agenda as presented. Commissioner D. Littler (AZ) seconded. Agenda approved.

Commissioner L. Rosenberg (PA) moved to approve the minutes from July 11 and August 6 meetings as drafted. Commissioner B. Burks (TX) seconded. Minutes approved.

Discussion

New Rule 3.110 Travel Permits: At the last meeting, the committee separated the new rule proposal Rule 3.110 from the victim related rule proposals package. Per committee's instruction, Chair D. Clark (SD), Commissioner D. Littler (AZ), and DCA T. Hudrlik (MN) met offline and revised the new Rule 3.110.

Commissioner D. Littler (AZ) noted that some of the revisions were made to be consistent with current Rule 3.102 (c).

New Rule 3.110 Travel Permits

- (a) Notification of travel permits - The receiving state shall notify the sending state prior to the issuance of a travel permit for an offender traveling to the sending state.
- (b) This rule does not apply to offenders 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 offender shall return to the receiving state ~~daily~~, immediately upon completion of the appointment or employment.

Commissioner R. Maccarone (NY) expressed his concerns with a word "prior" in Rule 3.110 (a). He noted that "prior" could be interpreted as notifying the sending state the same day a travel permit was issued.

He added that he also had concerns with the word "daily" in 3.110 (b)(2) that could be problematic for people who went to work or a treatment for multiple days at the time.

The committee decided to strike the word ~~daily~~ in (b)(2)

Commissioner R. Maccarone (NY) moved to adopt new Rule 3.110 Travel Permit proposed by the Rules Committee as amended and recommend for approval at the 2019 Annual Business Meeting. Commissioner L. Rosenberg (PA) seconded. Motion passed by vote four (FL, GA, NY and PA) to three (AZ, TX and SD).

Review ICOTS Enhancement for the Victim Notification Rule Proposal: Chair D. Clark (SD) stated that at the last meeting, the committee voted to move the victim rule related proposals package forward for Commission's vote at the ABM. This package includes the following 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; and 4.111 Returning Offenders.

Appriss returned the ICOTS cost estimates associated with the new proposals. The removal of 'victim sensitive' details from ICOTS will cost the Commission \$18,015.

Training Coordinator M. Spring noted that a few states indicated their use of the victim sensitive indicator within their state.

The committee had a lengthy discussion centered on public comments submitted during the rule proposal comments period where individual states indicated they use the victim sensitive indicator as a trigger to effectively identify many functions for in state use. The committee took into consideration the high cost to remove the indicator, no effect on a managed process, and states' use of the indicator for internal processes and decided to leave it as an option for the entire Commission to address.

The committee agreed to present the victim related rule proposals package and the cost associated with removing the victim indicator from ICOTS for a separate vote.

Commissioner Burks (TX) moved to advance the proposal for ICOTS enhancement related to victim rules separately from the vote on the rule package itself. Commissioner R. Maccarone (NY) seconded. Motion approved.

Proposals to be forwarded for ABM Vote - 3.101-1 (a) (1) & (a) (2), 3.101-1 (a) (5), 4.106, 4.111 (a), 5.101, 5.103 (d): The committee approved the proposals to Rule 3.101-1 (a) (1) & (a) (2), 3.101-1 (a) (5), 4.106, 4.111 (a), 5.101, and 5.103 (d) at its January and February meetings. Since no significant comments were submitted, the committee decided to forward the above proposals for vote at the 2019 Annual Business Meeting without taking any additional action.

ABM presentation at the Rule Proposals Session: Chair D. Clark (SD) suggested selecting four or five committee members to present at the Rule Proposals Session. The participants will present the rule proposals as well as their training and ICOTS impact. Interested committee members will notify the chair by email.

The details of the session will be finalized offline.

Training Coordinator M. Spring noted that the Rules Committee would also cover the Packingham decision related to sex-offenders rules per the ABM Workgroup recommendation.

The national office will publish the final rule proposals 30 days prior to the annual business meeting. Additional comments submitted after the published date will be read at the Public Hearing on Monday, October 7.

Old/New Business

Chair D. Clark (SD) stated that the Rules Committee was scheduled to meet face-to-face in San Diego, CA. Due to the short amount of time allocated for this meeting, the Executive Committee recommended to limit committee's discussion to its goals.

He added that in the upcoming year, the committee would focus on warrant timeframes, timeframes associated with other rules, and the domestic violence offender concept.

Adjourn

Commissioner D. Littler (AZ) moved to adjourn. Commissioner B. Burks (TX) seconded.

The meeting adjourned at 2:44 pm ET.