



Interstate Commission for Adult Offender Supervision

Executive Committee Meeting MINUTES

May 15, 2019 • 12:00 pm ET
Teleconference

Members in Attendance:

1. Jeremiah Stromberg (OR), Chair
2. Gary Roberge (CT), Treasurer
3. Chris Moore (GA), Information Technology Chair
4. Allen Godfrey (MN), Compliance Committee Chair
5. Jacey Rader (NE), Training, Education and Public Relations Committee Chair
6. Roberta Cohen (NM), West Region Chair
7. Doug Clark (SD), Rules Committee Chair
8. Brody Burks (TX), South Region Chair
9. Dale Crook (VT), East Region Chair
10. Tracy Hudrlik (MN), DCA Liaison Committee Chair, Ex-Officio
11. Richard Barajas (NOVA), Ex-Officio

Members not in Attendance:

1. Hope Cooper (KS), Vice-chair
2. Russell Marlan (MI), Midwest Region Chair
3. Sara Andrews (OH), Past Chair Ex-Officio

Guests:

1. Tina Balandran (TX)
2. Rick Masters, Legal Counsel

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

Call to Order

Chair J. Stromberg (OR) called the meeting to order at 12:00 pm ET; nine voting members were present, establishing a quorum.

Agenda and Minutes

Commissioner J. Rader (NE) moved to approve the agenda as presented. Commissioner R. Cohen (NM) seconded. Agenda approved.

Commissioner D. Crook (VT) moved to approve the minutes from March 19, 2019 meeting as drafted. Commissioner B. Burks (TX) seconded. Minutes approved.

Discussion

At the last Executive Committee meeting, the committee asked Executive Director A. Lippert and Legal Counsel R. Masters to revise Advisory Opinions 3-2010 and 4-2010. The opinions generated confusion and referenced state statutes without proper code number.

The opinion now clarifies questions asked in the opinion, as well as added supporting language, additional commentary, and code numbers referencing specific statute without changing the initial meaning, interpretation, or the actual outcome of the opinions.

Commissioner D. Clark (SD) moved to adopt the revised Advisory Opinion 3-2010 as presented. Commissioner J. Rader (NE) seconded. Motion passed.

Commissioner B. Burks (TX) moved to adopt the revised Advisory Opinion 4-2010 as presented. Commissioner D. Crook (VT) seconded. Motion passed.

At the last Executive Committee meeting, the committee directed Legal Counsel to address questions raised by the DCA Liaison Committee around reopening absconder cases and states liability, accountability, and responsibility.

Executive Director A. Lippert presented AO 1-2019 to the committee for approval.

DCA T. Hudrlik (MN) stated that the AO 1-2019 answered the questions collected by the DCA Liaison Committee.

Commissioner D. Crook (VT) moved to approve AO 1-2019 as written. Commissioner J. Rader (NE) seconded. Motion passed.

Compliance Committee Report: Commissioner A. Godfrey (MN) stated that the Compliance Committee meets on Monday, May 20 to review a complaint filed by the State of Arizona against Oklahoma. The committee will make appropriate recommendation to the Executive Committee.

DCA Liaison Committee Report: DCA T. Hudrlik (MN) stated that the DCA Liaison Committee met last week to discuss the upcoming Annual Business Meeting training sessions. The committee also forwarded two ICOTS enhancements involving language in ICOTS to the Technology Committee for approval.

Finance Committee Report: Commissioner G. Roberge (CT) stated that the Commission was on solid financial footing. The Commission is 75% through the fiscal year and should end with operating surplus and without moving money from its cash reserve as originally expected.

The Commission made \$20K in interest in its saving account and \$186K in the Vanguard investment account.

The Finance Committee will meet in August to review the final FY 2019 budget numbers.

Technology Committee Report: Commissioner C. Moore (GA) stated that Appriss put two ICOTS releases into production on April 17 and May 9. One bug, identified in the latest release, was

resolved. The next release will include one new enhancement item and is tentatively scheduled to launch in mid-June.

Commissioner C. Moore (GA) stated that the Technology Committee meets next week to review the proposed rule amendments impact on ICOTS. Once approved, Appriss will document the hours required to make those changes to ICOTS and provide cost components for each rule amendment.

Training Committee Report: Commissioner J. Rader (NE) stated that the Training Committee partnered with the DCA Liaison Committee to work on the 2019 Annual Business Meeting content. During its meeting last week, the committee discussed Annual Business Meeting curriculum and training for the remaining FY2019 ICOTS enhancements.

Rules Committee Report: Commissioner D. Clark (SD) stated that the Rules Committee met face-to-face on April 9 in Louisville, KY. The committee reviewed the rule proposals and finalized the sex-offender and the victim notification proposals. All approved proposals were posted for comments on the Commission's website from May 1- July1. The committee will meet again in July to discuss website comments.

The committee will continue its discussion on warrant timelines in the upcoming year. They plan to establish a workgroup to review the domestic violence offender concept proposed by the West Region.

ABM Workgroup Report: Executive Director A. Lippert stated that the national office was working on securing presenters for the *Executive Session: Litigation Matters* for commissioners. She will meet with M. Buenger, author of ICAOS Benchbook and J. Markham, who drafted the liability chapter for the new Benchbook, in the upcoming month to discuss the details of this session.

East Region Report: Commissioner D. Crook (VT) stated that the East Region met without a quorum on May 13. He noted that at the time of this meeting, the East region had three commissioner vacancies - Massachusetts, New Hampshire, and the U.S. Virgin Islands. The region will meet again in August.

Midwest Region Report: Executive Director A. Lippert stated the Midwest Region met on May 13 to discuss the Rules Committee's request to withdraw the Midwest Region proposal to Rule 1.101&2.110 along with other commission business.

South Region Report: Commissioner B. Burks (TX) stated that he had to cancel the May South Region meeting and plans to reschedule it in the near future.

West Region Report: Commissioner R. Cohen (NM) informed the committee that the West Region met on April 24. The region discussed the region and DCA region chair elections, ICOTS enhancements, revised Advisory Opinions, dashboard compliance email, and new rule proposals. The region will meet again on July 24.

Executive Director Report: Executive Director A. Lippert presented her report to the committee:

Commissioner changes:

- Recently appointed commissioner: Gloriann Moroney (MA)

- There are commissioner vacancies in the U.S. Virgin Islands, New Hampshire, and Kentucky.
- She noted that Kentucky's commissioner position was vacant for 60 days. She has been in contact with their Board and Commission Office and their DCA. They have 90 days to make the appointment per Administrative Policy. She will bring it to action at the June meeting, if the commissioner's seat is still vacant.

Per the Executive Committee's instructions, the national office sent a letter to the U.S. Virgin Islands concerning their failure to comply with FY 2019 compliance audit with a deadline that expired on April 16. The national office also sent a letter to the U.S. Virgin Islands concerning their failure to fill the commissioner's vacancy with a deadline that will expire on May 22. Executive Director A. Lippert spoke with Wynnie Testamark, Director of Bureau of Correction in the Virgin Islands about the Compact's obligations and requirements. Executive Director A. Lippert recommended the committee take further legal action regarding the Virgin Islands in accordance with policy given the length of time that has passed with no response from the territory.

Commissioner B. Burks (TX) moved to direct Legal Counsel to send a letter to the U.S. Virgin Islands concerning their failure to comply with FY 2019 compliance audit and fill the commissioner's vacancy. Commissioner D. Crook (VT) seconded. Motion passed.

At the last meeting, the committee instructed Legal Counsel to send a 90 day letter to Hawaii, Massachusetts, and New Mexico for failure to provide State Council information per AP 03-2009. Hawaii and Massachusetts subsequently submitted the requested state council information to the national office. New Mexico's 90 days will expire on June 21.

Commissioner R. Cohen (NM) stated that she submitted a list of recommended individuals to the Governor for approval, but his appointments were pending.

The contract with Appriss for ICOTS was renewed with 2.5% increase per year for three years.

Executive Director A. Lippert informed the committee that since their last meeting, one state had signed an MOU for ICOTS data sharing ability with fusion centers and six more were in the process.

Executive Director A. Lippert reminded the Executive Committee that the FBI was making changes to the NCIC system and working on fact finding for the Adult and Juvenile Compacts. At a follow up meeting, Kimberly Lough, Management and Program Analyst at the Enforcement Support Section, NCIC Operations and Policy Unit, informed the national office that the planning committee approved the *no bond allowed field* and forwarded it to the advisory group. The FBI process to make changes to its system is very lengthy however, they are still considering the compact indicator field. The national office will continue meeting with Ms. Lough on a monthly basis.

Executive Director A. Lippert stated that all states were in compliance with FY 2019 audit with the exception of the U.S. Virgin Islands. She added that the national office starts the FY 2020 compliance audit on July 1, 2019.

Executive Director A. Lippert stated that at the last Rules Committee and East Region meetings, Commissioner R. Maccarone (NY) discussed calling the FY 2020 compliance audit a review given the FY2020 audit was without regulation. He stated that in New York, audits had big impact on multiple administrative levels.

Chair J. Stromberg (OR) spoke for keeping the audit as it was, stating that historically the Commission had called this process an audit. He added that the Executive Committee did not receive similar inquiries from the other states to change the upcoming audit's definition.

The committee asked the national office to reach out to Commissioner R. Maccarone explaining the Executive Committee's decision and to draft a letter of clarification about the upcoming audit if needed.

Executive Director A. Lippert stated that the national office received a letter from New York requesting to give states an ability to use the ICOTS data to develop IVINS-like criteria to produce victim notifications. She reminded the committee that based on the Commission's decision at the last Annual Business Meeting, IVINS was disabled and there is no longer a data connection for notifications from ICOTS. She reached out to Commissioner R. Maccarone (NY) to explain that New York's ICOTS data belonged to New York and to ask for more details regarding this request.

At the last meeting, the Executive Committee voted to recommend National Criminal Justice Association (NCJA) to become an ex-officio per approval of the full Commission. Executive Director A. Lippert presented Bylaws amended to this effect. She noted that the recommended amendment will be posted on the ICAOS website 30 days prior to the Commission's voting at the Annual Business meeting

Commissioner G. Roberge (CT) moved to forward the proposed Bylaws changes to include NCJA to the ex-officio member list to be presented at the 2019 ABM for Commission's vote. Commissioner C. Moore (GA) seconded. Motion passed.

In the upcoming months, Executive Director A. Lippert will meet an NCJA representative to discuss a combined study on compact success.

Victim Advocate Report: Chief Justice R. Barajas plans to retire by August 31, 2019. He is working with an interim director to insure a smooth transition.

Adjourn

Commissioner G. Roberge (CT) moved to adjourn. Commissioner D. Crook (VT) seconded.

The meeting adjourned at 1:12 pm ET.

07/08/19

07/08/19

Signature: Jeremiah Stromberg

Jeremiah Stromberg (Jul 8, 2019)

Email: jeremiah.p.stromberg@doc.state.or.us

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Final Audit Report

2019-07-08

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| Created: | 2019-06-21 |
| By: | Barno Saturday (bsaturday@interstatecompact.org) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAQ3TNSgMeLm0aLybINN2Ygi3HDPPDBVaK |

"ExCmmttMinutes_May2019_Approved" History

-  Document created by Barno Saturday (bsaturday@interstatecompact.org)
2019-06-21 - 4:30:51 PM GMT- IP address: 64.191.149.98
-  Document emailed to Jeremiah Stromberg (jeremiah.p.stromberg@doc.state.or.us) for signature
2019-06-21 - 4:31:56 PM GMT
-  Email viewed by Jeremiah Stromberg (jeremiah.p.stromberg@doc.state.or.us)
2019-06-24 - 3:46:33 AM GMT- IP address: 71.59.214.42
-  Document e-signed by Jeremiah Stromberg (jeremiah.p.stromberg@doc.state.or.us)
Signature Date: 2019-07-08 - 4:02:10 PM GMT - Time Source: server- IP address: 159.121.206.77
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2019-07-08 - 4:02:10 PM GMT