



# Training, Education & Public Relations Committee Report

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

**TO:** Commissioners of the Interstate Commission for Adult Offender Supervision

**FROM:** Anne L. Precythe, Training, Education & Public Relations Committee Chair and Commissioner, State of Missouri

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**Training Committee Members:** Anne L. Precythe, chair (MO); James Parks (VA); Roberta Cohen (NM); Scott McCaffrey (ME)\*; Hope Cooper (KS); Dara Matson (IL); Chris Moore (GA); Joseph Clocker (MD); Russell Marlan (MI); Mark Patterson, ex-officio (OR); Sally Reinhardt-Stewart, ex-officio (NE); and Timothy Strickland, ex-officio (FL).

*\*retired*

**Mission:** Develop and enhance educational resources and training materials for use by affected member states and stakeholders. Enhance public safety through awareness and consistent administration.

The Training Committee continued to improve and expand training efforts to assist states in educating criminal justice professionals involved in Interstate Compact business. This year, the Training Committee focused on assisting with the restructure of the DCA Liaison Committee and planning for the 2018 DCA Training Institute as well as providing training on several enhancements to ICOTS processes and new dashboard reports released during FY 2018.

Trainings this year included 15 training sessions for compact staff with participation from nearly every member state. Topics for administrators and compact staff included:

- Approved amendments from 2017 Annual Business Meeting;
- ICOTS enhancements;
- New compliance and administrative dashboards;
- IVINS resources;
- User administration tips;
- DCA Institute planning;
- Q & A for the FY 2018 Photo Audit.

Additional presentations were also made at the APPA and APAI conferences and assistance was provided to several states per the Commission's Training and Technical Assistance Policy.

In conjunction with the DCA Liaison Committee, discussions from the various compact staff trainings and DCA region meetings are to continue at the DCA Training Institute in Orlando, FL focusing on the importance of states ensuring good documentation practices in ICOTS and sharing solutions for addressing issues and challenges states face in successfully managing compact business with its stakeholders.

Other Notable Accomplishments:

- Presented at the winter and summer APPA Training Institutes;
- Assisted with the reform of the DCA Liaison Committee and provided direction/support for DCA regional discussions;
- Worked in conjunction with the ABM Workgroup DCA Liaison Committee, and the DCA Regions to plan the 2018 DCA Training Institute;
- Updated and revised on-demand training modules and curriculum now viewable from any mobile device;
- Added several new ICOTS and IVINS resources to ICAOS Support; and
- Provided training to over 5,000 individuals;

Looking ahead in FY 2019

- Assist in development of training for compact staff as needed, including process changes to ICOTS, FY 2019/FY 2020 compliance audit support, etc.;
- Expand mobile friendly resources for stakeholders, including revising the ICAOS Bench Book for Judges;
- Support state compact offices' responsibilities to train and involve stakeholders in their state on ICAOS rules, purposes and authority to provide the same level of supervision afforded to local offenders;
- Reinforce the authority of the compact offices in conjunction with the DCA Liaison Committee;
- Emphasize the goals of the Compact: What is in the best interest of public safety? What is in the best interest of the offender?



# Information Technology Committee Report

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

**TO: Commissioners of the Interstate Commission for Adult Offender Supervision**

**FROM: Gary Roberge, Information Technology Committee Chair and Commissioner of State of Connecticut**

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The Information Technology Committee conducted seven meetings since last year's Annual Business Meeting.

The Information Technology Committee consists of 11 members, including 5 commissioners and 6 ex-officio members. Commissioners include Gary Roberge – Chair (CT), Sheila Sharp (AR), Mac Pevey (WA), Shawn Arruti (NV), and Joselyn Lopez (WI). Ex-officio members include Natalie Latulippe (CT), Matthew Billinger (KS), Candice M. Alfonso (NJ), Felix Rosa (NY), Julie Lohman (VA), and Tim Strickland (FL).

The following are highlights of the Information Technology Committee's fiscal year 2018 activities:

## **ICOTS Offender Photo Audit**

As noted in the 2017 report, the national office conducted a comprehensive analysis of active offender photos uploaded in ICOTS and, as a result, developed photo quality standards. The Executive Committee approved the ICOTS photo quality standards and a follow up audit for FY 2018 of new cases opened in ICOTS. The audit was limited to cases in which an offender photo was uploaded to ICOTS between July 1, 2017 and December 31, 2017. National office staff commissioned a developer to automate the analysis of over 38,000 photos using Amazon's Rekognition photo API. The overall failure rate for the approximately 38,000 photos reviewed was 6.5%, or 2,475 photos. Overall, 65.4 % (25,048) photos met each of the photo quality standards while 28.1% (10,777) met passing standards.

### **FBI NDex Data Sharing**

Each month, the national office continues to export over 200,000 Compact records, which includes offender case and offense information, to the FBI NDex data center.

### **IVINS/ICOTS VINEWatch**

In late 2017, Appriss completed and implemented the public-facing portal for IVINS. It was anticipated that this enhanced functionality would increase IVINS utilization by states with respect to victim notification. Unfortunately, utilization has only minimally increased to date. A survey was sent to each state asking for information with respect to victim notification. A copy of the survey results can be found in the docket book materials.

### **ICOTS Helpdesk Support**

The ICOTS Helpdesk received approximately 879 ICOTS support tickets throughout the 2018 fiscal year, which is approximately a 9.8% increase from FY 2017, in which the helpdesk received 800 tickets. The increase of 79 tickets this year can be mainly attributed to the number of enhancements launched in ICOTS, though almost all of those tickets involved training issues. The 20 new enhancements launched this past year only generated two reported bug issues after their respective launches, and those bugs were resolved within hours. It is not unusual for there to be a spike in helpdesk tickets in time periods following the release of a significant development change to ICOTS.

### **ICOTS FY 2018 Enhancements**

During FY 2018, Appriss produced and implemented eight new code releases to the ICOTS production environment. Those eight releases accounted for 20 new functional enhancements to our ICOTS system. Only two minor bugs were reported during the code releases and each bug was resolved within hours of being reported. A few of the highlights from this past year's enhancements include:

- 1.) New electronic acceptance of ICOTS End User Agreement and Privacy Policy;
- 2.) Tolling functionality added for compact cases with pending violations;
- 3.) Compact workflow comments now displayed in the case's activity history;
- 4.) New system-driven process for subsequent state transfers.

### **ICOTS FY 2019 Enhancements**

The Information Technology Committee reviewed and prioritized the remaining list of ICOTS enhancements over several meetings. Appriss is generating cost estimates and a work order of the finalized list for development during FY 2019. The number of enhancements that will be completed during FY 2019 will depend upon the Commission's annual ICOTS budget.

### **ICAOS Dashboards**

The new and improved ICAOS Dashboards were launched in December of 2017. These new data visualization tools replace the previous compliance dashboards and ICOTS external reports. In total, 15 reports were removed or consolidated and 17 new dashboards were created, for a total of 37 dashboard reports.

**The following are identified goals and challenges for FY 2019:**

- Continue to provide guidance to the Commission with respect to future ICOTS enhancements;
- Continue to explore options to expand and enhance data sharing opportunities with federal and local criminal justice agencies;
- Ensure that data exports and notifications to external stakeholders contain accurate and timely information;
- Continue to work on the NCIC initiative to improve the Wanted Person File related to Interstate Compact warrants and bond information for re-taking purposes.

Thank you for your attention and continued support of the Commission's technology projects.





# Compliance Committee Report

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## INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

**TO: Commissioners of the Interstate Commission for Adult Offender Supervision**

**FROM: Allen Godfrey, Compliance Committee Chair and Commissioner, State of Minnesota**

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### Compliance Committee Members

- Allen Godfrey, chair, Commissioner, MN
- Cathy Gordon, Commissioner, MT
- Amy Vorachek, Commissioner, ND
- Jacey Rader, Commissioner, NE
- Mike McAlister, Commissioner, NH
- James Hudspeth, Commissioner, UT
- Hope Cooper, Commissioner, KS

The Compliance Committee is responsible for monitoring compliance of member states with the terms of the Compact and the Commission's rules. In addition, the committee is responsible for developing appropriate enforcement procedures for the Commission's consideration.

### Goals and Objectives

The Committee has set three specific goals for this year:

1. Continue to review compliance trends and make recommendations if necessary;
2. Meet and review compliance issues within 30 days of an Executive Committee referral; and,
3. Develop processes to enhance proactive compliance.

### Compliance Issues and Outcomes

During the reporting FY 2018 year, the committee reviewed and made recommendations to the Executive Committee on the following matters:

- **January 31, 2018:** The Committee discussed its FY 2018 goals, which included adding a goal for states to be proactive in addressing compliance concerns. This included promoting enhanced use of the new dashboard measures, the national office conducting quarterly performance reviews, and ensuring compliance on issuing nationwide warrants.

### **Dashboard Trends**

States' adherence to the outcomes measured across the compliance dashboard continued to trend upward in four of the six primary categories. Between FY 2014 and FY 2018, significant compliance increases occurred in Progress Reports (10.7%) and Violation Responses at (7.4%). While Case Closure Notices and RFRI Replies have leveled, they remain relatively high for compliance.

<b>Compliance Standard</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>5 Year Change</b>	<b>3 Year Change</b>
Case Closure Notices	89.1%	95.8%	96.6%	96.2%	96.0%	<b>6.9%</b>	<b>-0.6%</b>
Case Closure Replies	85.8%	88.6%	89.9%	90.7%	91.0%	<b>5.2%</b>	<b>1.1%</b>
All Progress Reports	78.0%	84.0%	84.7%	84.8%	88.7%	<b>10.7%</b>	<b>4.0%</b>
Violation Responses	79.1%	83.5%	85.1%	86.8%	86.5%	<b>7.4%</b>	<b>1.4%</b>
Transfer Request Replies	86.7%	89.8%	90.4%	90.9%	91.7%	<b>5.0%</b>	<b>1.3%</b>
RFRI Replies	96.0%	97.1%	97.3%	97.0%	97.0%	<b>1.0%</b>	<b>-0.3%</b>



# Rules Committee Report

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## INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

### ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

**TO: Commissioners of the Interstate Commission for Adult Offender Supervision**

**FROM: Jane A. Seigel, Rules Committee Chair and Commissioner, State of Indiana**

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The Rules Committee met by WebEx conference three times since last year's Annual Business Meeting. The meetings were held on February 8, May 16, and August 8, 2018.

Rules Committee members for this year are: Dori Littler (AZ), Jenny Nimer (FL), Chris Moore (GA), Robert Maccarone (NY), Doug Clark (SD), Coltan Harrington (WY), Linda Rosenberg (PA), Brody Burks (TX), and Jane Seigel (IN), chair. Our invaluable ex-officio members are: Tim Strickland (FL), Tracy Hudrlik (MN), Margaret Thompson (PA), and Pat Odell (WY).

The Executive Committee asked the Rules Committee to explore whether the Rules Committee could undertake assessing the sex offender rules for changes or if it was necessary to establish a sex-offender ad hoc committee. The committee reviewed Rule 3.101-3 Transfer of supervision of sex offenders, noting:

- States set the bar higher for interstate sex offenders than for the locally convicted sex offenders;
- The original rule was drafted before internet crimes became common; and
- It should be clarified how someone determines whether or not an offender was registerable in a receiving state when registration in the sending state is not required.

The committee requested that each region discuss and evaluate the effectiveness of the sex offender rule and definition. Feedback received from the regions reiterated many of the same concerns and issues already noted by the Rules Committee. The Rules Committee then appointed a sub-committee to look at the sex offender definition as well as the rule.

The sub-committee, comprised of three members of the Rules Committee, Dori Littler, Margaret Thompson, and Doug Clark, were tasked to review the issues brought to the committee and draft proposals to enhance the sex offender-related rules and definition. The proposal intends to address issues related to sex offender registration and streamline what information states should provide to investigate a transfer versus what information is needed to effectively supervise sex offenders once accepted in the receiving state. The full committee will continue to discuss these issues and the proposal.

Another issue the committee discussed was the challenge presented by lifetime supervision, particularly if an offender is considered to be 'unsupervised' or whether the offender is subject to revocation is impacted by a valid plan of supervision. The committee decided to survey states to identify which states have unsupervised/lifetime probation/parole, investigate relevant information regarding each state's laws, and determine the powers by which a compact office interprets this type of supervision. The committee will resume its lifetime supervision discussion at its face-to-face meeting in October.

In conjunction with a previously approved ICOTS enhancement, the committee approved changes to the *Offender Application for Transfer* to remove the specific address the offender intends to reside in the receiving state. The ICAOS Technology Committee will prioritize for implementation in FY 2019.

Looking ahead in the next rule-making year, the committee will consider proposals to the victim notification rules as well as review a number of proposals referred by the West Region.

We are always looking for new members, particularly as some of our current members are retiring this year. Please consider joining this committee as there is always spirited discussion and warm collegiality.

Finally, the committee and I could not begin to function without the incredible knowledge and support of the national office team and our legal counsel, Rick Masters. What a joy to work with them, they are terrific. Thank you for all you do!

Thank you for your attention and continuing support of the efforts of the Rules Committee.



## Treasurer Report

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### INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

#### ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

**TO: Commissioners of the Interstate Commission for Adult Offender Supervision**

**FROM: Charles Lauterbach, Treasurer and Commissioner, State of Iowa**

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As FY 2019 begins, the Interstate Commission for Adult Offender Supervision continues to be financially strong and stable. The Commission finished FY 2018 3% under budget. Due to sound financial management, the balance in the Commission's cash accounts increased by \$159,731 since the beginning of FY 2018.

The balance in the Commission's cash accounts is \$1,724,927. This balance exceeds the Commission's benchmark of maintaining at least one year's annual budget in cash reserves. The bulk of this money, \$1,461,892, is maintained in a savings account currently paying 1.5% interest annually. The Commission also maintains investments in a long-term investment program involving two Vanguard funds. These funds include an investment grade bond fund and a total stock market index fund. The balance in these two Vanguard funds as of June 30, 2018 totals \$1,656,986. In FY 2018, the rate of return on these investments was 9.5%. Due to a gradually declining balance in the reserve fund, the Commission stopped making new contributions to the long-term investment program in FY 2015. In addition, the Commission maintains a separate legal reserve of \$50,000 to cover litigation expenses.

The Commission has not needed to increase membership dues since 2008 and no dues increase is recommended for FY 2020. The Commission collects \$1,516,290 in dues assessments annually. The Commission's total expenses in FY 2018 were \$1,476,537.

Looking forward, it is anticipated the Commission will continue to make significant expenditures in maintaining and enhancing the ICOTS information system. In FY 2018, the Commission spent \$516,762 on ICOTS. This was \$42,437 less than was invested in ICOTS in FY 2017. The Commission can control, to a significant extent, the expenditures on ICOTS by limiting the number of ICOTS enhancements that are approved each year. The Commission also continues to benefit financially from the decision to disaffiliate from the Council of State Governments. Overall, the Commission continues to find itself in a very sound financial condition.





## DCA Liaison Committee Report

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

**TO: Commissioners of the Interstate Commission for Adult Offender Supervision**

**FROM: Tracy Hudrlik, DCA Liaison Committee Chair and Deputy Compact Administrator, State of Minnesota**

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### Committee Members

- Tracy Hudrlik, MN, chair

DCA Region Chairs:

- East - Natalie Latulippe, CT
- Midwest - Matt Billinger, KS
- South - Julie Lohman, VA
- West - Judy Mesick, ID

Region Representatives:

- East - Margaret Thompson, PA
- Midwest - Simona Hammond, IA
- South - Tim Strickland, FL
- West - Pat Odell, WY

### Committee Mission

Provide a mechanism for Deputy Compact Administrators (DCA) to communicate concerns or needs and act as a liaison to improve the communication and relationship between Commissioners and DCAs.

### Committee FY 2019 Goals

1. Identify issues or concerns affecting DCAs and support effective discussion/action to find resolution; and
2. Identify issues of relevance for referral to standing committees.

### **Committee Work**

The newly reformed DCA Liaison Committee met for the first time this year on June 28, 2018. The committee reviewed its mission and goals. Committee members felt it was important to provide support and be the “voice” for DCAs nationally. The committee plans to develop a quarterly DCA-focused newsletter that will include items such as staff highlights and recognition, new staff and retirement announcements, region reports, tip of the quarter (best practices), and highlights of difficult cases and resolutions between states. The first newsletter is expected to come out in September. Regional DCA chairs are expected to provide regular updates that the committee will refer to other standing committees.

The committee will be assisting in planning and implementing the DCA Training Institute at the 2018 Annual Business Meeting.

### **Mentoring**

Mentoring of new DCAs is expected continue to be available as it has been in the past. The mission of the mentoring program is to coach, train, and counsel new and existing DCAs on the operations of a compact office and to provide guidance to DCAs who need assistance resolving difficult compliance issues in their state. The mentoring program encourages active participation in Commission and regional activities and collaboration with member states to promote successful strategies and best practices.

- *Participant:* Any DCA who is either new or requests (through their commissioner) additional coaching or assistance.
- *Mentor:* The DCA Liaison Committee regional chair or another DCA who has demonstrated an understanding of the role of the Compact office and is recognized for their communication skills. Mentors will communicate regularly and offer feedback, guidance, and support.
- *Mentoring period:* Typically, one year. Extensions may be granted, if needed.



## General Counsel Report

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### INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

**TO: Commissioners of the Interstate Commission for Adult Offender Supervision**

**FROM: Richard Masters, General Counsel**

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The General Counsel's Office assists the Commission by providing legal guidance with respect to legal issues that arise under the compact, its bylaws, and administrative rules. The General Counsel also works with the Commission to promote consistent application of and compliance with its requirements, including the coordination and active participation in litigation concerning its enforcement; and assists in its rule-making responsibilities.

#### *Litigation Matters*

#### **Brennen Clancy v. Interstate Commission for Adult Offender Supervision, et al., Middle Dist. of FL, Case No. 6:18-cv-501-Orl-41 KRS**

This is a *pro se* case in which the offender filed suit against the Florida Department of Corrections and the Interstate Commission for Adult Offender Supervision. The offender alleged civil rights allegations under 42 U.S.C. §1983 arising from his transfer from Pennsylvania to Florida under the Compact due to wrongful 'reclassification' of his third conviction for DUI in Pennsylvania as a felony under Florida law.

The Commission filed a brief emphasizing that the ICAOS statute does not create a 'private right of action,' relying on prior case decisions from various U.S. Courts of Appeals and the Supreme Court. See *Doe v. Pennsylvania Board of Probation and Parole*, 513 F.3d 95, 104-107 3d Cir. 2008); *M.F. v. State of New York et al.*, 640 F.3d 491 (2d Cir. 2011).

The Court dismissed the case by order of U.S. District Judge Carlos Mendoza on July 2, 2018, however the offender has now filed a petition for leave to file an appeal in *forma pauperis* (*permission to proceed without payment of the ordinary fees associated with an appeal*) to the U.S. Court of Appeals for the 11<sup>th</sup> Circuit. The motion was granted, thus the Commission will file the appropriate pleading in opposition to the appeal based upon the same grounds on which the U.S. District Judge dismissed the case in the trial court.





# Victims Advocate Report

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## INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

**TO: Commissioners of the Interstate Commission for Adult Offender Supervision**

**FROM: Pat Tuthill, Ex-officio Victims' Representative**

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### **Interstate Compact Victim Notification Service (IVINS)**

- Presented to National Association of Victim Assistance in Corrections (NAVAC) annual conference on the Compact and IVINS.
- Reviewed IVINS with numerous state victim notification authorities and VINE Administrators.
  - Recommendations:
    - Promote IVINS awareness and training for notification authorities to inform victims of IVINS.
    - Include information on IVINS on VINE brochures and for states without VINE to include on their states notification brochures.
- Recommend no amendments on victim notification rules until IVINS technical and training issues resolved.
- FL VINE Administrator and MN Victim Services can have recommendations on how to increase victim registration.
- Florida Vine Administrator is developing training for all Florida stakeholders based on a similar training in New York.
- States should consider using New York's training on IVINS to all stakeholders as a guide when developing IVINS training.

### **Other**

- Member of the Office of Victims of Crime (OVC) Project Advisory Board tasked to develop a web-based Best Practices Post-Conviction Victim Services Toolkit.
- In 2018 Peyton Tuthill Foundation awarded \$19,000 in scholarship to children who have lost parents or siblings to homicide. A total of \$75,000 across the country: CA, TN, NM, FL, GA, SC NY, TX, AL, OH, PA, IL.

