



## **Interstate Commission for Adult Offender Supervision**

### **Compliance Committee Meeting MINUTES**

**July 18, 2018 · 11:00 am ET  
Teleconference**

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

1. Allen Godfrey                      Chair, MN
2. Jacey Rader                        NE
3. Amy Vorachek                      ND
4. Cathy Gordon                      MT
5. Hope Cooper                        KS
6. Jim Hudspeth                      UT
7. Rick Masters                        Legal Counsel

#### **Members Not in Attendance:**

1. Mike McAlister                    NH

#### **Guests:**

1. Heather Clark                      TX

#### **Staff:**

1. Ashley Lippert, Executive Director
2. Allen Eskridge, Policy and Operations Director
3. Barno Saturday, Logistics and Administrative Coordinator
4. Kevin Terry, Website Analyst
5. Mindy Spring, Administrative and Training Coordinator
6. Xavier Donnelly, ICOTS Project Manager

#### **Call to Order**

Commissioner A. Godfrey (MN) called the meeting to order at 11:00 a.m. ET.

#### **Roll Call**

Executive Director A. Lippert called the roll. Six out of seven voting members were present; a quorum was established.

#### **Approval of Agenda and Minutes**

**Commissioner A. Vorachek (ND) moved to approve agenda. Commissioner H. Cooper (KS) seconded. Agenda approved.**

**Commissioner C. Gordon (MT) moved to approve minutes from January 31, 2018 as drafted. Commissioner H. Cooper (KS) seconded. Minutes approved.**

## **Discussion**

*FY 2018 Audit Trends:* Training Coordinator M. Spring presented the FY 2018 national compliance summary to the committee:

- Case Closure Notice Response - 100% passing rate
- Case Closure Notice - 98.1% passing rate
- Requested Progress Report - 96.2% passing rate
- Transfer Request Reply - 92.5% passing rate
- Reporting Instructions Reply - 90.6% passing rate
- Violation Report Response - 77.4% passing rate

She added that the low passing rate number for Violation Report Response could be explained by a decreased number of overall violation reports after the implementation of 2017 rule amendments.

The national office provides quarterly reviews to the states and gives them an opportunity to correct any revealed issues. If the states do not take corrective action measures, they are reported to the Compliance Committee for further actions.

Commissioner J. Hudspeth (UT) asked if states can submit a written response regarding discrepancies in their numbers.

Executive Director A. Lippert stated that states responses are helpful in the audit process.

Training Coordinator M. Spring presented the photo compliance summary to the committee. The national office used an application that automatically evaluates ICOTS offender photos. The software analyzes ICOTS photos based on a set of conditions that correspond to the photo quality criteria in the ICOTS Privacy Policy. She stated that 65.4% of all photos passed the quality criteria, 28.1% passed with issues, and 6.5% failed. The national office notified the states of their results. All but five states adjusted their photos and improved their score. The states had 30 days to provide written documentation if they wish to dispute the national office's findings.

ICOTS Project Manager X. Donnelly stated that the Technology Committee approved an enhancement to integrate the photo criteria standards with the ICOTS photo uploading function. If the commission does not put these measures in place for ICOTS, the national office recommends conducting a subsequent photo audit in another two years.

*FY 2019-2020 Audit:* Training Coordinator M. Spring stated that FY 2019 compliance audit would assess each state's adopted internal policies and procedures for ICOTS user administration. This audit will ensure member states have established internal policies and procedures for ICOTS user management in accordance with the ICOTS Privacy Policy.

States need to provide copies of their adopted internal procedures and policies for ICOTS user administration and information sharing by September 1, 2018. The national office will analyze them on a quarterly basis with the intent of concluding the audit no later than April 2019. States that do not provide their procedures and policies, or those that do not meet the requirements of the ICOTS Privacy Policy, will have 60 days to correct any audit findings.

Training Coordinator M. Spring stated during the FY 2020 compliance audit, the national office would audit state procedures for issuing warrants when retaking was required. This will require states to outline internal policies and procedures for issuing warrants to ensure retaking and return of compact offenders occurs within the timeframes outlined in the ICAOS Rules. She added that states could find helpful up to date information in the ICAOS Performance Dashboard on the commission's website. Further, the National Office anticipates providing quarterly executive reviews of compliance rates using the *ICAOS Dashboards*. These reviews are provided only to states that have compliance indicators that fall below standards.

The audit will ensure states are issuing timely warrants for retaking and provide process for issuing and tracking in retaking cases.

Commissioner A. Godfrey (MN) noted that multiple states use different ways of tracking warrants.

### **New Business**

*Formalize Filing a Complaint:* The committee discussed and agreed to create a template for filing a complaint.

Commissioner A. Godfrey (MN) asked the national office to draft the template for review at the October meeting.

*Minnesota Complaint against California:* Commissioner A. Godfrey (MN) recused himself from chairing and participating in the discussion to avoid a conflict of interest. He suggested Commissioner J. Rader (NE), Compliance Committee Chair for the Interstate Commission for Juveniles, to lead the discussion.

**Commissioner J. Hudspeth (UT) moved for Commissioner Rader to chair the *Minnesota compliant against California* discussion. Commissioner H. Cooper (KS) seconded. Motion passed.**

Commissioner J. Rader (NE) stated that the committee needs to consider the matter and make recommendations to the Executive Committee as to whether they should find California in default, accept the corrective action, and assess a penalty.

The committee reviewed the complaint from Minnesota against California for terminating supervision on an offender subject to mandatory retaking. California admits to the default and has already sent in a response and corrective action plan.

**Commissioner J. Hudspeth (UT) moved to recommend the Executive Committee find California in default. Commissioner H. Cooper (KS) seconded. Motion passed.**

The committee discussed requiring quarterly reports and changing California's corrective action plan's deadline.

**Commissioner J. Hudspeth (UT) moved to recommend the Executive Committee accept California's corrective action plan with the addition of requiring quarterly reporting and a formal deadline of July 1, 2019. Commissioner H. Cooper (KS) seconded. Motion passed.**

Legal Counsel R. Masters stated that California was found in default for a similar violation in 2013. The Commission imposed \$100K fine for that default that was waived after California completed its corrective action plan.

Executive Director A. Lippert clarified that the previous non-compliance matter took place prior to the adoption of the ICAOS Sanctioning Guidelines.

The committee review the compliance sanctioning guidelines document. Since it is California's second offence, the committee imposed a \$25K fine.

**Commissioner J. Hudspeth (UT) moved to recommend the Executive Committee impose a \$25K penalty for California's non-compliance. Commissioner C. Gordon (MT) seconded. Motion passed.**

**Commissioner C. Gordon (MT) moved to abate the \$25K fine if California successfully completes its corrective action plan as outlined. Commissioner J. Hudspeth (UT) seconded. Motion passed.**

**Commissioner J. Hudspeth (UT) made a motion to move the Compliance Committee chair role back to Commissioner Godfrey. Commissioner H. Cooper (KS) seconded. Motion passed.**

#### **New Business**

The committee will meet face-to-face on October 3, 2018 in Orlando, FL.

#### **Adjourn**

**Commissioner J. Rader (NE) moved to adjourn. Commissioner H. Cooper (KS) seconded.**

Meeting adjourned at 12:10 pm ET.