



Interstate Commission for Adult Offender Supervision Executive Committee Meeting

MINUTES

May 22, 2018
Teleconference

Members in Attendance:

1. Sara Andrews Chair, OH
2. Jeremiah Stromberg Vice-Chair, OR
3. Gary Roberge Information Technology Chair, CT
4. Chris Moore South Region Chair, GA
5. Jane Seigel Rules Committee Chair, IN
6. Anne Precythe Training, Education and Public Relations Committee Chair, MO
7. Shawn Arruti West Region Chair, NV
8. Doug Clark Midwest Region Chair, SD
9. Pat Tuthill Victims Ex-Officio

Members not in Attendance:

1. Charles Lauterbach Treasurer, IA
2. Allen Godfrey Compliance Committee Chair, MN
3. Dale Crook East Region Chair, VT
4. [Vacant] DCA Liaison Committee Chair

Guests:

1. Heather Clark TX
2. Robert Maccarone NY
3. Tina Balandran 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 S. Andrews (OH) called the meeting to order at 1:00 pm ET; eight voting members were present, establishing a quorum.

Agenda

Commissioner S. Andrews (OH) suggested amending the agenda by removing *Committee and Region Reports* and *Victims Representative Report* to focus on the IVINS discussion.

Commissioner S. Andrews (OH) moved to approve the agenda as amended. Commissioner G. Roberge (CT) seconded. Agenda approved.

Minutes

Commissioner G. Roberge (CT) moved to approve the minutes from April 10, 2018 as presented. Commissioner D. Clark (SD) seconded. Minutes approved.

Discussion

IVINS Discussion: Executive Director A. Lippert stated that last year the commission signed an 18 months IVINS contract extension that expires at the end of this calendar year. The commission decided to give more states an opportunity to utilize IVINS and determine if there is any usage increase after opening the public portal to make an educated decision on whether to continue or suspend the IVINS subscription. Based on the collected data, since self-registration opened, the number of states using and offenders being registered against in ICOTS had not changed. Executive Director A. Lippert advised that it was taking a lot of man hours to manage IVINS with only 11 states using the system.

Commissioner G. Roberge (CT) stated that at its March meeting, the Executive Committee tasked the Technology Committee with making a recommendation on continuing with the IVINS contract. The Technology Committee met three times to discuss the matter. It also formed a workgroup that met to discuss possible options for using a custom dashboard report.

Commissioner G. Roberge (CT) noted that the IVINS system still did not function as designed. The IVINS system continues to incorrectly transpose the sending and receiving state incorrectly listing some information. He added that it was the reason why Connecticut had not implemented IVINS.

Commissioner G. Roberge (CT) reported that the Technology Committee discussed how states notified their victims, if they did not utilize IVINS; concerns with rules related to victim notification and the victim sensitive indicator; the number of notifications required by rules and triggered in IVINS; and alternative methods of victim notifications. He added that Virginia's code and laws did not require to provide any notifications on community based offenders and in absence of IVINS, DCA J. Lohman indicated that Virginia would not provide notification due to lack of proper personnel and funding.

At its March meeting, the Technology Committee created a workgroup to look for an alternative method of victim notification that complies with ICAOS Rules. Based on its results, the national office could produce external reports and track the following notifications required by ICAOS Rules: Reporting Instructions requested by sending state, Request for transfer initiated by sending state, Request for transfer initiated by receiving state, Approved Reporting Instructions transmitted, Transfer request accepted by receiving state, Offender engaged in behavior requiring retaking, Offender departed sending state, Offender arrived in receiving state, Compact case closed, and Request for transfer withdrawn by sending state. The national office does not have a good method for notifying when the Offender's primary residence changes. The elements for triggering this notification could be added to the ICOTS enhancement list.

ICOTS Project Manager X. Donnelly stated that IVINS had other notifications in place that technically were not required by ICAOS Rules. He added that the external reports data would be refreshed on daily basis to provide the most accurate external reports.

Commissioner G. Roberge (CT) noted that some states thought it would be manageable to switch to self-notification by using the external reports, others were concerned that the reports were not automatic like IVINS and would require additional staff resources. He added that DCA T. Strickland (FL) expressed his concern about the delay in receiving information if the commission chooses to use the external reports instead of IVINS. Commissioner G. Roberge (CT) noted that even though the external reports information was very similar to the IVINS process, and would cause similar delays, the automation of IVINS was timelier.

Commissioner G. Roberge (CT) continued with his report. He stated that Commissioner R. Maccarone (NY) attended the above meetings and contributed many good points to their discussion. Commissioner R. Maccarone encouraged the commission to continue its IVINS subscription stating that IVINS was a very efficient way to provide victim notifications and that the commission should be careful about going another route because it had already invested a lot of time and money in this system.

Commissioner G. Roberge (CT) added that he agreed with Commissioner Maccarone and stated that his biggest concern was that most states would not use the system due to their local codes and laws, even if it was functioning perfectly.

Executive Director A. Lippert noted that the discussions surrounding IVINS had been worthwhile revealing that the ‘victim sensitive’ designation in ICOTS was not being used properly. She added that the IVINS discussion also facilitated the victim notification rule review and analysis of which notifications were needed.

Victims Advocate P. Tuthill stated that the language in Rule 3.108 “in accordance with states own laws” was a compromise in the early days of drafting the rule, pending development of ICOTS and the ability to provide victim notifications electronically. She added that based on the results of a survey from a few years ago, most states did not notify their victims.

Victims Advocate P. Tuthill was asked to present on IVINS at the annual conference of the National Association of Victim Assistance in Corrections. She will have a chance to speak with victim representatives from different states about notification methods used in their states. She will provide a written report on her findings to the Executive Committee.

Commissioner S. Andrews (OH) stated that the Executive Committee was never going to make an arbitrary decision on IVINS. Its goal was to gather necessary information to have a fully informative and helpful conversation at the annual business meeting in October. She added that all commissioners should understand the investment the commission has made, its expectations for the system, and the available options to move forward.

Commissioner R. Maccarone (NY) acknowledged and expressed his appreciation for the leadership of Commissioner Roberge, and the Technology Committee and the national office work with this matter. Given the foundational basis of victim notification to the compact's work, Commissioner R. Maccarone expressed his misgivings with leaving IVINS implementation to the discretion of states. He suggested reviewing Rule 3.108 and reducing the number of notifications required; survey the states on their method of notifications; put together a timeline and implementation plan; and make it a requirement for the states to use the system. He noted that most states were not equipped to provide victim notifications on their own.

Commissioner S. Andrews (OH) stated that the committee would be making more time for a robust discussion on this topic at the Annual Business Meeting. She offered to meet with A. Lippert and G. Roberge to lay out a strategy for having a good information flow from the Executive Committee to the commissioners. She added that sometimes the message was getting lost in the sensitivity of the topic.

Commissioner S. Arruti (NV) stated that if the commission decides to continue with the IVINS contract, it needs to consider administrative costs associated with it, possibly creating a new position at the national office to maintain the system.

Commissioner G. Roberge (CT) asked for more time to survey the states and analyze the results.

Commissioner J. Seigel (IN) noted that the Rules Committee was scheduled to discuss rules around victim notifications and their accountability at its next meeting.

Commissioner S. Andrews (OH) encouraged the commission to continue the conversation at the regional level to prepare for its full commission discussion at the Annual Business Meeting.

Executive Director Report: Executive Director A. Lippert stated that the commission was served a notice of a lawsuit and request to waive service of summons in a civil case filed in US District Court by an offender against the Florida Department of Corrections. She had filed a claim with the Commission's liability insurance firm, which was approved. A law firm in Florida has been assigned to the case. Executive Director A. Lippert has discussed the matter with Legal Counsel R. Master and the assigned attorney in Florida. Several actions have been filed by individuals over the years to which ICAOS has successfully obtained dismissals on the grounds that a private right of action is not authorized against the commission under the statute. She will update the committee on the lawsuit's status as it progresses.

Executive Director A. Lippert will report on the rest of the non-urgent items under her report at the next committee meeting.

New Business

DCA Liaison Committee: At its March meeting, the Committee voted to appoint a Deputy Compact Administrator to lead the DCA Liaison Committee and serve as an Ex-Officio member of the Executive Committee. Interested candidates submitted their nominations through their

regions. The national office sent a survey to the Executive Committee members to vote on the DCA Liaison Committee chair. DCA T. Hudrlik (MN) received the majority of votes.

The national office presented an amendment to the Commission's bylaws marked in red that clarified the new role of DCA Liaison Committee chair.

Section 1. Executive Committee.

The Commission may establish an executive committee, which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact. The Committee shall be composed of all officers of the Interstate Commission, the chairpersons or vice-chairpersons of each committee, the regional representatives or designees, and the ex-officio victims' representative to the Interstate Commission. The immediate past chairperson of the Commission and the Chair of the DCA Liaison Committee shall also serve as an ex-officio, non-voting, members of the executive committee and ~~both~~ the ex-officio victims' representative, ~~and~~ immediate past chairperson, and Chair of the DCA Liaison Committee shall serve for a term of two years. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

Executive Director A. Lippert stated that just like any rule amendment, this amendment would be published 30 days prior to the Annual Business Meeting to go for a full vote of commission.

Commissioner J. Seigel (IN) requested to remove "an" in the following sentence: "The immediate past chairperson of the Commission and the Chair of the DCA Liaison Committee shall also serve as ~~an~~ ex-officio, non-voting, members of the executive committee and ~~both~~ the ex-officio victims' representative, ~~and~~ immediate past chairperson, and Chair of the DCA Liaison Committee shall serve for a term of two years."

Commissioner J. Seigel (IN) moved to approve the Bylaw change recommendations for approval at the Annual Business Meeting as amended. Commissioner D. Clark (SD) seconded. Motion passed.

Adjourn

Commissioner G. Roberge (CT) moved to adjourn the meeting. Commissioner S. Arruti (NV) seconded. The meeting adjourned at 2:09 pm ET.