



Interstate Commission for Adult Offender Supervision

Executive Committee Meeting MINUTES

**February 19, 2020 • 12:00 pm ET
Teleconference**

Members in Attendance:

1. Jeremiah Stromberg (OR), Chair
2. Hope Cooper (KS), Vice-chair
3. Gary Roberge (CT), Treasurer
4. Chris Moore (GA), Information Technology Chair
5. Mary Kay Hudson (IN), Rules Committee Chair
6. Allen Godfrey (MN), Compliance Committee Chair
7. Roberta Cohen (NM), West Region Chair
8. Dale Crook (VT), East Region Chair
9. Tracy Hudrlik (MN), DCA Liaison Committee Chair, Ex-Officio
10. Joselyn Lopez (WI), Training, Education and Public Relations Committee Chair

Members not in Attendance:

1. Russell Marlan (MI), Midwest Region Chair
2. Julie Kempker (MO), South Region Chair
3. Bette Inch (NOVA), Ex-Officio

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. Xavier Donnelly, ICOTS Project Manager

Call to Order

Chair J. Stromberg (OR) called the meeting to order at 12:01 pm ET; ten voting members were present, a quorum was established.

Agenda and Minutes

Commissioner G. Roberge (CT) moved to approve the agenda. Commissioner H. Cooper (KS) seconded. Agenda approved as presented.

Commissioner G. Roberge (CT) moved to approve the minutes from January 15, 2020 meeting as drafted. Commissioner A. Godfrey (MN) seconded. Minutes approved as written.

Discussion

Compliance Committee Report: Commissioner A. Godfrey (MN) stated that the Warrant Audit workgroup met two times to finalize questions for the FY21 audit. He will seek approval from the Executive Committee's at its March face-to-face meeting.

Commissioner A. Godfrey (MN) reminded the committee about the U.S. Virgin Islands' compliance status. The territory did not respond to the FY19 and FY20 annual audits and did not meet passing standards on the compliance dashboard reports.

Executive Director A. Lippert added that at the last Executive Committee meeting, the committee accepted the Compliance Committee's recommendation to find the U.S. Virgin Islands in default for compliance matters including failure to respond to the FY19 and FY20 annual audits, failure to meet passing standards on dashboard reports and failure to provide a corrective action plan and asked them to submit the corrective action plan (CAP) within 10 business days or incur a \$3,000 fine.

The territory received the general counsel's letter outlining the Executive Committee's decision on January 28, 2020.

Executive Director A. Lippert continued that on February 19, she received an email from Riel Faulkner (VI) asking for an additional (5) day extension for the territory to submit a CAP citing that the letter arrived to Ms. Testamark on January 31, 2020 while she was involved in the "emergency" investigative hearings on working conditions at the Bureau. She was also notified that the Ms. Testamark was never confirmed as the commissioner of the U.S. Virgin Islands. Executive Director A. Lippert noted that she received a letter from the Governor appointing Ms. Testamark to serve as the ICAOS commissioner and at no time during her multiple conversations with Ms. Testamark she was notified that Ms. Testamark's position was not confirmed.

Commissioner A. Godfrey (MN) moved to impose 3,000 fine and interest fee held in abeyance for 30 days and have legal counsel send a letter to the U.S. Virgin Islands Governor's office. Commissioner G. Roberge (CT) seconded.

The committee discussed the matter and came to the agreement that the territory received notice well in advance along with helpful documents and multiple reminders. The committee debated on appropriate actions to bring the territory back into compliance.

Commissioner A. Godfrey (MN) made an amendment to his motion:

to impose 3,000 fine and interest fee held in abeyance ~~for 30 days~~ until March 20, 2020 and have legal counsel send a letter to VI Governor's office.

Commissioner G. Roberge (CT) agreed with the amendment.

Motion passed.

DCA Liaison Committee Report: DCA T. Hudrlik (MN) stated that the DCA Liaison Committee was scheduled to meet on February 24. The committee will discuss ICOTS enhancements, the 2020 DCA Training Institute, and the quarterly DCA newsletter.

Finance Committee Report: Commissioner G. Roberge (CT) stated that the Commission remained in good financial shape. He noted that the total in the Vanguard account was \$1,909,671 and the total in Commission's saving account was \$1,337,379. He added that the Commission was almost 60% into the fiscal year and at 51% of spending.

The Finance Committee will meet in March to review the FY21 budget and to make FY22 budget recommendations.

Technology Committee Report: Commissioner C. Moore (GA) presented his report to the committee.

- A new bug, where the Subsequent State Transfer process keeps the old receiving state, if started from the offender profile, was reported to Appriss last month. Appriss will be launching the fix to the issue soon.
- A few agencies are still rejecting ICOTS emails, causing some users to not get any additional notifications from ICOTS. Appriss continues to resolve these issues as they are reported.
- Appriss began development on the new approved rule amendments with an effective date of April 1, 2020. All rule changes will be launched in ICOTS prior to the effective date.
- Regions have discussed the enhancement request timeline. Several plan to put forward enhancement requests for approval this year.
- Last year, the Executive Committee approved the ICOTS Training Integration Project. Appriss began development work on the framework to host the new training tool tips and tutorial pages within ICOTS. The national office is working with Appriss to make sure all the training tool tips and tutorials will be launched prior to the Annual Business Meeting in the fall.

Rules Committee Report: Commissioner M. Hudson (IN) stated that the Rules Committee met on February 12 to discuss the West Region's concept for managing domestic violence offenders and training clarification on *Rule 3.108-1 Victim notification and requests for offender information*. The committee tabled the domestic violence concept until its next meeting, since the West region representatives were not in attendance. The committee will meet again via WebEx on March 11 and face-to-face on April 7.

Training Committee Report: Commissioner J. Lopez (WI) noted that the Training Committee had not met since the last Executive Committee meeting. She added that last week, the Training Committee provided the second round of new rule amendment trainings generating good discussions and many questions.

ABM Workgroup Report: Commissioner H. Cooper (KS) stated that the ABM workgroup met on January 28 in Nashville, TN and drafted an agenda for the 2020 Annual Business Meeting.

Commissioner H. Cooper (KS) will be meeting with Chair J. Stromberg (OR) and Executive Director A. Lippert to finalize the details of the recommended agenda for final presentation at the face-to-face Executive Committee meeting in March.

East Region Report: Commissioner D. Crook (VT) informed the committee that the East Region met on January 16. The region had a quorum and discussed the new ICOTS enhancement process, compact training questions document, East Region DCA chair report, ABM workgroup recommendations, and commission news. The region will meet again in July.

West Region Report: Commissioner R. Cohen (NM) stated that the West Region met on January 22. The region discussed an issue where offenders were found in states on travel permits without reporting instructions or an acceptance. The region decided to escalate these issues to the national office and Compliance Committee level.

Commissioner R. Cohen (NM) added that the region also discussed forming an ad hoc committee approved by the Executive Committee to look at the issue of supervision in tribal regions and development of best practices. She will be working with the national office to set up these meetings in the near future.

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

- There are commissioner vacancies in Illinois, Iowa, Maine, and Oklahoma. Oklahoma and Illinois have been without a commissioner for over 60 days. If these states do not appoint their commissioners in the next 30 days, the matter will be referred to the Executive Committee for formal action per ICAOS AP 01-2015 Handling Commissioner Vacancies.
- District of Columbia is the only member without an established state council.
- The national office staff has a new member, Kelsey Cole. Kelsey is a programmer and will be handling web application and support management.
- The national office is working on revising the ICAOS weekly newsletter. More information will be provided at the face-to-face meeting.
- Executive Director A. Lippert reminded the committee about the warrant tracking grant awarded to the Commission in a joint effort with SEARCH, the National Consortium for Justice Information and Statistics, and ICJ. SEARCH will develop the software components for a subscription/notification service (SNS) to provide officials automated notifications when arrest warrants are issued for out of state offenders. The group will identify project's requirement and design at a face-to-face meeting in April, deploy infrastructure in June, and implement the exchange in the fall.

SEARCH is looking for one pilot state with a suitable state system. More information about the pilot state will be forthcoming.

- Executive Director A. Lippert will attend Advisory Board meetings at the Criminal Justice Information Sharing (CJIS) division of the FBI to support the topic paper arguing for the inclusion of a compact indicator and no bond allowed addition to NCIC.
- Executive Director A. Lippert is invited to attend the Global Justice Information Sharing Initiative Advisory Meeting in District of Columbia, as observer.
- The Commission has been involved in a civil suit in Florida, where an offender with DUI conviction was transferred from Pennsylvania to Florida and had his conviction reclassified as felony per Florida law. In 2018, the trial court judge entered an Order of Dismissal and the 11th Circuit Court of Appeals denied the offender's request for rehearing in the Florida civil matter. The offender filed another appeal to the U.S. Supreme Court. The attorney representing ICAOS, filed a response. No additional actions are required at this time.
- Since the last year, participation in the fusion center data exchange project has been increasing. In February, Executive Director A. Lippert presented again to the full board of fusion center directors. Several have reached out to inquire about joining the exchange.
- Based on joint efforts with Interstate Commission for Juveniles (ICJ) and Association of Prosecuting Attorneys (APA), Executive Director A. Lippert will present at a webinar on Interstate Compact to the National District Attorneys Association (NDAA) and the National Association of Attorneys General (NAAG) in March. She will send the webinar link to the committee members, when available.
- Per Executive Committee instructions, the national office met with Chris Asplen, David Roberts, and Jane Wiseman to discuss a combined research and study on interstate compact success. This project would be developed in two parts: the first to determine what success means to the Compact, the second, to craft, execute, and report on the research project that analyzes that criteria. This proposal addresses the first stage of the project. The second stage proposal will be developed after a meeting with the Executive Committee, defining success parameters and establishing the scope of the project. The estimated cost for the proposal is \$14,000 plus travel expenses.

The committee decided to postpone a decision on the proposal until its face-to-face meeting in March.

- The national office made changes to its personnel policy and will be emailing it to the committee for review. The committee will vote on the updated policy at its face-to-face meeting in March.
- At previous meetings, the Executive Committee discussed a succession plan for ICAOS legal representation. The committee asked General Counsel R. Masters to submit a succession plan for ongoing legal work by the first of the year.

Executive Director A. Lippert noted that the national office was still waiting to receive a succession plan from R. Masters. She presented a proposal from Wyatt, Tarrant & Combs, LLP that provided a range of legal services to organizations. She noted that the

Commission would continue to work with R. Masters and share responsibilities with Wyatt, Tarrant & Combs, LLP.

The committee decided to vote on the proposals today to make sure a legal counsel is represented at the face-to-face Executive Committee meeting in March and face-to-face Rules Committee meeting in April.

Commissioner J. Stromberg (OR) moved to contract with Wyatt, Tarrant & Combs, LLP for Commission's legal services. Commissioner D. Crook (VT) seconded. Motion passed.

- Executive Director A. Lippert added that that national office would cancel regularly scheduled March 18 Executive Committee meeting, since the committee was meeting face-to-face the following week in Louisville, KY.

Chair J. Stromberg (OR) thanked the committee members for their time and dedication.

Adjourn

Commissioner G. Roberge (CT) moved to adjourn. Commissioner C. Moore (GA) seconded.

The meeting adjourned at 1:25 pm ET.

Jeremiah Stromberg
Jeremiah Stromberg (Mar 26, 2020)






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Final Audit Report

2020-03-26

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