



Interstate Commission for Adult Offender Supervision

Executive Committee Meeting MINUTES

June 19, 2019 • 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. Russell Marlan (MI), Midwest Region Chair
5. Allen Godfrey (MN), Compliance Committee Chair
6. Jacey Rader (NE), Training, Education and Public Relations Committee Chair
7. Roberta Cohen (NM), West Region Chair
8. Doug Clark (SD), Rules Committee Chair
9. Sara Andrews (OH), Past Chair Ex-Officio

Members not in Attendance:

1. Chris Moore (GA), Information Technology Chair
2. Brody Burks (TX), South Region Chair
3. Dale Crook (VT), East Region Chair
4. Tracy Hudrlik (MN), DCA Liaison Committee Chair, Ex-Officio
5. Richard Barajas (NOVA), 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 12:01 pm ET; eight voting members were present, establishing a quorum.

Agenda and Minutes

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

Commissioner R. Marlan (MI) requested a change to the minutes to reflect the accurate date of the Midwest region meeting.

Commissioner G. Roberge (CT) moved to approve the minutes from March 19, 2019 meeting as amended. Commissioner A. Godfrey (MN) seconded. Minutes approved.

Discussion

Training Committee Report: Commissioner J. Rader (NE) stated that the Training Committee and the DCA Liaison Committee were working on the curriculum for two sessions at the Annual Business Meeting (ABM). The Training Committee will meet in July.

She added that APPA accepted the ICAOS proposal to present at the APPA Summer Institute in San Francisco this August. The national office submitted another ICAOS proposal to present at the APPA Winter Institute.

Chair J. Stromberg (OR) encouraged finalizing the ABM details early.

Compliance Committee Report: Commissioner A. Godfrey (MN) stated that the Compliance Committee met on May 20 to review a complaint filed by Arizona against the State of Oklahoma. The committee substantiated two out of three cases and recommended the Executive Committee find Oklahoma in default for its failure to issue compact compliant warrants and impose a ten thousand dollars fine. The committee also recommended requiring Oklahoma to submit a corrective action plan and hold the fine in abeyance for a period of 12 months upon acceptance of the corrective action plan and its successful implementation.

Commissioner A. Godfrey (MN) stated that the third reported instance appeared to be an isolated case resulting from poor communication between the states. The Compliance Committee referred the case back to the national office to address.

Commissioner A. Godfrey (MN) noted that Oklahoma had an ongoing pattern of noncompliance with issuing warrants and lacked of efforts to ensure state officials adhere to the provisions of the Compact. They had not taken the legal steps necessary to ensure Oklahoma judges and sheriffs comply with the compact rules.

Commissioner R. Marlan (MI) moved to accept the Compliance Committee's recommendation to find the State of Oklahoma in default of the Compact under Article IX for its failure to issue compact compliant warrants. Commissioner G. Roberge (CT) seconded. Motion passed.

Executive Director A. Lippert stated that this morning Arizona submitted another instance reflecting Oklahoma's failure to issue a compact compliant warrant. She added that the Commissioner of Arizona had not contacted Oklahoma to resolve it.

The committee decided not to take any action at this time and recommended Arizona utilize AP 3-2008 Guidelines for Resolving Compliance Issues.

Commissioner R. Marlan (MI) moved to impose a fine of \$10K for the State of Oklahoma to hold in abeyance for a period of twelve months upon acceptance of the corrective action plan and its successful implementation. Commissioner G. Roberge (CT) seconded. Motion passed.

Commissioner G. Roberge (CT) thanked Commissioner A. Godfrey (MN) and the Compliance Committee for their work on this matter.

Executive Director A. Lippert stated that at the last meeting, the Executive Committee instructed the national office to send 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 expired on May 22. The Executive Committee directed Legal Counsel to send a third letter to the U.S. Virgin Islands concerning their failure to comply with FY 2019 compliance audit and fill the commissioner's vacancy that will expire on June 28.

Executive Director A. Lippert spoke multiple times with Wynnie Testamark, Director of Bureau of Correction in the Virgin Islands about the Compact's obligations and requirements.

The committee decided to take further legal action regarding the Virgin Islands given the length of time that has passed with no actions taken by the territory.

Commissioner G. Roberge (CT) moved to direct Legal Counsel to send a notice to the U.S. Virgin Islands concerning their failure to fill the commissioner's vacancy and seek legal actions after 10 days of receipt of the letter without further notice. Commissioner A. Godfrey (MN) seconded. Motion passed.

Executive Director A. Lippert informed the committee that Kentucky's commissioner position is also vacant. She has been in contact with their Boards and Commissions Office and their DCA. They have 90 days to make the appointment per Administrative Policy 01-2015 that expires on June 28.

Commissioner D. Cark (SD) moved to find the Commonwealth of Kentucky in default for failure to fill the commissioner's vacancy and authorize legal counsel to send a 10-day notice, if no action is taken by June 30. Commissioner R. Marlan (MI) seconded. Motion approved.

Executive Director A. Lippert stated that in March, the committee instructed Legal Counsel to send a 90-day letter to three states for failure to provide State Council information per Administrative Policy 03-2009. Two states subsequently complied. The deadline for the third state, New Mexico, expires on June 26.

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

Commissioner H. Cooper (KS) moved to find New Mexico in default for failure to appoint a state council and instruct Legal Counsel to send a 30-day notice to New Mexico to comply with AP 03-2009. Commissioner G. Roberge (CT) seconded.

Commissioner R. Cohen (NM) recused herself from voting.

Motion passed.

DCA Liaison Committee Report: The DCA Liaison Committee will meet on June 27 to discuss the upcoming Annual Business Meeting sessions and its quarterly DCA newsletter.

Finance Committee Report: Commissioner G. Roberge (CT) presented his report to the committee:

The Commission has \$1.6m in its saving account mostly due to incoming interstate compact state dues for the next fiscal year.

The Vanguard account has \$1.7 m and maintains 59 to 41% stock and bond ratio.

Commissioner G. Roberge (CT) anticipates the Commission will end 10% under FY 2019 budget, attributing it to dividend and operating interest's income.

The annual fiscal year's audit scheduled for July 2019.

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

Technology Committee Report: ICOTS Project Manager X. Donnelly stated that in June, Appriss launched the last enhancement release that introduced a new workflow process for return to sending state RFRI. The national office held trainings for compact offices to go over the changes. No bugs were reported with the new release.

The Technology Committee met in May to review the proposed rule amendments impact on ICOTS. Appriss is currently documenting the hours required to make those changes to ICOTS and provide cost components for each rule amendment.

Rules Committee Report: Commissioner D. Clark (SD) stated that the rule proposals are posted for comment on the Commission's website from May 1- July1. The committee will meet in July and August to discuss the comments and prepare the final rule amendment presentation at the ABM.

ABM Workgroup Report: Commissioner H. Cooper (KS) is working with Executive Director A. Lippert on finalizing presenters for the ABM sessions. They confirmed presenters for the *Executive Session: Litigation Matters* and were still working on selecting presenters for the Opioid Panel. Commissioner S. Andrews (OH) agreed to moderate this session.

Executive Director A. Lippert informed the committee that Jeff Green is the new commissioner for California. He will be notified of the host state's expectations in the business meeting planning process. His staff is working on the keynote speaker, the general session's presenters, and the honor guard.

East Region Report: The region has not met since the last Executive Committee meeting. The next meeting is scheduled for August 27.

Midwest Region Report: The region has not met since the last Executive Committee meeting.

South Region Report: The region has not met since the last Executive Committee meeting. The next meeting is scheduled for July 30.

Signature: Jeremiah Stromberg
Jeremiah Stromberg (Jul 26, 2019)

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

West Region Report: Commissioner R. Cohen (NM) stated that the West Region had not met since the last Executive Committee meeting. The next region meeting date was July 24 and coincided with the National PPO week. She will reach out to the region members to ensure a quorum or change the date.

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

- Commissioner changes:
 - Recently appointed commissioner: Jeff Green (CA)
 - There are commissioner vacancies in the U.S. Virgin Islands, New Hampshire, Kentucky, and Tennessee.
- States will receive quarterly compliance dashboard emails on July 1. The Compliance Committee will review states that fell under the 80% threshold.
- ABM meeting invitation's launch date is July 19. The committee and region reports for the ABM Docket book are due on August 23.
- Four additional states had signed an MOU for ICOTS data sharing ability with fusion centers and three more were in the process. The national office refined the Fusion Center notifications to include offender's photos and a number of fusion centers have expressed appreciation for the ability to receive this information.
- The national office continues meeting monthly with Kimberly Lough, Management and Program Analyst at the Enforcement Support Section, NCIC Operations and Policy Unit, to make changes to the NCIC system. They are working on a function that will allow states to run reports and compare FBI offender numbers in ICOTS and in the NCIC database.
- The annual report content is being finalized and only awaits end of the year data and financial information.

Old Business/New Business

There was no old/new business to discuss.

Adjourn

Commissioner G. Roberge (CT) moved to adjourn. Commissioner R. Cohen (NM) seconded.

The meeting adjourned at 12:54 pm ET.

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Final Audit Report

2019-07-26

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