



Interstate Commission for Adult Offender Supervision

Executive Committee Meeting MINUTES

July 19, 2023 @ 12 pm ET Video conference

Members in Attendance:

1. Mary Kay Hudson (IN), Chair
2. Mac Pevey (WA), Vice-Chair,
3. Gary Roberge (CT), Treasurer
4. Taryn Link (AK), West Region Chair
5. Chris Moore (GA), Information Technology Chair
6. Sally Kreamer (IA), Compliance Committee Chair
7. Susan Gagnon (ME), Rules Committee Chair
8. Julie Kempker (MO), South Region Chair
9. Amy Vorachek (ND), Midwest Region Chair
10. Dale Crook (VT), East Region Chair
11. Suzanne Brooks (OH), DCA Liaison Chair, Ex-Officio
12. John Gillis (NOVA), Victim Representative, Ex-Officio

Members not in Attendance:

13. Joselyn López (WI), Training, Education, and Public Relations Committee Chair
14. Jeremiah Stromberg (OR), Past-Chair, Ex-Officio

Staff:

1. Ashley Lippert, Executive Director
2. Barno Saturday, Logistics and Administrator Coordinator
3. Allen Eskridge, Policy and Operations Director
4. Xavier Donnelly, ICOTS Project Manager
5. Mindy Spring, Administrative and Training Coordinator
6. Drake Greeott, Web Development Manager

Call to Order

Chair M. Hudson (IN) called the meeting to order at 12:00 pm ET; ten voting members were present; a quorum was established.

Agenda and Minutes

Commissioner M. Pevey (WA) moved to approve the agenda as presented. Commissioner G. Roberge (CT) seconded. Agenda approved as presented.

Commissioner C. Moore (GA) moved to approve the minutes from the June 21, 2023, meeting as drafted. Commissioner G. Roberge (CT) seconded. Minutes approved as drafted.

Discussion

Compliance Committee Report: Commissioner S. Kreamer (IA) stated that the Compliance Committee met on July 13. The committee approved the amendments to AP 05-2009 Compliance Audit Policy based on the committee's past decisions. The changes incorporate the Commission's response when states fall below the 80% threshold for dashboard standards. She continued that the committee acknowledged that sometimes it was easier to pay the fine than hire and train new staff, therefore the committee set the penalty amount as \$10,000. She presented the policy to the Executive Committee for approval.

VIII. Responsibilities and Accountabilities

D. All final audit reports are provided to the Compliance Committee for review.

~~E. When a State or US Territory fails to achieve a compliance rate of 80% or better on established compliance standards, the Compliance Committee will require the State or US Territory to submit a corrective action plan for approval by the Executive Committee (see policy no. 03-2015 on corrective action plans).~~

~~F. Noncompliance issues discovered during the compliance audit will be addressed as outlined in the Commission policy titled, "Guidelines for Resolving Compliance Issues."~~

E. The national office will provide the Compliance Committee with a periodic report summarizing any developing trends in both compliance and noncompliance.

F. The national office will audit each member state or territory annually unless directed otherwise by either the Compliance Committee or the Executive Committee.

IX. Dashboard Standards Enforcement

A. Each July, the Compliance Committee will review the compliance dashboard standards to determine states that failed to meet the 80% compliance threshold for the prior ICAOS fiscal year.

B. States that fail to meet the 80% threshold for any standard in the prior fiscal year will be notified of the deficiency and given an additional quarter (end of Q1) to come into compliance.

C. States that fail to meet the 80% threshold by October 1 will be required to submit a corrective action plan and given until January 1 (end of Q2) to reach compliance. (See, AP 02-2015: Corrective Action Plans)

D. States subject to a corrective action plan that fail to achieve the 80% threshold by January 1 will be subject to a recommendation of default by the Compliance Committee and the

imposition of a penalty of \$10,000 to be held in abeyance until April 1 (end of Q3) of the ICAOS fiscal year.

- E. If a state under a corrective action plan meets compliance standards by April 1 (end of Q3), the penalty will continue to be held in abeyance through the remainder of the fiscal year.
- F. States subject to a corrective action plan that fail to meet the compliance threshold of 80% by April 1 (end of Q3) shall be required to remit the imposed \$10,000 penalty.
- G. The imposed penalty will be waived if a state subject to a correction action plan attains and maintains performance that meets the threshold standard for the third and fourth quarters of the ICAOS fiscal year.

Commissioner J. Kempker (MO) opposed the \$10,000 fine, citing concerns with penalizing states for matters that the commissioner does not have control over. She also advocated for treating states similarly.

Commissioner S. Kreamer (IA) noted that the Compliance Committee had been working with every state to ensure the proper compliance before taking any formal action.

Commissioner M. Pevey (WA) moved to approve the AP 05-2009 Compliance Audit Policy as presented. Commissioner D. Crook (VT) seconded. Motion passed.

In addition, the Compliance Committee reviewed a table with FY23 compliance dashboard results. There were eight states (including the U.S. VI) with one or more compliance standards below the 80% threshold. The committee voted to notify seven states about their noncompliance and give an additional quarter to improve their performance. States who had a shortfall in multiple years will be asked to provide documentation for maintaining compliance.

The committee approve the U.S. Virgin Islands' third corrective action plan and will notify the territory of its failure to meet RI reply standard.

Commissioner S. Kreamer (IA) reminded the committee that in April, it found Illinois in default for failure to reach compliance thresholds and imposed a \$10,000 penalty for continued noncompliance. Since Illinois did not meet compliance by the end of FY23, Illinois would be assessed the fine. As a result, the national office will notify Illinois of their default and the imposition of the fine due to their continued noncompliance.

DCA Liaison Committee report: DCA S. Brooks (OH) stated the DCA Liaison Committee conducted the round table forums for DCAs to discuss commissioner & DCA relationship and handling compliance issues; nationwide warrants and challenges with judges; as well as Rule 3.103, its purpose and application to ensure seamless supervision. These forums were held in preparation for the Collaborative Problem-Solving session that will be held at the Annual Business Meeting.

At its last meeting, the committee approved the New DCA toolkit to aid new DCAs with their duties and responsibilities; chose warrants violations and retaking as the FY24 dashboard program and decided to proceed with stakeholders training topic for the DCA success program.

Finance Committee Report: Commissioner G. Roberge (CT) stated that the Commission finished the fiscal year 5% under the budget.

The Vanguard account had \$2,397K which was 11.5% increase since last year. The national office collected about a third of all annual dues from states. The Commission will start its fiscal audit in August. The Finance Committee will meet in August to review the audit results and the fiscal year's end numbers.

Commissioner G. Roberge (CT) stated that at its May meeting, the Finance Committee discussed the cost and necessity of bringing a second DCA from ICOTS bifurcated states to the annual business meeting during DCA training institute years. The Committee noted that the Commission presently reimburses one DCA from each state and two DCAs from ICOTS bifurcated states to attend this meeting.

With the importance of efficient budget allocation in mind, the Finance Committee recommends a change in policy to no longer cover the costs for a second DCA from ICOTS bifurcated states to attend the annual business meeting in DCA Institute years. This change allows the Commission to maintain a balanced budget while still providing opportunities for valuable networking and knowledge-sharing among attendees.

The Executive Committee discussed the matter in detail. The committee decided it was important to be fiscally conservative and agreed to support the Finance Committee's recommendation.

Commissioner D. Crook (VT) moved for Commission to no longer pay for two DCAs in DCA institute years. Commissioner A. Vorachek (ND) seconded. Motion carried with one opposition (IA).

Training Committee Report: Executive Director A. Lippert stated that the Training Committee was scheduled to meet on July 27. The committee will discuss the DCA toolkit, ABM collaborative problem-solving session, warrant execution training, as well as commissioner dashboards and a draft New York best practice for warrants.

Rules Committee Report: Commissioner S. Gagnon (ME) stated that the Rules Committee met on June 2. The committee discussed comments received from the rule proposal comment period and decided to continue its support of the proposed rule proposal. In addition, the committee approved the revised rule proposal guide, and outlined the rule presentation at the upcoming annual business meeting. The committee will meet again on August 31 to finalize its ABM presentation.

East Region Report: Executive Direction A. Lippert noted that there were no updates for the East Region. The meeting will meet again at the ABM.

Midwest Region Report: Commissioner A. Vorachek (ND) stated that the Midwest Region had not met since the last Executive Committee meeting. The meeting will meet again at the ABM.

South Region Report: Commissioner J. Kempker (MO) stated that the South Region had not met since the last Executive Committee meeting. The region will meet again at the ABM.

West Region Report: Commissioner T. Link (AK) stated that the West Region will meet again at the ABM.

ABM Planning Workgroup Report: Commissioner M. Pevey (WA) stated that the ABM planning was going well. The Training and the DCA Liaison Committee were working on the curriculum and moderators for the collaborative problem-solving session scheduled for Tuesday, September 19.

Victims Advocate: Victims Advocate J. Gillis (NOVA) had nothing new to report at this time.

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

- South Carolina has a new commissioner Melvin Warren
- The national office is working on the annual report.
- The Commission has started the annual fiscal audit and appropriate documents have been sent to the auditor.
- There are 112 individuals registered for the upcoming Annual Business Meeting. The national office still expects a few more commissioners to register for the meeting. She reminded the committee members to reach out to the national office if they need help with their Docket book report.
- The national office together with the Commission's officers are working on the initiative to incorporate risk, needs and responsivity in the Compact process. The national office is putting together information and project planning for future initiatives to discuss at the face-to-face meeting in Norfolk.
- Executive Director A. Lippert stated that per Executive Committee's direction, the Language Change workgroup explored a possibility to remove the word "offender" from the Compact's terminology in favor of more person-centered language. The workgroup met two times and to discuss the criminal justice terminology used in different states as well as their rules and statutes; different terminology that would be difficult for states to adopt; and terminology related to sex-offenders. The workgroup also discussed the costs associated with changing the terminology.

The workgroup made the following recommendations:

Recommendation #1:

The Language Workgroup recommends the Executive Committee replace the term offender with supervised individual within the Compact.

Recommendation #2:

Scope:

1. No change to the Commission's name or statute
2. No change to ICOTS' name
3. States will not need to change their bylaws or statutes
4. No change to past Advisory Opinions
5. No change to sex-offender terminology
6. All current publications and materials will be updated by the national office. (Estimated 12 months to complete.)
7. The change will affect all documents going forward.

Legal Implications:

Legal Counsel advises that both terms, "supervised individual" and "offender," be used by the Commission since the Compact Statute defines the term "offender" and no modifications are proposed to the statute. The Commission would retain the term "offender" and determine where in its legal documents it should be used as opposed to the term "supervised individual."

The committee discussed whether to adopt the workgroup's recommendations today or present them at the annual business meeting for information and action.

Chair M. Hudson (IN) noted that the decision was in the scope of the Executive Committee's authority. She suggested collecting feedback in a formal way.

In the interest of transparency, the committee decided to present the recommendations to the full Commission for discussion and consideration.

Old/New Business

There was no old/new business.

Adjourn

Commissioner G. Roberge (CT) moved to adjourn. Commissioner S. Kremer (IA) seconded.

The meeting adjourned at 1:17 p.m. ET.


Mary Kay Hudson (Oct 6, 2023 12:39 EDT)







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Final Audit Report

2023-10-06

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