



Interstate Commission for Adult Offender Supervision

Compliance Committee Meeting MINUTES

July 12, 2023 · 2:00 pm ET
Video Conference

Members in Attendance:

1. Sally Kreamer (IA), Chair
2. Martha Danner (MD)
3. Allen Godfrey (MN)
4. Amy Vorachek (ND)
5. Samuel Plumeri (NJ)
6. Matthew Poyzer (AZ), Ex-officio
7. Sarah Ball (SD), Ex-officio

Not in Attendance:

1. Joe Winkler (FL)
2. Dale Crook (VT)
3. Cathy Gordan (MT)

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. Drake Greeott, Web Development Manager

Call to Order

Chair S. Kreamer (IA) called the meeting to order at 2:00 p.m. ET. Executive Director A. Lippert called the roll, five voting members were present, a quorum was established.

Approval of Agenda and Minutes

Commissioner A. Godfrey (MN) moved to approve the agenda as presented. Commissioner S. Plumeri (NJ) seconded. Agenda approved.

Commissioner A. Godfrey (MN) moved to approve the minutes from April 18, 2023, as drafted. Commissioner A. Vorachek (ND) seconded. Minutes approved.

Discussion

Compliance Dashboards: The committee reviewed a table with FY23 compliance dashboard results. There were eight states with one or more compliance standards below the 80% threshold.

1. Colorado (Below in FY19, FY20)
2. Idaho (Below in FY21 and FY22)
3. Illinois (Below in FY21 and FY22)
4. Kansas
5. Missouri
6. New Mexico (Below in FY19, FY20)
7. Utah (Below in FY19, FY20, FY21 and FY22)
8. Virgin Islands (Below in FY21 and FY22)

Executive Director A. Lippert noted that the U.S. Virgin Islands did not have any compact cases to correct their compliance numbers.

Commissioner A. Vorachek (ND) moved 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. Commissioner S. Plumeri (NJ) seconded. Motion passed.

Illinois Noncompliance: Executive Director A. Lippert reminded the committee that in April, it made a recommendation the Executive Committee to find Illinois in default, impose a \$10,000 penalty for continued noncompliance, and require compliance by the end of FY23. The Executive Committee approved this recommendation on April 19, 2023. As a result, the national office will notify Illinois of their default and the imposition of the fine due to their continued noncompliance.

Executive Director A. Lippert noted that she has discussed Illinois' compliance issues with Commissioner Garnett (IL), who represents the parole side. She noted that most issues come from the probation side. She continued that the Commission offers resources and technical and training assistance for all compact members.

Virgin Islands: Executive Director A. Lippert noted that the U.S. Virgin Islands was given the fiscal year to improve their dashboard compliance and was required to resubmit their corrective action plan. In FY23, they were below standards for Reporting Instructions, which they were not below on in FY22. They did not have any cases to improve their standard for Response to Violation Reports.

Executive Director A. Lippert met with the U.S. Virgin Islands and discussed their noncompliance. In addition, she assisted the territory to develop a more comprehensive CAP to ensure 80% compliance in the future.

The committee reviewed the latest corrective action plan submitted by the U.S. Virgin Islands.

Commissioner S. Plumeri (NJ) moved to approve the U.S. Virgin Islands' corrective action plan and notify the territory's failure to meet RI reply standard. Commissioner M. Danner (MD) seconded. Motion passed.

Compliance Audit Policy: Executive Director A. Lippert presented 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.

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.

The committee discussed that sometimes it was easier to pay the fine than hire and train new staff. The committee agreed to amend the penalty amount from \$5,000 to \$10,000 as highlighted in yellow above.

Commissioner A. Godfrey (MN) moved to recommend the Executive Committee approve the AP 05-2009 Compliance Audit Policy as amended. Commissioner A. Vorachek (ND) seconded. Motion passed.

Old/New Business

There was no old/new business.

Adjourn

The meeting adjourned at 11:49 a.m. ET.