INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

COMPLIANCE COMMITTEE
TELECONFERENCE MEETING

Friday, August 13, 2004
11:00 a.m. (EST)

Committee Members in Attendance:

1. Warren Emmer (ND)
2. Sherry Pilkington (NC)
3. Dave Nelsen (ID)
4. Mike Ferriter (MT)
5. Dennis Schrantz (MI)
6. Denis Agniel (MO)
7. Ken Merz (MN)
8. Leo Lucey (UT)
9. Wayne Theriault (ME)
10. Robert Sanders (KS)
11. Bill Rankin (WI)
12. Judith Sachwald (MD)

Committee Members not in Attendance:

1. Vivian Williams (IL)

Guests:

1. Bob Pultz
2. Roseanne Bishop
3. Ken Sorenson
4. Craig
5. Joe Kuebler
6. Christy
7. David
8. Ronda Larson

Staff:

1. Don Blackburn
2. Rebecca Robbins

- Roll call was called by the Chair with 12 members present, establishing a quorum. Warren called the meeting to order at 11:10 a.m. EST.
• Items on the agenda were strategic goals and objectives, insight from lawyers (what role ad-hoc plays), and discuss insight on grievance relevant to Tennessee.

• Nelsen lead the discussion on strategy #1. He stated that a Review and Analysis team is working on a quality self-assessment review to send to the committee for review. Emmer suggested that it should be sent to Blackburn.

• Sanders and Rankin discussed strategy #2. It was suggested that we come up with a way of making an assessment of the progress. To do this, Blackburn needs to identify the 6 or so most common compliance problems and ask states to rate those problems. A draft was put out, but no feedback has been given.

• It was suggested by Emmer that Blackburn review strategy #2 to make sure expectations are on target.

• Emmer stated that strategy #3, Effective Compliance and Dispute Resolution, needs to adopt practices no later than October 24th. We also need to check on the lawyers assisting us.

• Judy asked if the process is going to be used for ALL matters. It was determined that it would be for hard cases. Emmer mentioned that problems should try to be worked out before being sent to the National Office. Blackburn confirmed that if the problems couldn’t be worked out then they should be brought to the Committee.

• Emmer stated that problems should go to the Compliance Committee if:
  1. Particular state continually violates compact.
  2. Particular problem with rule is widespread.

• Strategy #4, Indexing and Advisory Opinions, we can get on the web and look at advisory opinions. They should be up and running by November 2005. Blackburn agrees.

• It was mentioned that a best practices system should be developed on how we can be more effective and efficient in managing offices. It was also mentioned that we should have the training committee help with this project.

• Bob Pultz brought up the issue of how we are to use these lawyers that we now have at our disposal. Emmer stated that these lawyers will assist us not for legal advice, but they can meet with the paid lawyers and let us know if the information at hand makes sense.

• The Vice Chair suggested that there should be a record where states involve their own attorneys, so they are aware of what’s going on. Then they can let the advisory attorneys review it and give their suggestions. Lucey states that this is already happening in the West. Blackburn agrees that most are using this
procedure, but there are still some that are not. Theriault suggested that we have a standardized procedure.

- Pultz asked if there would be merit when 2 states are trying to resolve a problem if the attorneys are used. Judy pointed out that in Maryland, on compact matters, different sets of opinions were given by different lawyers. Emmer suggested getting specialty, well-trained lawyers so they will have similar views and responses. This will help eliminate having to go the Executive Director.

- Blackburn discussed that there were grievances from 3 or 4 states on 1st opinion prior to August 1st. Masters thought he should offer another opinion after August 1st. It was stated that Tennessee lies within the “won’t do it” category. That is why it was sent to the Compliance Committee for proper procedures.

- Emmer suggested a letter be written to the state concerning Tennessee’s refusal to comply. It was agreed that Blackburn should be the one that writes the letter and that it be expedited from the National Office. Emmer stated that a respond date of 1 week be included in the letter and will wait on the response.

Meeting was adjourned by the Chair at 12:20 p.m. EST.