INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

COMPLIANCE COMMITTEE
TELECONFERENCE MEETING

Wednesday, August 29, 2006
3:00 p.m. (EST)

Committee Members in Attendance (Compliance):

1. Warren Emmer (ND)
2. Bill Rankin (WI)
3. Robert Oakes (AL)
4. Wayne Theriault (ME)
5. Leo Lucey (UT)

Committee Members not in Attendance:
6. J. Sachwald (MD)
7. Jacqueline Kotkin (VT)

Guests:
1. Kathie Winckler (TX)
2. Regina Grimes (TX)
3. Ben Martinez (PA)
4. Linda Laub (PA, attorney)
5. Sandra Foreman
6. Bryan Collier (TX)

Staff:
1. Don Blackburn
2. Ashley Kenoyer
3. Mindy Spring
4. Whitney Hall
5. Kevin Terry
6. Xavier Donnelly
7. Sam Razor
8. Rick Masters

- W. Emmer called the meeting to order at 3:06 pm EST. Five members were present, establishing a quorum.

- Committee reviewed minutes from the July 26, 2006 meeting.

- **W. Theriault moved and L. Lucey seconded a motion to approve the minutes from the July 26, 2006 Compliance Committee Meeting.**
  - Motion passed.

- Discussion began on the responses from Pennsylvania and Texas to their respective investigative reports.

- The Committee discussed reopening Complaints 1-2006 PA and 2-2006 TX.

- W. Emmer stated that the recommendations agreed to by the Compliance Committee will be presented to the full Commission at the Annual Business Meeting 2006.

- Discussion continued on the matter of reopening the complaints.

- **W. Theriault moved and W. Rankin seconded a motion to reopen the discussion of Complaint 1-2006 PA and Complaint 2-2006 TX.**
  - Motion passed.

- The committee discussed the option of going into Closed Session.

- **W. Rankin moved and W. Theriault seconded to move into Closed Session.**
  - Motion failed.

- Discussion opened on Complaint 1-2006 PA.

- The Committee looked at the letter written in response to the Investigative Report for Complaint 1-2006 PA from Pennsylvania.

- B. Martinez agreed to adding this response letter as an addendum to the Investigative Report.
The Committee discussed the possibility of conducting an audit in response to the Complaint.

W. Emmer said that the audit would have to follow the standards of Rule 2.110.

The Committee discussed the extent of the audit and consulting auditors.

W. Emmer stated that he would like to lay out the guidelines for a reasonable audit at the Annual Business Meeting.

The Committee continued discussion of the investigation of Pennsylvania.

R. Masters stated that if the Commission does find PA in default, they can decide on remedial action at that point.

B. Martinez stated that he does think that the Investigation of the Complaint 1-2006 PA has been reasonable.

R. Masters added that while the Commission does not have to impose a penalty with a finding of default, the Commission can not impose a penalty if the state is not found in default.

L. Lucey moved and W. Theriault seconded to remove the paragraph in the Investigative Report for Complaint 1-2006 PA that reads: “The Commission will notify the state Commissioner, Governor, State Council, Chief Justice or chief judicial officer and the majority and minority leaders of the Pennsylvania legislature of the default and corrective action plan per Rule 6.103.”

Motion Passed.

- W. Theriault moved and L. Lucey seconded a motion to delete “Pennsylvania shall cooperate with the Commission in the completion of an audit of Adult Probation department of Allegheny County with the terms and conditions of the Compact within 1 year from the date of adoption of the proposed sanctions by the Commission,” and replace it with the following language: “Pennsylvania shall cooperate with the Commission in the completion of a reasonable audit of the Adult Probation department of Allegheny County with the terms and conditions of the Rule 2.110 of the Compact within one year from the date of adoption of the proposed sanctions by the Commission.”

Motion Passed

W. Emmer asked if anyone opposed to the finding of Pennsylvania in default and the imposition of the fine. He asked the committee if there were any recommendations.
- Hearing none, the Chair deemed that the finding of default and the fine will stay in the recommendation.

- W. Theriault moved and L. Lucey seconded to grant the full Commission access to all investigative information regarding Complaint 1-2006 PA and mail the Investigative information to all commissioners as a confidential packet.

- Motion passed.

- The Committee began discussion of Complaint 2-2006 TX.

- Discussion began on recessing the meeting until Thursday, August 31, 2006 at 4pm EST.

- L. Lucey moved and W. Rankin seconded to recess the meeting until 4pm EST on Thursday, August 31, 2006.

- Motion passed.

- W. Emmer recessed the meeting at 4:24 pm EST.

- W. Emmer called the meeting back to order at 4:03pm EST on August 31, 2006.

- W. Emmer asked for the members of the Committee to review the letter from Kathie Winckler to the Compliance Committee dated August 31, 2006.

- K. Winckler assured the Compliance Committee that she has been compelling documents and corrective action.

- W. Emmer asked the Committee to look at the Investigative Report for Complaint 2-2006 OH v. TX.

- The Committee discussed K. Winckler’s authority under the Interstate Compact.

- W. Rankin moved and L. Lucey seconded a motion to delete the first paragraph of page 8 of the Complaint 2-2006 OH v. TX as follows:

  Commission will notify the State Commissioner, Governor, State Council, Parole Authority, Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of Texas’s Legislature of the Corrective Action Plan per Rule 6.103(c).

- Motion passed.

- L. Lucey moved and R. Oakes seconded to reduce the fine on Texas to $10,000.
Motion passed.

W. Rankin moved and L. Lucey seconded to adopt language from K. Winckler’s letter to the Compliance Committee dated August 31, 2006 in Investigative Report as follows:

“Proposed Corrective Action:
• Within 90 days after the approval of the recommendation of the Compliance Committee to the Commission, Texas shall submit a corrective action plan to the ICAOS Compliance Committee Chair that addresses the following:

(1) The identification of the magnitude of non-compliance with ICAOS Rule 2.110, the causes of non-compliance and the steps that will be taken to bring Harris County, Texas into compliance within one year of the Commission’s order. The ICAOS Compliance Committee and the State of Texas agree to work together to develop a reasonable plan to accomplish this goal, and to agree to reasonable standards which will evidence Texas’ compliance with this provision. Texas would cooperate with the ICAOS in completing a reasonable audit of the adult probation files of Harris County, Texas. This audit shall be conducted upon terms mutually agreed upon by the ICOAS Compliance Committee and the State of Texas or by utilizing generally accepted standards utilized in audits of this type. Texas will cooperate with ICOAS Compliance Committee in identifying available auditors and auditing standards utilized on files of this type.

(2) The authority of the Compact Commissioner/Compact Administrator to compel compliance to the ICAOS Compact Rules. The ICAOS Compliance Committee is mindful of the fact that the State of Texas (similar to the federal government) utilizes a division of authority between three branches of government. The ICAOS Compliance Committee acknowledges that voluntary cooperation between these branches of government is optimal. The ICAOS Compliance Committee and the State of Texas will work together to develop reasonable means and methods to obtain any records which may be needed by the ICAOS Compliance Committee to conduct investigations and/or complete an audit of the Harris County, Texas adult probation files. The Compact Commissioner/Compact Administrator shall provide the ICAOS Compliance Committee with its’ plan to inform and educate those involved in adult parole and probation in the State of Texas as well as the options available to the Compact Commissioner/Compact Administrator to enforce the ICAOS Compact Rules.

• The Compliance Committee will review the proposed action plan and approve/amend said plan within 60 days of receipt of the action plan.
• Texas will agree to cooperate with the Commission’s efforts to monitor and verify Compliance with the Compact.
• Commission will provide Texas with reasonable technical assistance specified in the approved plan.
- Texas acknowledges that it participated in the preparation of this recommendation, and is prepared to make a commitment to the Commission that it will comply with these conditions.”

  - Motion passed unanimously.

  - W. Rankin moved and R. Oakes seconded to adjourn the meeting.

  - Motion passed.

  - W. Emmer adjourned the meeting at 4:43pm EST on August 31, 2006.