Interstate Commission for Adult Offender Supervision  
Executive Committee Meeting Minutes  
January 10, 2012  
2:00 pm EST  
WebEx

Members in Attendance:
1. Milt Gilliam  Chairman, OK
2. Charlie Lauterbach  Treasurer, IA
3. Chris Norman  AL
4. Sara Andrews  OH
5. Kim Madris  NV
6. Dori Ege  AZ
7. Kathie Winckler  TX
8. Mark Cadotte  OR
9. Mike McAlister  NH
10. Pat Tuthill  Ex-Officio, FL

Members not in Attendance:
1. Kevin Kempf  Vice-Chair, ID
2. Gary Tullock  TN
3. Scott McCaffery  ME

Guest:
1. Edward Gonzales  NM
2. Ethel White  TX
3. Regina Grimes  TX

Staff:
1. Harry Hageman
2. Rick Masters  Legal Counsel
3. Sam Razor
4. Barno Saturday
5. Kevin Terry
6. Mindy Spring
7. Xavier Donnelly
Call to Order
Chairman M. Gilliam (OK) called the meeting to order at 2:01 pm EST. Nine voting members were present, establishing a quorum.

Agenda
Commissioner S. Andrews (OH) moved to amend agenda by adding Beasley Case to Old Business. Commissioner M. Cadotte (OR) seconded.

Commissioner D. Ege (AZ) made an amendment to postpone TTA Revision item until the next meeting.

Agenda approved as amended.

Minutes
Victims’ Representative P. Tuthill inquired clarification regarding the order of the survey results listed in the minutes on page 3.

Commissioner M. Cadotte (OR) pointed out at two misspelled words in the minutes on the page 3 – Fusion and Cadotte.

Commissioner K. Winckler (TX) requested the addition the following to the first sentence of the third paragraph on page 3 – “due to possible change of vendor.”

Commissioner K. Winckler (TX) made a motion to approve the minutes from December 13, 2011 as amended. Commissioner C. Norman (AL) seconded. Minutes approved as amended.

Opening Remarks
Chairman M. Gilliam (OK) stated that 2011 was a busy year and expressed his appreciation for committee members’ time and hard work.

Discussion
Rules Committee: Executive Director H. Hageman informed the Committee that the National Office received appointment letter for Commissioner Cavanaugh (WI), who is a new member of the Rules Committee.

Training Committee Report: Commissioner D. Ege (AZ) presented her report to the Committee.

Past Trainings

Upcoming Trainings
- 2012 Amendment Training – 39 states registered
  - Jan 11th
  - Jan 18th
- Mini-Trainings – Significant Violations, Violent Offenders/Absconders (Debuted December 20th with good feedback) & PC Hearings
  - January 24, 25 & 26
  - February 7, 8 & 9
• TTA Trainings
  o Texas
  o Florida

Work in Progress
• New ICOTS demos for the website. K. Rumbaugh leads this project
• Recommendations for new learning management software
• 2012 ABM training preparations – works closely with K. Madris on scheduling joint meetings with the DCA Liaison Committee
• Jail Administrator Training – H. Hageman provided good contacts

Commissioner K. Schwant (KS) is a new member and the Vice-Chair for the Training Committee.

Technology Committee Report: Commissioner K. Winckler (TX) presented her report to the Committee.

• ICOTS Releases
  o Release 17.0 – Rule amendment release, scheduled for February 29, 2012

• ICOTS Help Desk
  o 201 tickets were created in December, a 23% decrease from November
  o 16 pending tickets are currently awaiting resolution or documentation as a known bug by Appriss.
  o Tickets submitted annually
    ▪ 2011: Over 3,300 (-47% from 2010)

• Public Web Portal had 833 clicks in December (a 22% decrease from November)

• ICAOS Website
  o All website pageviews:
    • December: Over 78,000 (-6% from November)
  o Mobile pageviews:
    • December: Over 2,000 (-55% from November), which accounts for 2.9% of all website traffic. K. Terry noted that the reduction of mobile pageviews represents an increase in actual mobile users but a reduction in the number superfluous pages that they were forced to view due to the launch of the mobile site.

The National Office plans to send out the RFP prepared by SEARCH in the near future.

DCA Liaison Committee Report: Commissioner K. Madris (NV) stated that the last DCA Liaison Committee meeting was cancelled due to lack of quorum. She inquired for suggestions in constituting a forum.

Commissioner M. Cadotte noted that he will put this item on his agenda for the next West Region meeting. He suggested the other region chairs soliciting their members to serve on the DCA Liaison Committee.
Compliance Committee Report: Commissioner M. McAlister (NH) presented his report to the Committee:

- A letter went out to two states involved in the Beasley’s case requesting information they have been provided to the Commission. Commissioner M. McAlister (NH) will update the Executive Committee as it proceeds.

- The Compliance Committee will be meeting in the upcoming months.

- Commissioner M. McAlister (NH) brought to the Executive Committee’s attention the Commission lacks a policy regarding the Executive Committee members recusing themselves from a vote if a discussed matter involves an Executive Committee member’s state.

Legal Counselor R. Masters stated it was historical practice of the Commission – once it is determined that there is a dispute resolution or some type of recommendation for a compliance action, any state directly involved in the issue has historically recused itself from participation in that vote.

Commissioner S. Andrews (OH) supported McAlister’s concern regarding the lack of policy. She stated Ohio felt perplexed that Texas made an unprecedented motion regarding the Beasley case, while the other involved state – Ohio - was not present. She stated that regardless of this motion, Ohio had planned to present the results of its investigation to the Executive Committee.

Commissioner K. Winckler (TX) stated she neglected to observe Ohio was not present during the discussion and the motion.

Chairman M. Gilliam (OK) inquired whether the Committee thinks that if other states that are not the Executive Committee members involved in an issue, they need to be invited to sit in on the Executive Committee meeting.

Commissioner K. Winckler (TX) stated that the states should not be invited to sit in at the Executive Committee meeting because at that stage it is not determined whether or not the state is in noncompliance. She added that she would support the Executive Committee, if it decides to rescind the vote from the last meeting.

Chairman M. Gilliam (OK) stated the intent of the discussed motion was to gather facts regarding the Beasley’s case.

Commissioner S. Andrews (OH) stated Ohio could provide the Executive Committee with the necessary facts, if it were present at the meeting.

Commissioner K. Madris (NV) expressed her support for creating a new policy.

Legal Counselor R. Masters stated there is a possibility the discussed issue may not be covered by the proposed policy.
Commissioner K. Winckler (TX) stated the intent of the motion was to collect information and to create a learning opportunity to improve on current practices.

Commissioner S. Andrews (OH) stated it seemed more appropriate to refer the matter to the Training Committee, rather than the Compliance Committee.

Victims’ Representative P. Tuthill stated that the case was referred to the Compliance Committee due to the nature of the issue and was intended only to collect more information.

Commissioner S. Andrews (OH) stated Ohio planned to provide the results of the investigation to the Executive Committee before the decision was made. However, Ohio was concerned about the Executive Committee’s unprecedented action and why the letter came from the Compliance Committee, rather than the Executive Committee or the Executive Director. She reinstated that she believes that both states should be present for discussion in the future high media profile cases.

Legal Counselor R. Masters reminded the Committee that it is a duty and not a choice of the Commission to monitor states compliance with the Compact. The Executive Committee on behalf of the Commission has an option to request more information without waiting for official complaint to be filed.

**Commissioner M. McAlister (NH) motioned to have Legal Counsel draft a policy for Executive Committee members recusal themselves when involved in an incident.**

Commissioner D. Ege (AZ) suggested revising similar policies that were adopted in the past rather than creating a new one.

Commissioner S. Andrews (OH) stated that there may be a need for creating another policy to address high profile cases.

Chairman M. Gilliam (OK) called for second. **Motion dies for lack of second.**

*Finance Committee Report:* Commissioner C. Lauterbach (IA) stated that as of November 2011 the Commission is operating 7.5% under the budget, the 2011 ABM expenses are under budget and the Commission invested $20K in the Council of State Government’s long term investment portfolio.

*Executive Committee Report:* Chairman M. Gilliam (OK) suggested Committee members think about agenda items for the upcoming face-to-face Executive Committee meeting.

He stated one agenda item is to discuss the details of trainings and other activities for the upcoming business meeting.

Chairman M. Gilliam (OK) called for better communication between the committee members and apologized to S. Andrews regarding the last month's meeting.
Commissioner K. Winckler (TX) expressed her apology to S. Andrews that she did not realize that Ohio was not present at the discussion.

Commissioner S. Andrews thanked the commissioners and stated that the apologies were not necessary.

**Region Reports:**

*South Region:* Commissioner C. Norman (AL) stated the South Region will meet on January 19, 2012.

*Midwest Region:* Commissioner S. Andrews (OH) informed the Committee that the Midwest Region met on November 29, 2011 where it discussed Rule 3.106. Commissioner J. Cavanaugh (WI) was appointed to serve as the Vice-Chair for the Region.

*West Region:* Commissioner M. Cadotte (OR) stated the West Region has not met since the last Executive Committee meeting. The next meeting is scheduled for February 21, 2012. Commissioner M. Cadotte (OR) inquired whether the Region need to appoint a vice-chair as well.

Chairman M. Gilliam (OK) suggested appointing a vice chair for the regions.

Commissioner M. Cadotte (OR) plans to put this item on the next West Region’s agenda.

**Executive Director Report**

Executive Director H. Hageman presented his report to the Committee.

- **Recent commissioners’ appointments:**
  - Received appointment letters for
    - Kim Schwant (KS)
    - Nancy Ware (DC) and
    - Jule Cavanaugh (WI)

- **Compliance Audits**
  - Completed half (seven) of this year’s audits. All seven states have improved, with the exception of compliance to rule 4.106(a).

- **Advisory Opinion Request**
  - Commissioner Seigel (IN) requested an informal opinion regarding out of state treatment programs for veterans. The cases at issue typically fall in the discretionary category; however she is hoping that they can be classified as mandatory so other states do not reject them.
  - Commissioner Plousis (NJ) requested an advisory opinion regarding the transfer and supervision of civil commitment offenders, who were found not guilty by
reason of insanity. PA recently rejected a case on the grounds that there is no finding of guilt.

- **Justice Exchange MOU**
  - K. Winckler, D. Ege and H. Hageman will meet next week to finalize the language.

- **Legislation and Media Attention**
  - **WA Media - Johnnie Lee Wiggins:** Mr. Wiggins transferred from Georgia to Washington in 2008 and was ordered to return to Georgia in 2011 in response to violation of supervision. The media is reporting that after returning to Georgia in August 2011 Mr. Wiggins returned to Washington where he is charged with the murder of a Washington schoolteacher.
  - TN State Representative Julia Hurley introduced legislation to withdraw from the compact. Tennessee is concerned that they receive more compact cases than they send out.

- **Other**
  - National Sheriff’s Association plans to help the Commission to provide trainings for sheriffs.
  - Updating Bench Book
  - GA Corrective Action Plan lacks details
  - MN’s Complaint against GA

**Victims’ Representative Report:** APAI invited P. Tuthill to facilitate a workshop and be a speaker at its conference in May, 2012. Florida Department of Juvenile Justice will cover P. Tuthill’s expenses.

**Legal Counselor Report:** Legal Counselor R. Masters presented his report to the Committee:
- Georgia’s Action Plan lacks timetables and ways to measure its improvement. The Committee will further discuss the issue under Old Business.
  - MN and GA issue – MN requested the issue be handled as a dispute resolution at this stage.
  - The Wiggins’ case (GA-WA). R. Masters noted that media sources posted the ICAOS Incident Report along with their articles regarding this case.

- IN Advisory Opinion request - R. Masters suggested that Indiana refers the issue to the Rules Committee, since under the existing Rules this type of offenders are not qualified for mandatory transfer.
- R. Masters is working on a draft Advisory Opinion that was requested by NJ and PA
- R. Masters contacted NY Compact Office regarding the request from NY legislators who asked the Commission “promulgate a rule to create a procedure to resolve conflicting issues of orders of relief from disabilities, forfeiture and other collateral consequences of conviction between states.”
Old Business

Incident Report Procedure: Commissioner M. McAlister (NH) suggested abolishing the Incident Report since it can be misinterpreted. He added the Commission members rarely use the report.

Commissioner D. Ege (AZ) suggested using Policy 3-2007 instead of the Incident Report to eliminate inconsistencies.

Commissioner D. Ege (AZ) moved to rescind the Incident Report for use. Commissioner K. Winkler (TX) seconded. Motion passed.

GA Corrective Action Plan: Commissioner D. Ege (AZ) stated the need for Georgia to include a timeline and metrics for improvement in its Corrective Action Plan.

Chairman M. Gilliam stated based on H. Hageman and R. Masters’ comments and D. Ege’s direction he requests the National Office to send a letter to the State of Georgia requesting to include in its Correction Action Plan timeline and methods to correct the addressed issues.

Beasley’s Case: Commissioner S. Andrews (OH) stated that Beasley’s case discussion was already covered under the Compliance Committee Report.

Commissioner S. Andrews (OH) pointed out that even though the Beasley and the Wiggins cases are similar the Executive Committee’s actions are inconsistent.

Legal Counselor R. Masters stated although the cases similar, the murder in the Wiggins case happened after the case closure and was no longer under the Compact’s jurisdiction.

Chairman M. Gilliam (OK) agreed with S. Andrews that the issue regarding offender Wiggins return and warrant needs investigation; however, the issue regarding the murder is likely outside of the Compact’s jurisdiction.

Commissioner K. Winckler (TX) stated if there is Compact error allegation the issue needs to be investigated by the Compact.

Commissioner D. Ege (AZ) moved to have the Compliance Committee look into the issue between Washington and Georgia and see evidence including case notes related to the Wiggins’s case. Commissioner K. Winckler (TX) seconded.

Chairman M. Gilliam (OK) expressed concern regarding the investigation of a case that is not under the Compact’s jurisdiction.

Commissioner D. Ege (AZ) spoke for the investigation, stating that the Commission needs to take proactive steps.

Commissioner K. Madris (NV) inquired whether the Commission has a right to request notes and challenge an officer’s supervision outside its jurisdiction.
Commissioner C. Lauterbach (IA) agreed with K. Madris.

Commissioner S. Andrews (OH) indicated that she brought up this issue only with a goal for the Committee to stay consistent.

Victim’s Representative P. Tuthill agreed with D. Ege and S. Andrews to determine if the Wiggins case was a violation of the Compact.

Commissioner D. Ege (AZ) pointed out that in Ohio situation, the Beasley’s case was a closed case as well.

**Motion passed.**

Executive Director H. Hageman will prepare the letters to send to Washington and Georgia.

**Adjourn**
Commissioner S. Andrews (OH) moved to adjourn. Commissioner K. Madris (NV) seconded. The meeting adjourned at 3:51 pm EST.