Interstate Commission for Adult Offender Supervision
Executive Committee Meeting Minutes
March 31, 2010
Hilton Downtown, Lexington, KY

Members in Attendance:
1. Ken Merz Chairman, MN
2. Milt Gilliam Vice-Chair, OK
3. Kevin Kempf Treasurer, ID
4. Kathie Winckler TX
5. Chris Norman AL
6. Linda Janes OH
7. Charlie Lauterbach IA
8. Ed Gonzales NM
9. Mike McAlister NH
10. Wayne Theriault ME
11. William Rankin WI
12. Pat Tuthill Ex-Officio, FL

Members not in Attendance
1. Dori Ege AZ

Guests
1. Scott Blonien WA
2. Governor Christine Gregoire WA
3. Representative Jay Inslee WA
4. Secretary Vail WA

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
Commissioner K. Merz (MN) called the meeting to order at 8:04 am EDT. Eleven out of twelve voting members were present, establishing the quorum.

**Agenda**
The Committee approved the agenda by acclamation.

**Minutes**
Commissioner W. Theriault (ME) made a motion to approve minutes from February 9 and March 16, 2010. Commissioner E. Gonzales (NM) seconded. The motion passed.

**New Business**
- **Washington State Issue:** Chairman K. Merz (MN) explained to the Committee the order of the business in regards to Washington State discussion.

- **ABM Agenda:** Executive Director H. Hageman informed the Committee that number of commissioners suggested a different format for the upcoming business meeting. The Committee discussed the agenda items for 2010 business meeting and different ways to deliver its trainings.

- Commissioner W. Theriault (ME) suggested a group exercise “where do you see the Compact in 5-10 years?”

- Chairman K. Merz (MN) reminded the Committee about its previous discussion to have Region Chairs polling their regions on discussion items that they would like to address at the business meeting.

- Commissioner W. Rankin (WI) suggested scheduling trainings that focus on the top three compliance issues and their solutions.

- Commissioner W. Theriault (ME) suggested scheduling four hours for these types of discussion.

- The Committee agreed to move the reception from the travel day (Monday evening) to Tuesday evening.

- Commissioner W. Rankin (WI) suggested leaving some time for a potential Public Hearing on Tuesday afternoon.

- Commissioner K. Winckler (TX) emphasized the importance of utilizing all the time available at the business meeting for trainings and networking.

- Commissioner E. Gonzales (NM) agreed with K. Winckler and suggested utilizing a full day, rather than a half day for the business meeting.

- Chairman K. Merz (MN) suggested Region Chairs to poll their regions on the issues that concern them and submit the topics to the Training Committee.
**Site Selection for 2011 ABM:** The Committee reviewed the budgets for 2011 Annual Business Meeting sites: Montgomery (AL), Norfolk (VA) and Indianapolis (IN).

Commissioner K. Winckler (TX) made a motion to choose Montgomery, AL as 2011 ABM site. Commissioner W. Theriault (ME) seconded. The motion passed.

**Commissioners Appointment:** Executive Director H. Hageman informed the Committee that Vermont has recently notified the National Office that it is in process of appointing the State Council and the Commissioner of Vermont.

Executive Director H. Hageman reported to the Committee that Puerto Rico had not taken any actions to appoint its Commissioner.

Commissioner M. McAlister (NH) on behalf of the Compliance Committee made a motion to have the Legal Counsel forward a letter to the Governor of Puerto Rico in regards to the obligation to appoint a commissioner. Commissioner C. Norman (AL) seconded. The motion passed.

Commissioner M. McAlister (NH) stated that the Compliance Committee passed a similar motion in regards to the Vermont commissioner, however, considering the new facts he would ask the Committee to defer the action towards Vermont.

**State Council:** The Committee reviewed a table with state councils’ membership prepared by the National Office. Seven states failed to report on their state councils’ membership and meetings.

Commissioner M. McAlister (NH) on behalf of the Compliance Committee made a motion to recommend to the Executive Committee that the Chairman send a letter to the Governor’s of Illinois and Maine (with copies to the Commissioner’s) regarding the state’s statutory obligation to appoint a state council. The letter should also reference the availability of Technical Assistance. Commissioner W. Theriault (ME) seconded. The motion passed.

Commissioner M. McAlister (NH) on behalf of the Compliance Committee made a motion to recommend to the Executive Committee that the Chair send a letter to the states that failed to report their annual state council’s activity reminding of their obligation to follow ICAOS policy. Commissioner M. Gilliam (OK) seconded. The motion passed.

**National Office Ethic Policy:** The Committee reviewed the National Office Ethic Policy prepared by the National Office. The Committee amended the policy.

Commissioner M. Gilliam (OK) made a motion to adopt the National Office Ethic Policy as amended. Commissioner E. Gonzales (NM) seconded. The policy was adopted.
Chairman K. Merz (MN) suggested looking over the resolution from the Resolution Sentencing Guideline Committee that was adopted on March 1 and a letter from Representative Inslee prior to the Washington State’s teleconference.

Commissioner K. Kempf (ID) informed the Committee that Idaho Criminal Justice Commission was in support of Washington’s request to amend the Rules with two suggested proposals.

Commissioner W. Rankin (WI) shared with the Committee his motion to create an Ad Hoc Committee on Violations and Retaking that he plans to make after the Washington State’s teleconference.

Executive Session- Personnel: The Committee went into the Executive Session to discuss the National Office personnel issues.

Committee Reports
Rules Committee Report: The Rules Committee met on January 28, 2010 and discussed its business calendar, Federal MOU issue, the Advisory Opinion 1-2009 and issues for future discussions. The Rules Committee has a meeting scheduled for April 15, 2010.

Training Committee Report: Commissioner M. Gilliam (OK) presented the Training Committee report to the Committee:

- He updated the Committee on recent and future training plans:
  
  **Rules Training**
  - February 16 & 17 (144 attendees)
  - March 16 & 17 (210 attendees)
  - March 24 & 25 (76 attendees)

  **Upcoming Rules Trainings**
  - April 5 & 6
  - April 19 & 20
  - April 28 & 29

  **TTA for Georgia Probation** (6 sessions)

The Committee reviewed on-demand usage by month.

The Training Committee is working on training bulletin for re-submittals, preliminary planning for DCA Training Institute and ICOTS WebEx trainings.

Technology Committee Report: Commissioner K. Winckler (TX) informed the Committee that she appointed Commissioner M. Cadotte (OR) as a vice-chair of the Technology Committee. Commissioner M. Cadotte (OR) will be chairing the next Technology Committee meeting on April 7, 2010.

The Committee reviewed ICOTS usage statistics as of March 29, 2009.
The Committee reviewed the Release 9.0/Public Portal that launched on March 1, 2010. The release included:

- Print-all functionality for all users
- Fix NOA submission issue
- County search functionality for workload and reports
- In accordance with new rules changes:
  - Rule 3.101-1(c) – Update ‘employment transfer of family’ transfer reason
  - Rule 3.101-1(d) – Add ‘employment transfer to another state’ transfer reason
- In accordance with new rules changes:
  - Rule 3.104 – Update time allowed for investigation
  - Rule 3.107 – Require offender application as an attachment
  - Rule 4.106 – Specialized CAR request for progress report
- The Public Portal had 126 hits since its launch.

The Release 10.0 scheduled for May 19, 2010. The Release will include edit offender demographics, move case functionality, management of the special statuses in offender profile, removal case information on withdrawn TREQs, RFRIs, and violation reports from criminal cases tab & future compact activities.

Currently, there are 111 outstanding items
- 18 items scheduled for upcoming releases
- 93 items not yet scheduled

Commissioner K. Winckler (TX) along with the National Office is working on reviewing the Appriss contract for the next year.

- Appriss call center
  - 2,939 tickets; 11 per day
- National office
  - 6,227 tickets; 24 per day
- Totals tickets
  - 9,166 tickets; 35 per day
- Total users
  - 30,741; 580 per state

Commissioner W. Theriault (ME) requested to send an email to states explaining when they need to contact the National Office and when they need to contact Appriss. Commissioner W. Rankin (WI) suggested adding this information to the ICOTS on Demand training.

ICAOS Website Project update:
- Major redesign
  - Based on feedback from commission
  - Launched Monday, 2/15/2010
– Received positive feedback from many commission members
  – 108,298 unique visitors; 311 per day
  – 486,456 visits; 1,333 per day
  – 1.5 million page views; 4,108 per day

The Technology Committee reviewed states’ reports of significant slowdown in ICOTS. Appriss investigates every case and tends to say that these issues occur due to the states’ internal network restrictions. Commissioner K. Winckler (TX) suggested contracting a third party vendor to seek ICOTS performance monitoring.

Commissioner K. Winckler (TX) made a motion to authorize Executive Director H. Hageman to proceed pursuing vendors to monitor ICOTS performance that will not exceed $10,000. Commissioner W. Theriault (ME) seconded. The motion passed.

Compliance Committee Report: The Compliance Committee covered the update during New Business.

DCA Liaison Committee Report: The DCA Liaison Committee is working on the 2010 DCA Training Institute. Recently, the Committee had a joint meeting with the Training Committee where the institute’s training plans were discussed.

Chairman K. Merz (MN) suggested including DCAs into the upcoming rules discussions as well.

Finance Committee Report: Commissioner K. Kempf (ID) presented the FY 12 budget to the Executive Committee. He pointed out that the Commission was operating 7% below the budget because of the National Office efforts.

The Finance Committee will be meeting in the upcoming months.

Commissioner K. Kempf (ID) made a motion to recommend the FY 12 budget to the full Commission at the Annual Business Meeting in October 2010. Commissioner W. Theriault (ME) seconded. The motion passed unanimously.

Executive Committee Report: Chairman K. Merz (MN) will be making official appointments for the Ad Hoc Dues Committee shortly. Commissioners K. Kempf (ID) and M. Gilliam (OK) will put together a strategy for this Ad Hoc Committee.

Commissioner K. Winckler (TX) suggested including a member from a large state like California, Texas, New York or Florida to this Committee.

Region Reports: East Region will be meeting on April 22, 2010. Commissioner W. Theriault (ME) informed the Committee that R. Maccarone is presenting his proposal on Complete Transfer.
The National Office on behalf of the East Region sent out a survey on ICOTS slowdown to the East Region. The survey due date is April 12. Commissioner K. Winckler (TX) informed W. Theriault (ME) that the Technology Committee was paying a close attention to this problem and would like to review the results of the survey.

South Region met on January 21, 2010. There was no quorum at this meeting. The Region discussed the Audit Standards policy and other issues. States shared their news and updates with the Region. The South Region will meet again on April 22, 2010.

Midwest Region: Commissioner L. Janes (OH) informed the Committee that she is to be the new Assistant Director for the Ohio Department of Rehabilitation and Correction. Deputy Director S. Andrews is waiting on her commissioner appointment letter from the Governor’s office. L. Janes will be sending an email out to the Midwest Region to establish an interim chair.

West Region: Commissioner E. Gonzales (NM) informed the Committee that the West Region had not met since the last Executive Committee meeting.


Victims Representative Report
Victims’ Representative P. Tuthill (FL) requested the Committee to defer the Ad Hoc on Victim’s issues topic until a later meeting.

Victims Representative P. Tuthill (FL) raised a question of the victims’ notification system and expressed her concerns about the implementation of the Rule 3.108. She believes that victims’ notifications should be sent at the time of request and at the time of offender’s arrival to the receiving state since now this information is available through ICOTS.

Victims’ Representative P. Tuthill (FL) complemented the Technology Committee on the Public Portal.

Commissioner K. Winckler (TX) had recently discussed the integration of victims’ notification with ICOTS issue with X. Donnelly. The Technology Committee will be reviewing this possibility at its June meeting.

Legal Counsel R. Masters suggested doing a research on how different or alike the current notification procedures in different states are.

Commissioner W. Theriault (ME) expressed his concerns about liability of the state, mentioning that sometimes it is impossible to find the victim.

Commissioner W. Rankin (WI) suggested finding out what the percentage of the victims’ sensitive cases were actually victims sensitive cases. He supports the idea of automated notification process through ICOTS.
Commissioner K. Winckler (TX) suggested including the proper marking of the victims’ sensitive cases into training.

Commissioner K. Winckler (TX) suggested the National Office launching a survey to states on victims’ offices and their functions.

Chairman K. Merz (MN) advised the Region Chairs to collect this information from their regions. Victims’ Representative P. Tuthill will prepare the information that needs to be requested from the states. She will also write a proposal for an Ad Hoc Committee that will study this issue.

**Legal Counsel Report:** Legal Counsel R. Masters expressed his concerns about the upcoming Complete Transfer proposal by R. Maccarone. He is not sure how it will work constitutionally.

Legal Counsel R. Masters informed the Committee that California passed a new statute – that will allow California to release certain number of non-violent offenders without supervision. California asked the National Office to make an announcement to the rest of the Commission members. Legal Counsel R. Masters has reservations about the details of this supervision. Executive Director H. Hageman is waiting on more detail of the statute from DCAF. Torres (CA).

**Commissioner K. Merz (MN) made a motion to provide H. Hageman, M. Spring, X. Donnelly, B. Saturday and S. Razor with 3% pay adjustment and K. Terry with 4% pay adjustment. Commissioner W. Theriault (TX) seconded. The motion carried unanimously.**

**Washington Teleconference:** K. Merz, K. Winckler, H. Hageman and R. Masters met with the Washington Governor’s office, US Representative and State Senator’s staff in Olympia, Washington on February 18, 2010 to discuss the Clemmons issue. During this meeting, Chairman K. Merz (MN) invited Secretary E. Vail and a Washington Governor’s office representative to attend the face-to-face Executive Committee meeting in Lexington, KY on March 31, 2010 to address their concerns.

Governor Gregoire (WA) thanked the Executive Committee for its time stating that public safety is the priority for the Washington State. She mentioned that the Washington State did not blame anybody but offender Clemmons in the tragic events.

Governor Gregoire (WA) asked the Committee to put together a group to review the proposed by Washington rule changes.

Chairman K. Merz (MN) assured the Governor that the Commission would have an open and detailed discussion on the Washington proposals.

Secretary Vail (WA) stated that the Washington State would like the Commission to accept its proposed message altering the wording if necessary. He emphasized the importance to improve the system.
The Committee discussed the proposed amendments.

Commissioner K. Kempf (ID) made a motion to review two requests from the Washington State with results presented at the Annual Business Meeting 2010. Commissioner C. Norman (AL) seconded.

The motion was withdrawn.

Commissioner W. Rankin (WI) made a motion to create the Ad Hoc Committee on Violations and Retaking. Commissioner W. Theriault (ME) seconded. The motion passed unanimously.

The Executive Committee hereby authorizes creation of the ad hoc Committee on Violations and Retaking. The ad hoc committee is directed to study the question:

Do the ICAOS Rules provide adequate authority and sufficient clarity, in regard to procedures for responding to violations and retaking of offenders, to ensure public safety, provide due process to offenders and balance the legitimate interests of the sending and receiving states?

If the ad hoc committee determined that the current rules are inadequate or insufficient. The ad hoc committee shall submit proposals to create or amend existing rules. The ad hoc committee shall include in its deliberations consideration of proposals recommended by the State of Washington.

The ad hoc committee shall consist of the following members appointed by the Chair of the Intestate Commission for Adult Offender Supervision (ICAOS):

Chair: Commissioner M. Gilliam (OK), Vice-Chairman, ICAOS
Commissioner M. McAlister (NH), Compliance Committee Chair, ICAOS
Commissioner W. Rankin (WI), Rules Committee Chair, ICAOS
Commissioner D. Ege (AZ), Training Committee Chair, ICAOS
Commissioner J. Blonien (WA), ICAOS
Commissioner – TBD
Ex-officio – TBD (non-voting member)
Ex-officio – TBD (non-voting member)
Legal Counsel R. Masters

The ad hoc committee is authorized to convene a 2 day meeting and such additional WebEx meetings as are necessary to complete its business.

The ad hoc committee is directed to submit its report to the Executive Committee at the May, 2010 meeting.

Adjourn
Commissioner E. Gonzales (NM) made a motion to adjourn. Commissioner K. Kempf (ID) seconded. The motion passed.

The meeting adjourned at 4:13 pm EDT.