INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

EXECUTIVE COMMITTEE MEETING

Tuesday, April 5, 2005

Lexington, Kentucky

Committee Members in Attendance:

1. David Guntharp (AR)
2. Joe Kuebler (GA)
3. Milt Gilliam (OK)
4. Ann Hyde (SC)
5. Ben Martinez (PA)
6. Dori Ege (AZ)
7. Genie Powers (LA)
8. Ed Ligtenberg (SD)
9. Harry Hageman (OH)
10. Pat Tuthill (ex-officio)

Committee Members Not in Attendance:

1. Warren Emmer (ND)

Staff

1. Don Blackburn
2. Ashley Kenoyer
3. Kelli Price
4. Sheila Perry
5. Mindy Spring
6. Rick Masters
• D. Guntharp, Chair, called the meeting to order at 8:40 a.m. EST. 9 members were present, establishing a quorum.

• D. Guntharp gave an overview of the agenda for the day. Motion to approve the agenda made by E. Ligtenberg, seconded by G. Powers; passed unanimously.

• Motion to approve the March 15, 2005 minutes was made by J. Kuebler, seconded by D. Ege.

**Technology**

• J. Kuebler recognized the Technology Committee members and assistants, presented an overview of goals of the Technology Committee, and meetings held:
  - 2 JAD sessions
  - Conference calls
  - Rules Committee (drafting for NACIS)
  - H. Hageman contacting states for readiness for NACIS

• J. Kuebler presented a NACIS update:
  - Implementation: December 1, 2005
  - System to be ready July 1, 2005
  - Model will be ready Mid-April
  - Drop dead date for legacy files: June 2006
    - D. Guntharp noted that if legacy files are active, they would have to be entered.
    - D. Blackburn stated that there may be federal money to assist in getting legacy files entered into NACIS and for integration.
  - Challenges:
    - User information
    - Training
    - Developing a solid timeline

• H. Hageman noted that states do not have to interface to use the system.

• D. Blackburn stated that states should set up the least amount of users as they have to.

• Discussion of tiered implementation plan. OK (M. Gilliam), SD (E. Ligtenberg), LA (G. Powers), & SC (A. Hyde) stated that they may be willing to test and ensure minimum data sets are in place.

• D. Blackburn stated he will ask SoftScape for test scripts to be tested and approved by the Technology Committee.

• Discussion of rules changes related to the implementation of NACIS. J. Kuebler stated that the Technology has agreed to use NACIS without attachments and information would have to be typed in. There will be a field for conditions and a picture upload that will need to be required.

• D. Blackburn suggested having a deputy demonstrate NACIS at the Annual meeting in September.
• D. Guntharp remarked that the Technology Committee will need 1 hour for presentation at Annual meeting.

Rules

• M. Gilliam stated that the Rules Committee has held 1 face-to-face meeting and 1 teleconference. An agenda and goals have been set.
  ▪ 1st objective is to work with Technology Committee on rule changes for NACIS.
  ▪ 2nd objective is to present a new process for rule passing/amending. Goal is to have no floor amendments.
    • Preliminary drafts out April/May for comments
    • Final draft sent out June/July before annual meeting
  ▪ At March meeting Richard Stroker attended on a grant from NIC to assist Rules Committee and has prepared a report for the Rules Committee which will be attached to the Rules Committee agenda.
• D. Guntharp suggests that new rule adoption process should be 1st item on the agenda for Annual meeting; R. Masters noted that Robert Rules of Order: 1st Rule: “How to adopt a rule” would have to be suspended to supplant new procedure for rule adoption.
• D. Ege suggests providing cover letter when draft of new amendment or rule is sent out to promote feedback. E. Ligtenberg recommends getting proposed rules out in advance to State Councils and through region meetings.
• H. Hageman expressed concern of not having the authority to amend rules at annual meeting. D. Guntharp clarified process that amendment opportunities will be before the final draft is written and after rule is voted up or down.
• H. Hageman suggested a time limit for debate.
• E. Ligtenberg recommended rules being the last item on the agenda for 1st day.
• M. Gilliam stated the rules committee is working on a time frame for getting proposed rules and rule amendments to the Rules Committee-Rule 2.109.
• D. Guntharp suggested that Region chairs take initiative to explain proposed rule adoption process.
• D. Ege recommended posting proposed rules on the website for comments.
• J. Kuebler noted that there are 3 ways Commissioners can propose new rules or amendments:
  • Region
  • Committees
  • Annual Meeting
• E. Ligtenberg stated that “the Rules Committee is a servant of the Commission, not a gatekeeper”
• M. Gilliam noted that it is important the Commissioners are “involved” in new process.
• H. Hageman inquired if there was a way to make sure Commissioners read proposed rule drafts. D. Blackburn will look into some survey software.
• M. Gilliam stated that the 3rd priority of the Rules Committee is to address interpretation issues coming into the National Office.
• D. Guntharp announced that Region chairs may mention new proposed process of rule amending/proposing to Commissioners in their regions.
• M. Gilliam stated that the Rules Committee is working on 15-20 rules. Most are clean-up & 4-5 are major rewrites.
• M. Gilliam noted that the Rules Committee will need 2 hours at Annual meeting.
• Discussion of having region meetings before rules: to explain process and rules that will be proposed.

Training

• *See Attachment 1*
• A. Hyde announced that the training and PowerPoint presentations have been updated on the website.
• The Executive Committee was given a copy of the Bench book and A. Hyde noted that it is exceptional. D. Blackburn stated that S. Perry is working out the bugs in the electronic link copy.
• A. Hyde requested that the Executive Committee review the Handbook so it can be posted on the website.
• A. Hyde announced training dates for FY04-05 and FY05-06 and 05/06 budget considerations.

Compliance

Tennessee litigation

• R. Masters announced that the US District Court granted a preliminary injunction against Tennessee without a hearing effective April 1, 2005. D. Blackburn posted bond and Tennessee is subject to contempt if they do not comply. Sanctions could include fines or imprisonment. No word on an appeal.
• D. Blackburn stated this will be posted on the website.
• R. Masters stated legal bills will be submitted to Tennessee, and Tennessee should cut a check to the Commission.
• R. Masters noted that the Rules Committee has received a proposed rule that would allow fee shifting if a state sues and they do not prevail.

Pennsylvania

• R. Masters stated that the District Court of Appeals did not grant the motion to return attorney and court fees to the Commission.
• Motion to dismiss all matters concerning the Pennsylvania lawsuit made by D. Ege, seconded by M. Gilliam, passed.

SoftScape Demo

Terry Borjeson & Courtney Corwin

• Demo of NACIS was presented.
• System will be release when BRT is signed.
• A test script will be release to Technology Committee for the model.
• SoftScape announced they have scheduled a conference call with FBI on April 6, 2005 to assess security issues.
• Comments of Executive Committee regarding the demo
  o Discussion of the use of the word “expedited”
  o D. Ege: need ability to choose more than 1 option on Reason for transfer.
  o Discussion of populating old information with a new application.
  o Discussion of address changes; may not be an issue.

Finance

• Motion to adopt salary schedule presented by H. Hageman made by E. Ligtenberg, seconded by H. Hageman, motion passed. 1 descending vote by B. Martinez.
• G. Powers presented budget.
• D. Blackburn presented budget adjustments.
• D. Blackburn noted that the national office has been working with Tom Henderson for obtaining grants. A. Kenoyer and M. Spring wrote a $1 million grant and working with Senator Hatch and Senator Spector to get it awarded. D. Blackburn requested assistance from B. Martinez for support in Pennsylvania.
• G. Powers noted that D. Blackburn has gotten CSG contract down to 13.5% and is working to get it down to 10% for next year, held Committee meetings in Lexington, and reached out to sponsors to publish the Annual Report.
• D. Blackburn noted the without an increase in revenue, there is nothing to justify CSG decreasing the contract %.
• Committee budget adjustments:
  o Executive Committee decreased to $17,500
  o Rules Committee increased to $20,000 (1 face-to-face & teleconferences)
  o Technology Committee increased to $60,000 (database training)
  o Training Committee increased to $97,500 (compact training, bench book, train-the-trainer, & new Commissioner training)
• Discussion of Bench book costs: $31,000 for production. (does not include shipping) D. Guntharp suggested imposing a charge if not for a judge or prosecutor.
• Motion to request a charge for the bench book and shipping if requested by person other than a judge, prosecutor, or Commissioner made E. Ligtenberg, seconded by A. Hyde. Motion passed.
• Discussion of handbook. D. Blackburn suggested reaching out for sponsors to print handbook. D. Guntharp stated that for budgetary reasons the handbook will be sent electronically and not printed.
• Discussion of an increase in dues to assess the fixed costs for the database. D. Guntharp stated that the original budget did not reflect costs for the tracking system.
• Motion to present a 2% increase in dues to the Commission at the Annual Meeting to go into effect January 1, 2006 for a 1% increase for FY06 and 2%,
thereafter made by H. Hageman, seconded by G. Powers. Motion passed unanimously.

Compliance *Warren Emmer via telephone*

- W. Emmer stated that the Compliance Committee will need 10-15 minutes at the Annual meeting for presentation.
- W. Emmer requested to budget for 1 onsite meeting and 3 conference calls for the next fiscal year.
- W. Emmer commented on Tennessee injunction and the Washington dispute regarding misdemeanants.
- D. Blackburn noted that he is currently working to resolve a dispute with Rhode Island and Florida.
- W. Emmer stressed the importance of Commissioners working together.

East Region

- B. Martinez stated he is organizing a meeting for May.
- B. Martinez noted Massachusetts is studying a bill to pass Compact legislation.
- D. Blackburn stated that CSG is reaching out to Massachusetts.
- B. Martinez noted he has solicited comments from the East Region and has received no response.

South

- J. Kuebler announced the South Region has had 3 teleconferences in 2005 with good attendance. Many deputies attended the meetings. Anticipates a follow-up meeting from Executive Committee meeting next month.

Mid-West

- E. Ligtenberg announced the next meeting will be scheduled at the end of April.

West

- D. Ege stated that the region had 2 meetings, scheduled every 60 days. The next meeting is scheduled for May 24th.
- D. Ege noted the region meetings are a way to work out issues, has good attendance with Utah and New Mexico not usually in attendance.

- E. Ligtenberg noted that Missouri has requested to join the Mid-West meetings. D. Guntharp stated that there is no reason not to allow states to listen. Region meeting are posted on the website.
- D. Guntharp requested a reminder be sent out to regions regarding election for regional reps.

**Victim’s Representative Report**

- P. Tuthill reported attending APPA Victim Issues Committee meeting.
- P. Tuthill noted identifying other groups to coordinate support for Congressional funding and to provide workshops to promote public safety and present a database overview.
- P. Tuthill announced “Victim’s Right Week” in Florida and has established the “Peyton Tuthill Foundation” that is a scholarship fund for survivors.
- P. Tuthill stated she has been asked to speak at NOVA but is declining.
- D. Blackburn suggested P. Tuthill contact the National Office for assistance in reaching out to Commissioners.

**Executive Director’s Report**

- Discussion of “who to call ‘ex-officios’”  D. Guntharp noted that NIC, APPA, and, APAI have been added to invitee list for the ICAOS Annual Business meeting and suggested calling these attendees something else besides ex-officios because of expense. This needs to be clarified.
- Motion to pay the expense for P. Tuthill to travel to the ICAOS Annual Meeting as well as 2 additional meetings to represent the Commission as the Victim’s Representative made by A. Hyde, seconded by D. Ege. Motion passed unanimously
- D. Blackburn noted the Commission is proposing to decrease the contract with CSG to 10%.
- D. Blackburn noted that staff accomplishments for the year and is pleased with the National Office progress.
- D. Blackburn stated he is working on getting R. Masters certified to practice in D.C.
- D. Blackburn noted that working with State Councils has been beneficial.

**New Business**

- Discussion of the Annual Meeting Agenda
  - D. Guntharp noted there will be New Commissioner training before the business meeting; a public hearing will be scheduled 4-6 on Monday before the meeting.
  - D. Ege suggested requesting a Chief Justice to speak to the Commission as a welcome to begin the meeting.
  - D. Guntharp stressed the importance of the “Orders of the Day”
• E. Ligtenberg suggested prepping each region in a region meeting on how to vote.
  o R. Masters suggested adding “Public Comments” under New Business.
  o D. Ege announced she is working on gift bags to hand out.
• Discussion of the use of NACIS by non-member states.
  o Motion to explore assessing a user fee for non-member states to use NACIS made by B. Martinez, seconded by J. Kuebler. Motion fails.
• Discussion of allowing vendors at Annual Meeting
  o J. Kuebler suggested that D. Guntharp appoint a sub-committee to research.
  o D. Blackburn stated a policy would need to be developed and that the number and types of vendors should be limited.
  o R. Masters noted that influence on Commissioners would need to be limited because of lobbying laws.
  o J. Kuebler suggested getting input from regions and get feedback to D. Blackburn. D. Guntharp stated this will be presented at Annual Meeting and G. Powers will work with D. Blackburn on the specifics.

Adjourn

• Motion to adjourn made by D. Ege, Seconded by B. Martinez. Meeting adjourned at 4:40 pm
Interstate Commission for Adult Offender Supervision

Training, Education & Public Relations Committee Report
April 5, 2005

Curriculum & Publications:
✦ Training Outline and Power Point Training presentation updated
✦ Bench Book for Judges & Court Personnel completed for publication. Survey sent to Court Administrators for each state to determine what form of the publication needed for judges (on-line vs. hard copy).
✦ Handbook completed for publication. Printing/distribution will not occur until FY05-06.

Training Delivered/Scheduled FY04-05:
✦ Judicial Training: Ohio, Nebraska, Kansas, Arkansas, California & Arizona
✦ State Council Training: Wyoming, California, Kansas, Kentucky, Arkansas & Utah
✦ July - APPA, Orlando (Milt/Ann)
✦ February - APPA, Anaheim (Don/Dori)
✦ April/May - Texas Probation (4 regional sessions - Dallas, San Angelo, Houston & San Antonio) (Dori/Don/Milt/Ann)
✦ April - APAI (Don/Joe)
✦ Prosecutor's Training - Arkansas
✦ June - National Train The Trainers, Lexington, KY (Don/Ann)

Training Scheduled FY05-06:
✦ July - APPA, New York City (Don/Ann)
✦ July - Judicial Training - Illinois
✦ September - New Commissioner Training, Phoenix
✦ October - National Database Training
✦ January - APPA, Austin
✦ Judicial Training for Puerto Rico requested but details not yet worked out

Budget Considerations for FY05-06:
✦ Estimate 2 training sessions per month with 2 trainers per session
✦ Printing/distribution of the Bench Book
✦ Printing/distribution of the Handbook
✦ National Database Training - 1 representative per state and 2 per split state
✦ Additional costs for annual meeting associated with New Commissioner Training

Submitted by:
D. Ann Hyde, Chair