Executive Committee Meeting Minutes
April 17, 2012
Hyatt Regency Hotel
Lexington, KY

Members in Attendance:
1. Milt Gilliam Chairman, OK
2. Kevin Kempf Vice-Chair, ID
3. Charlie Lauterbach Treasurer, IA
4. Sara Andrews OH
5. Chris Norman AL
6. Gary Tullock TN
7. Dori Ege AZ
8. Mark Cadotte OR
9. Mike McAlister NH
10. Scott McCaffery ME
11. Kim Madris NV
12. Pat Tuthill Ex-Officio, FL

Members not in Attendance:
1. Kathie Winckler TX

Staff:
1. Harry Hageman
2. Sam Razor
3. Rick Masters Legal Counsel
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 8:03 am EDT. Eleven voting members were present, establishing a quorum.

Executive Director H. Hageman introduced the idea of using a QR code for meetings – a two dimensional barcode that can be linked to data or internet-based information without typing the
web address into a mobile device. The QR codes can potentially save money on printing and shipping documents to face-to-face meeting sites and attendees. In addition, attendees can download meeting documents to their mobile devices for their convenience. The Executive Committee members used their mobile devices to test the QR codes.

**Agenda**
Commissioner G. Tullock (TN) moved to approve the agenda as written. Commissioner M. Cadotte (OR) seconded. Agenda approved as written.

**Minutes**
Commissioner G. Tullock (TN) moved to approve the minutes from March 13, 2012 as written. Commissioner K. Madris (NV) seconded. Minutes approved as written.

**Discussion**
Rules Committee: Commissioner G. Tullock (TN) stated the Rules Committee had two meetings since the last Annual Business Meeting - on December 15, 2011 and February 16, 2012. It will meet again via WebEx on May 17th and face-to-face on August 27th, 2012.

The Rules Committee has added seven new members since the last Annual Business Meeting.

At the last Annual Business Meeting, the Commission considered an amendment to Rule 3.101-3 proposed by the East Region. The amendment described the transfer of sex offenders and the pending receiving state’s responsibilities in assisting the offender finding suitable housing. After reviewing the amendment, the Rules Committee agreed that it had unclear language recommending against the adoption of the amendment. The Commission voted it down. The Rules Committee made a recommendation to form an ad hoc committee to look into this issue. After reviewing the subject, Chairman Gilliam decided to forward the amendment back to the East Region to rewrite and resubmit it to the Rules Committee. Commissioner G. Tullock attended an East Region meeting and advised the Region about Chairman’s decision.

The South Region’s amendment to Rule 3.107 was defeated at the last Annual Business Meeting. Florida, which authored the amendment, decided not to pursue a rewrite at this time.

Several states contacted the Rules Committee with a proposal on the transfer of offenders who are the U.S. military veterans and who were being sent by the U.S. Veteran Affairs to facilities for treatment for extended (over 45 days) periods of time. Some states do accept these cases as discretionary cases, while others do not. When a state declines the case, it complicates the matter of the veterans receiving the care they need. The committee discussed several options for wording of Rule 3.101(f) that would make such a transfer mandatory for as long as the offender was in the facility and only if the offender could not receive such care in the sending state. The committee will continue working on this rule and will offer it for consideration at the 2013 Annual Business Meeting.

Commissioner Ege submitted a request for an advisory opinion to the Rules Committee - whether the act of a receiving state’s acceptance or issue of reporting instructions under Rule 3.105 can trigger the early release of an offender in the sending state. The Executive
Committee received a draft copy of the Advisory Opinion from Legal Counsel. The Opinion is clear that the acceptance or issuance of reporting instructions does not “set” or “reset” the release date and the rule clearly anticipates that the 120-day time limit presupposes a release date has been set.

Compliance Committee Report: Commissioner M. McAlister (NH) stated that the Compliance Committee met twice since the last Annual Business Meeting.

While reviewing the Wiggins’ and Beasley’s cases, the Compliance Committee discovered conflicts with the interpretation of Rule 5.101, 5.103 and 5.111.

Commissioner D. Ege (AZ) stated that the Training Committee trains to implement these Rules as it was presented by Legal Counsel. She spoke against the necessity to issue an advisory opinion.

Commissioner M. McAlister (NH) stated that it appears unconstitutional to hold an interstate offender in jail on a no bail warrant without a reasonable time limit, while waiting for their charges to resolve.

Commissioner S. Andrews (OH) spoke for issuing an Advisory Opinion by the Compliance Committee.

After reviewing the Wiggins’ case, the Compliance Committee passed the following motion: “the Compliance Committee finds Georgia in violation of Rule 5.103-2 (Mandatory Retaking) and recommends that the Executive Committee consider this violation along with those which are currently part of a corrective action plan. The Committee concurred in the discussion that the Washington murder did not have a direct nexus to the rule violation; that the finding of noncompliance was based on the Georgia CAR report dated May 24, 2011. The committee encourages the two states to improve communications.”

Commissioner M. McAlister (NH) moved the Executive Committee find Georgia in violation of Rule 5.103-2 and considers it as part of Georgia’s pending corrective action plan. Commissioner M. Cadotte (OR) seconded.

The Committee decided to go into the Executive Session to discuss the details of the motion.

Commissioner D. Ege (AZ) moved to go into the Executive Session. Commissioner S. Andrews (OH) seconded. Motion passed.

Commissioner G. Tullock (TN) moved to exit the Executive Session. Commissioner S. Andrews (OH) seconded. Motion passed.

The Committee took votes on the previously made motion. Motion passed.

Commissioner M. McAlister (NH) will work with Legal Counsel and the National Office on drafting the advisory opinion.
Commissioner M. McAlister (NH) stated that at its last meeting, the Compliance Committee adopted the following motion: “the Compliance Committee finds Maine, New Mexico, the Virgin Islands and Puerto Rico in non-compliance with the obligation to appoint a state council and recommends that the Executive Committee direct Legal Counsel to send a 90 day warning letter to the Commissioner and Governor of each state. The letter should reference prior commission communication on this item, where applicable.”

Commissioner M. McAlister (NH) moved to find ME, NM, PR and VI in non-compliance for not appointing a state council and directs legal counsel to send a 90-day warning letter to the Commissioner and Governor of each state. Commissioner K. Kempf (ID) seconded.

The Committee decided to go into the Executive Session to discuss the details of the motion.

Commissioner D. Ege (AZ) moved to go into the Executive Session. Commissioner M. Cadotte (OR) seconded. Motion passed.

Commissioner S. Andrews (OH) moved to exit the Executive Session. Commissioner S. M. McAlister (NH) seconded. Motion passed.

The Committee took vote on the previously made motion. Motion passed.

DCA Liaison Committee Report: Commissioner K. Madris (NV) stated the DCA Liaison Committee set its meeting dates: May 10, August 9, November 8, 2012 and February 7th, 2013. Commissioner C. Placek (ND) agreed to serve as the Vice-chair.

Commissioner K. Madris (NV) will be working with the Training Committee on establishing meeting dates to discuss Annual Business Meeting’s trainings.

The DCA Liaison Committee plans to implement regional meetings for the Deputy Compact Administrators. These regional meetings would provide DCAs with a forum to voice concerns, collaborate, and work out any issues. Each scheduled DCA Regional meeting would be attended by a member of the DCA Liaison Committee from that particular region. The region DCA chairs would report back to the full DCA Liaison Committee their observations and any concerns addressed in the regional meeting.

Finance Committee Report: Commissioner C. Lauterbach (IA) stated that the Commission is operating 9.5% under budget for this fiscal year. The Commission continues to invest in the Council of State Governments’ long-term investment portfolio.

Technology Committee Report: Commissioner M. Cadotte (OR) presented the Technology Committee report to the Committee.

- The Technology Committee met on March 27, 2012
- ICOTS Releases
  - Release 17.0 – Rule amendment release, launched on February 29, 2012
  - Changes based on cases closure notices are functioning correctly
- No new bugs reported so far
- ICOTS RFP
  - Downloaded 120 times since being published on February 13th
- JusticeXchange MOU was signed by the Commission and Appriss, Inc.
- APPA Grant – Fusion Center Data Exchange project had problems with financing a hosting site. The problem was resolved by developing a shared hosting site with the institute for intergovernmental research.
- ICOTS Help Desk
  - 201 tickets were created in February, a 5% decrease from January
  - 21 pending tickets are currently awaiting resolution or documentation as a known bug by Appriss.
  - Public Web Portal had 1,039 clicks in February (a 2% increase from January)
- ICAOS Website
  - All website pageviews:
    - January: Over 95,000 (+4% from January)
  - Mobile pageviews:
    - January: Over 2,200 (+5% from January), which accounts for 2.6% of all website traffic

**Commissioner M. Cadotte (OR) moved to accept the RFP from Appriss for a three year contract as proposed. Commissioner D. Ege (AZ) seconded.**

The Committee decided to enter the Executive Session to discuss the details of the submitted proposals.

**Commissioner M. Cadotte (OR) moved to enter the Executive Session to discuss pending ICOTS contracts. Commissioner S. Andrews (OH) seconded. Motion passed.**

**Commissioner M. Cadotte (OR) moved to exit the Executive Session. Commissioner C. Norman (AL) seconded. Motion passed.**

The Committee voted on the previously made motion. **Motion passed.**

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

**Training Stats**
- General Rule
  - March 22nd (96 attendees including attorneys and judges)
- Mini-Trainings are in high demand
  - Significant Violations March 20th (34 attendees)
  - Violent Offenders/Absconders March 21st (64 attendees)

**Upcoming Trainings**
- General Rule
April 19th
- Mini-Trainings – Significant Violations, Violent Offenders/Absconders & PC Hearings
  - April 23rd, 24th & 25th
- TTA for New Mexico

Work in Progress
- Drafting scripts for new ICOTS demos
  - Pending Action Item
  - Editing a document that was created by an ICOTS user, but have not submitted
  - Creating a Transfer Request
  - Setting up Preferences
  - Compact Action Reply
  - Compact Workload & Manage Caseload Training for Supervisors
- New On Demand Modules-Drafting Scripts
  - Significant Violations
  - Violent Offender/Absconder
  - PC Hearings
- New Mini Training-Eligibility
- Jail Administrator Training
  - Outline is completed, drafting a PPT presentation. Executive Director H. Hageman will follow up with the National Sheriff Association regarding trainings.
- 2012 ABM training preparations will be discussed under New Business.

Commissioner M. Cadotte (OR) inquired about the Technical and Training assistance or training modules for establishing state councils.

The National Office has Power Point presentation and brochures regarding state councils and will send a copy to Oregon and Ohio.

Chairman M. Gilliam (OK) received a request to speak at the annual meeting of the National Association of Prosecutor Coordinators.

Legal Counsel R. Masters stated that the Commonwealth of Virginia asked the Commission to provide Compact training at its upcoming prosecutor conference in December 2012.

Region Reports:
East Region: The East Region meeting met on Feb 28, 2012. There was no quorum. The Region discussed mandatory retaking, a sex offender rule proposal and committees/states update. Rules Committee Chair Tullock attended the meeting and suggested rewriting Rule 3.101-3 amendment that was voted down at the last Annual Business Meeting.

The Commonwealth of Pennsylvania has a new commissioner – Michael Potteiger.

When setting up a new meeting date, Commissioner S. McCaffery (ME) will provide a few dates to choose from to insure good attendance.
Midwest Region: The Midwest Region met on March 29, 2012. It was well attended. Executive Director Hageman updated the Region on recent activity of the Executive Committee. The Region discussed retaking Rule 5.101, rule amendment 3.106, state council membership, members update and the recent jail administrators training provided by Ohio. Commissioner Buscher made a motion to request an ICOTS change to make ICOTS field regarding gang affiliation mandatory to support the rule change to Rule 3.107 effective March 1, 2012 and to add a “no known gang affiliation” option to list.

Commissioner D. Ege (AZ) requested to share Ohio’s curriculum for its jail administrators’ training.

Nebraska will be appointing a new commissioner in the upcoming months.

South Region: The South Region will be meeting on April 26, 2012. It met in January 2012 to discuss retaking issues and state updates. Commissioner from WV retired and Georgia has a new commissioner.

West Region: Commissioner M. Cadotte (OR) stated the West Region met on February 21, 2012. The Region discussed the Northwest shuttle system, statistics on retaking and committees’ update. Commissioner E. Gonzales (NM) volunteered to serve as the vice-chair for the West Region. The Region recommended to the Executive Committee to form an ad hoc committee regarding Rule 2.105 (misdemeanor) and retaking that will be discussed under New Business.

Commissioner D. Ege (AZ) stated some of the counties in Arizona are already planning to join the Northwest Shuttle system.

Victims’ Representative Report: Victims’ Representative P. Tuthill provides notification of Rules changes and summary of ABM to victim liaisons. She also responds to calls from victim advocates and victims related to victim concerns for information regarding offender status and notification.

P. Tuthill reported on the BJA pilot program –automated standardize victims notification system –Montana completed building the system in March 2012 and has started its production. Appriss built the software for the system.

BJA will fund a second pilot site that uses its own notification system or another vendor other than Appriss. Upon completion of the second pilot site, a recommendation will be released to inform SAVIN grant solicitations.

P. Tuthill participated in two national initiatives:
- Define Role of the Victim Advocate- developed consensus to provide strategic framework for defining the role of the field in country’s response to crime and challenges of the future
• Emerging Challenges - transforming Victim Services, an initiative whose overarching goal is to expand the vision and impact of the crime victim services field. OVC report with recommendations to the field will be published summer 2012.

P. Tuthill will be presenting at the Association of Paroling Authorities International (APAI) in May 2012.

The Peyton Tuthill Foundation is accepting applications for *Hearts of Hope Scholarships.* $17,000 has been awarded through 2011 to young homicide survivors.

**Legal Counsel:** Legal Counsel R. Masters stated that most of the items from his report were covered in the other committee members’ reports. The Committee reviewed draft Advisory Opinion 2-2012 on “can a receiving state’s acceptance of an application for transfer of supervision under ICAOS Rule 3.105 (a) or approval of reporting instructions be the cause of a release of an offender from a correctional facility which would otherwise keep the offender incarcerated” requested by Arizona. The Committee made the following change to the description in the header of the Advisory Opinion: *Can a receiving state’s acceptance of an application for transfer of supervision under ICAOS Rule 3.105 (a) or approval of reporting instructions be the cause of a release of an offender from a correctional facility which would otherwise keep the offender incarcerated?*

**Commissioner M. McAlister (NH) moved to approve Advisory Opinion 2-2012 as amended. Commissioner G. Tullock (TN) seconded. Motion passed.**

**Executive Director Report:** Executive Director H. Hageman presented his report to the Committee:
• WV is in the process of filling the commissioner vacancy
• Completed two survey
  o Retaking survey (will be discussed under the New Business)
  o Survey regarding developing a mobile app that would be beneficial to compact office and staff and/or offenders and their families. The National Office received only 116 responses suggesting creating an ICOTS friendly mobile app.
• Compliance Audits
  o All the states showed some improvements, except for progress report and arrival notices areas. Executive Director H. Hageman suggested reevaluating the rules.
  o The National Office put together a draft proposal for 2013 Audit.
• Travel Policy
  o Executive Director H. Hageman suggested increasing $500 airfare limit in the Travel Policy.

Commissioner D. Ege (AZ) suggested not changing the airfare limit but having meetings in hubs instead. She also suggested having the next Executive Committee meeting in Louisville or Cincinnati, rather than Lexington.

Commissioner G. Tullock (TN) suggested changing 14 to 21 days advance ticket purchase.
Commissioner S. Andrews (OH) moved to increase the advance purchase date to 21 days. Commission K. Madris (NV) seconded. Motion passed.

**Old Business**
There was no Old Business.

**New Business**

2013 ABM site selection: Executive Director H. Hageman presented to the Committee the findings on access to the city and hotel, meeting space availability, hotel’s rating and availability of food vendors around the hotel from Pittsburgh and Boston site visits. Based on those criteria, the National Office recommended the Boston, MA location.

Commissioner M. Cadotte (OR) moved to approve August 2013 meeting in Boston. Commissioner S. Andrews (OH) seconded. Motion passed unanimously.

Retaking as it relates to the Misdemeanants Rule (West Region): The Committee reviewed the motion from the West Region meeting: Motion to recommend to the Executive Committee to form an ad hoc Committee to explore the retake of misdemeanors. Motion by Hawaii, seconded by Alaska.

Commissioner M. Cadotte (OR) reached out to the commissioners of the West Region asking for volunteers to address the issue. Receiving no responses, he decided to revisit this issue at the next West Region meeting.

ABM Agenda discussion: The Committee discussed the upcoming annual business meeting agenda.

The Committee discussed activities on Tuesday, August 28, 2012.

Commissioner G. Tullock (TN) suggested providing a networking lunch for the new commissioners and the Executive Committee members similar to last year.

Commissioner S. Andrews (OH) suggested having discussion on retaking options.

Commissioner D. Ege (AZ) stated that first three out six topics that came from the Compact Issues survey concentrated on retaking.

Commissioner S. Andrews (OH) suggested looking into practical application and implementation of Rules and possibly coming up with an amendment or a rule proposal for the next year.

Commissioner D. Ege (AZ) suggested scheduling the region meetings in the morning and discussing the region results at the join meeting after lunch.

Executive Director H. Hageman reminded the Committee that it is an election year and the Region must allocate time for nominations.
Commissioner M. McAlister (NH) suggested starting the meeting with a positive data about the Commission business.

Chairman M. Gilliam (OK) suggested coming up with solution, the plan of action by the end of the day.

Commissioner K. Kempf (ID) suggested the liability topic.

Commissioner C. Lauterbach (IA) suggested having different rules for probationers.

Commissioner C. Norman (AL) stated that the problem was not in retaking rules, but in procedures in individual states and the Compact need to work on the standardizing the procedures.

Commissioner G. Tullock (TN) stated that the retaking rules are reasonable.

The Committee decided to start Tuesday with a 15 min Welcome and Accomplishments session. It will be followed by Overview of Retaking session that will cover the overview and application of Rules. The Commission will break out on region meetings to come up with solution, make officers nominations and discuss any other outstanding region issues.

The region chairs decided to meet via WebEx to discuss the details of these meetings.

At 1:00 pm the regions will meet together to discuss the solutions and identify best practices and motions for the General Session.

The Training Committee will provide three mini sessions followed by the reception at 4 pm.

The Committee suggested the following topics for the mini sessions:

- State Council
- Jail Administrator Training
- ICOTS
- Compliance Audits
- Judges PC Hearing
- Ideas from the DCA Liaison Meeting
- Region chairs solicit topics via email

The Committee decided to finalize the topics at its next meeting.

The Committee discussed the agenda for Wednesday, August 29, 2012.

The Committee decided to have a judge panel with judges from Ohio, Arizona and a state with an active state council.

After the judge panel and lunch, there will be Best Practices session - Northwest Shuttle (OR), ICOTS agents (IL), evidence based practices, etc.
The Executive Director will lead the next segment on the agenda presenting Commission’s milestones in regards to operation mentioning people active throughout the Compact.

From 2:30-3:00 pm, Senator Darrington will discuss the 10 year Compact Anniversary.

Any actions that came out the region meetings will be discussed under the New Business.


1. Research, acquire and implement ICOTS Help Desk with no additional staff.
2. Write, publish and evaluate maintenance and hosting RFP for ICOTS.
3. Research and implement a long-term Investment plan.
4. Research, develop and implement an ICAOS mobile web site.
5. Research, plan and migrate the On Demand training modules off the WebEx platform.
6. Research and implement a new learning management system (Litmos.)
7. Publish the ICAOS Annual Report.
8. Work with the APPA to develop and implement a data sharing partnership with Fusion Centers.
10. Develop a data sharing protocol with the Bureau of Justice Statistics.
11. Restructure web and data servers to increase stability and security.

Implement cost savings strategies
- Helpdesk migration from Appriss, Inc. to ICAOS - $35,000.00
- Migration of the on demand training modules - $3,500.00
- Renegotiated WebEx rate - $2,000.00


1. Move ICOTS to a new hosting and maintenance vendor, if necessary.
2. Work with the Technology Committee to research, develop and implement a long-term strategy for ICOTS enhancements.
3. In conjunction with the Finance Committee, evaluate the Commission’s Long-term Investment Strategy.
   a) Develop plans for the 2013 Annual Business Meeting.
5. Publish the FY 2012 ICAOS Annual Report.
6. Upgrade the ICAOS web site platform DNN version 5.5.1 to version 6.1.
7. Expand external report offerings to include compliance reports at the user level.
8. Develop and implement the FY 2013 Compliance Audit Program.
9. Expand training offerings to include more special topic sessions and on demand modules.
10. Develop and implement a Jail Training Program.
Compliance Audit: The Committee reviewed the Compliance Audit proposal for FY2013 prepared by the National Office.

- Random unannounced audits, all states
- Revise the scoring so states are grouped by size
  - Group A - More than 8,000 total cases per year
  - Group B – 4,000 to 8,000 total cases per year
  - Group C – Less than 4,000 total cases per year
- New Standards
  - OVR Responses
- Re-audit
- NOD
- NOA
- Progress Reports
- Case Closures
- Responding to RI’s
- Responding to TR’s
- Duplicates Offender Files
- Signed User Agreement

Commissioner D. Ege (AZ) moved to implement Compliance Audit as proposed for FY2013. Commissioner S. Andrews (OH) seconded. Motion passed.


Personnel: The Executive Committee decided to go into the Executive Session to discuss the National Office staff salaries.

Commissioner S. Andrews (OH) moved to enter the Executive Session to discuss personnel issues. Commissioner G. Tullock (TN) seconded. Motion passed.

G. Tullock (TN) moved to exit the Executive Session. Commissioner C. Norman (AL) seconded. Motion passed.

Commissioner G. Tullock (TN) moved to accept a 2.9% increase in salary for all staff including the Executive Director based on the U.S. inflation statistics. Commissioner G. Tullock (TN) seconded. Motion passed unanimously.

Adjourn
Commissioner S. Andrews (OH) moved to adjourn. Commissioner G. Tullock (TN) seconded. The meeting adjourned at 3:40 pm EDT.

The Committee will meet again on Monday, May 14, 2012 at 2 pm EDT.