Interstate Commission for Adult Offender Supervision  
Executive Committee Meeting Minutes  
08:00 a.m. EDT  
April 23, 2009  
Lexington, KY

Members in Attendance:
1. Ken Merz Chairman, MN
2. Milt Gilliam Vice-Chair, OK
3. Kevin Kempf Treasurer, ID
4. Dori Ege AZ
5. Wayne Theriault ME
6. Mike McAlister NH
7. Warren Emmer ND
8. Linda Janes OH
9. Gary Tullock TN
10. Kathie Winckler TX
11. William Rankin WI
12. Pat Tuthill Ex-Officio, FL

Guests:
1. Robert Ambroselli CA
2. David Adkins KY
3. Jennifer Burnett KY
4. John Mountjoy KY

Members not in Attendance
1. Ed Gonzales NM

Staff:
1. Harry Hageman
2. Ashley Hassan
3. Rick Masters Legal Counsel
4. Barno Saturday
5. Sam Razor
6. Mindy Spring

Approved on 05.12.2009. B.S.
7. Xavier Donnelly
8. Kevin Terry

Call to Order
Chairman K. Merz (MN) called the meeting to order at 8:01 am EDT. Eleven out of twelve members were present. Quorum was established.

Agenda
The agenda was approved by acclamation as drafted.

Minutes
Commissioner G. Tullock (TN) moved to approve the minutes from March 10, 2009. Commissioner W. Emmer (ND) seconded. The minutes were approved as drafted.

Rules Committee report: Commissioner W. Rankin (WI) informed the Committee of the Rules Committee face-to-face meeting on April 22, 2009. The following decisions were made:
- The Rules Committee adopted a number of submitted proposals
- The proposals will be sent out to the Commission members for comments by May 15. No comments will be accepted after August 31, 2009.
- The Rules Committee plans to have another face-to-face meeting in September 2009 to review the comments. The final proposals will be posted on the website by October 1, 2009.

Chairman K. Merz (MN) approved Commissioner D. Morrison (GA) to serve on the Rules Committee.

Training Committee: Commissioner D. Ege (AZ) informed the Committee of the ongoing ICOTS and Rules Trainings and their on-demand usage statistics.

Commissioner D. Ege (AZ) presented the 2009 Business Meeting’s training options.

Commissioner D. Ege (AZ), on behalf of the Training Committee, asked Legal Counsel R. Masters to assist with facilitating the Probable Cause Hearing training (1 hr 30 min). The second part of the in-service training will be devoted to ICOTS Reports (1 hr).

The Training Committee decided to work with the DCA Liaison Committee on the DCA Training topics for the upcoming business meeting.

The Training Committee decided to add a “DCA’s expectations for Commissioner” to the Commissioner Training curriculum. Commissioner D. Ege (AZ) suggested replacing the Region Chair Panel with a DCA panel.

Commissioner L. Janes (OH) suggested having WebEx trainings on Rule 3.108.

Approved on 05.12.2009. B.S.
Commissioner D. Ege (AZ) mentioned that the Training Committee had thoughts on creating trainings devoted to a specific section of Rules or to certain rules in particular.

*Compliance Committee:* Commissioner M. McAlister (NH) informed the Committee that the Compliance Committee met twice for regular meetings (December 2008 and March 2009) and had an emergency meeting in April 2009. Some of the items that were discussed at these meetings included the following:

- Committee goals
- Incident report
- State Council
- ICOTS issues
- New Rules
- Legacy data deadline
- Puerto Rico dues

At their emergency meeting, the Compliance Committee found Puerto Rico in default for non-payment of dues.

Commissioner M. McAlister (NH), on behalf of the Compliance Committee, made a recommendation to send a letter to Puerto Rico notifying the territory of its default status and refer this matter to the Executive Committee for further actions.

Executive Director H. Hageman informed the Committee that the PR Commissioner did not respond to his emails and phone calls.

The Committee, on behalf of the Commission, accepted the report of the Compliance Committee finding Puerto Rico in default of its obligations under the Compact to pay its dues assessment.

*Commissioner W. Emmer (ND) made a motion to authorize the filing of a lawsuit against Puerto Rico in U.S. District Court to enforce its obligations under the Compact. Commissioner K. Winckler (TX) seconded. The motion passed unanimous.*

*DCA Liaison Committee:* Commissioner W. Emmer (ND) presented a DCA Liaison Memo to the Committee. The Memo included the following suggestions for Committee actions or facilitated discussions:

1. to propose the efficiency measures that will maximize the flow of work within the compact office: to identify problems/issues; to create focus groups to study specific problems and issues; and to create technical assistance awards and best practices.

Approved on 05.12.2009. B.S.
2. to strengthen the knowledge base of all DCAs regarding ICAOS through a training institute; an orientation/training program for newly appointed DCAs; and on-going training curriculum and mentoring program.

3. to facilitate DCA participation in the work of the commission through new Commissioner Training; and listing minimum expectations for commissioners.

The National Office will email the presentation with the Subcommittee’s reports to the Committee members for review.

The Committee discussed regional DCA WebEx meetings. Commissioner D. Ege (AZ) informed the Committee that the West Region already had similar face-to-face meetings for its DCAs.

Commissioner K. Kempf (ID) suggested creating some guidelines on compact office staffing.

**Commissioner W. Emmer (ND) made a motion to schedule a DCA training institute in a fiscal year 2011 for one DCA or a Designee from non-bifurcated states and not to exceed two DCAs or Designees from bifurcated states at Commission expense. Commissioner D. Ege (AZ) seconded. The motion passed unanimously.**

During the rule-making year, the Commission covers expenses of one DCA per state.

Commissioner D. Ege (AZ) suggested cutting the cost by accommodating two DCAs per guest room.

**Commissioner W. Emmer (ND) made a motion to authorize DCA Liaison Committee to conduct regional DCA WebEx meetings facilitated by a DCA Liaison Committee member and guided with previously approved agenda. Commissioner W. Theriault (ME) seconded. The motion passed unanimously.**

**Finance Committee:** Commissioner K. Kempf (ID) explained the FY 09-10 and FY 11 budgets to the Committee.

**Commissioner W. Theriault (ME) made a motion to approve the adjustments to the FY 10 budget. Commissioner W. Rankin (WI) seconded. The motion passed unanimously.**

Commissioner G. Tullock (TN) expressed his appreciation to the National Office for their successful effort in reducing budget spending.

Approved on 05.12.2009. B.S.
The Committee decided to make a decision on FY 11 at the end of the meeting.

Commissioner G. Tullock (TN) suggested placing Finance Report at the end of agenda for future meetings.

**Commissioner W. Emmer (ND)** made a motion to postpone the Finance Committee report until the end of the day. Commissioner W. Rankin (WI) seconded. The motion passed unanimously.

The Committee went into Executive Session.

The Committee came out of Executive Session.

**Commissioner W. Emmer (ND)** made a motion to provide the National Office staff, excluding the Executive Director, with 3% pay adjustment starting with the next year and authorize the Executive Director to distribute for his staff 2% pay adjustment based on performance. Commissioner D. Ege (AZ) seconded. The motion carried by vote of ten (10) to one (1).

**Commissioner W. Emmer** made a motion to provide the Executive Director 3% pay adjustment to his base starting with the next year and to provide him with $2000 performance bonus. Commissioner K. Winckler (TX) seconded. The motion carried by vote of ten (10) to one (1).

*Legal Counsel:* Legal Counsel R. Masters updated the Committee on the Stanton Case (WI) - no new appeals were filed.

Legal Counsel R. Masters informed the Committee that he reviewed the Record Retention Policy prepared by the National Office and it appeared to be consistent for this type of organization.

*East Region:* Commissioner W. Theriault (ME) presented his report to the Committee. New York does not have an appointed Commissioner.

Executive Director H. Hageman informed the Committee that he recently spoke with officials in New York regarding the Commissioner appointment. They confirmed they were in the process of performing a background investigation for the parole board candidate.

*South Region:* Commissioner G. Tullock (TN) stated that North Carolina did not have an appointed Commissioner.

Approved on 05.12.2009. B.S.
The South Region meets quarterly; many discussions were devoted to ICOTS implementation and the legacy data.

Commissioner K. Winckler (TX) inquired about DCA voting procedures in the standing committees. The Committee discussed creating a policy on voting specifics of committees’ meetings.

**Midwest Region**: Commissioner L. Janes (OH) presented her report to the Committee. The Midwest meets every other month. Most of the region discussions are devoted to ICOTS and legacy data. Nebraska, Illinois, and Indiana submitted their enhancement list to Commissioner L. Janes.

**West Region**: Commissioner D. Ege (AZ), on behalf of West Region Chair E. Gonzales (NM), informed the Committee that the West Region had meetings every other month. Most of the discussions are devoted to Rules training, State Councils, ICOTS and legacy data.

**Victims’ Representative**: Victims’ Representative P. Tuthill presented her report to the Committee. She suggested having in-depth training on State Council for newly appointed commissioners and possibly involving DCAs in State Council meetings.

In June, P. Tuthill is going to Boston, MA to train on Victims’ issues.

P. Tuthill was invited by APPA to make a presentation on Victim Notification and Issues with Compact in August 2009.

P. Tuthill informed the Committee that many states expressed their concerns with ICOTS and victim notifications.

The Committee had discussion on collecting minutes from State Council meetings, initiated by P. Tuthill.

Chairman K. Merz (MN) suggested adding the following wording to State Council Bylaws under *member* section- “and other members appropriately appointed by the Department of Correction”. With this wording added to their Bylaws, states have better chances to constitute quorum.

**Executive Director Report**: Executive Director H. Hageman presented his report to the Committee:

The Committee reviewed the Dues Enforcement policy drafted by the National Office.

Approved on 05.12.2009. B.S.
The committee discussed the number of days for a “grace period” before penalties would be imposed on a state.

Executive Director H. Hageman introduced CSG Executive Director D. Adkins to the Committee.

Commissioner G. Tullock (TN) made a motion to adopt the Dues Enforcement Policy. Commissioner W. Emmer (ND) seconded.

Commissioner G. Tullock (GA) made a motion to amend the above motion by adding at the end of section (4) “for enforcement action.” Commissioner W. Emmer (ND) seconded.

The motion passed unanimously.

The Committee reviewed the Retention Policy prepared by the National Office. The National Office will do more research on similar polices in similar organizations.

The National Office will email this policy to the Committee members for review.

Research Analysts from the Council of State Governments J. Mountjoy and J. Burnett presented their research results of the ICOTS User Survey. The survey received statistically sound response rate of 29% (7,681 replies).

Commissioner W. Theriault (ME) suggested adding an age factor to the next survey.

For the best evaluation results, J. Burnett recommended launching next ICOTS survey in one year period.

The Committee members can request the response results of their states from the National Office.

The Committee reviewed a State Council policy drafted by the National Office on behalf of the Compliance Committee.

Commissioner W. Emmer (ND) moved to adopt the State Council policy. Commissioner G. Tullock (TN) seconded.

Commissioner D. Ege (AZ) made an amendment to change “30” days to “60” days, “A, B and C” to “1, 2 and 3” and strike “approved”. Commissioner G. Tullock (TN) seconded.

Approved on 05.12.2009. B.S.
**Motion carried by vote of eight (8) to three (3).**

Executive Director H. Hageman informed the Committee that New Jersey requested a dispute resolution between NY and NJ. This dispute was resolved internally.

Executive Director H. Hageman informed the Committee that he wrote letter to Governors of NY, NC and IA requesting commissioner appointments.

Executive Director H. Hageman informed the Committee about the National Office equipment replacement plan: office computers were due to be replaced in 2009 and the audio and visual equipment would be due for replacement next year.

Executive Director presented ICOTS User and Duplicate Offender audit results to the Committee: the total number of offender files Merged Deleted is 4,167.

The ICOTS Reports discussion was postponed until the Committee’s next meeting. Chairman K. Merz (MN) suggested putting this item on region agendas for discussion.

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

**Technology Committee updates:**
- Meetings held on 01/07/09, 02/11/09, 03/04/09, and 04/14/09
- ICOTS Privacy Policy and User Agreement
  - Agency Responsibility Checklist
- Adopted Rules-driven dates in red text
  - No issues or conflicts determined

Commissioner K. Winckler (TX) made a motion to adopt ICOTS Privacy Policy, User Agreement and Agency Checklist documents. Commissioner G. Tullock (TN) seconded. Motion passed unanimously.

**ICOTS Update**
- ICOTS Usage Statistics (as of 4/13/2009)
- Maintenance Release 3.1 was posted on 3/25/2009
- Release 4.0 is scheduled for 4/29/2009
- Planning for Release 5.0 is underway - currently scheduled for 6/3/2009
- Conference Call with Todd Tincher (Director of Program Services for Appriss)
  - Outstanding development items
  - July completion of ICOTS development
  - 5.0 inclusions

Approved on 05.12.2009. B.S.
Added resources to ICOTS
- Business Analyst/QA Tester
- Database Administrator
- Borrowed programming resources for public portal

Enhancements Update
- 163 Enhancements have been requested by Commission members (does not include items that might be deemed out of scope from outstanding development items)
- Tech. Subcommittee (A. Precythe, D. Ege, C. Placek and D. Morrison) organized and prioritized the submitted enhancement requests
- Proposed Enhancement Request Procedure.

The National Office will email the Enhancement Request Procedure to the Committee members for review and comments. The Committee will discuss the document at its next meeting.

Chairman K. Merz (MN) approved Commissioner D. Morrison (GA) to serve on the Technology Committee by Commissioner K. Winckler’s recommendation.

Legacy Data Upload
- Legacy Data submissions are closed
- All states uploaded their data
- 45 states successfully loaded subsequent legacy files
- Appriss is working with several states to load the remaining files that were submitted prior to 3/31/2009

ICOTS Support Information
- March 2009
  - Appriss Call Center: 384 Tickets; 7.25 per day
  - National Office: 977 Tickets; 18.43 per day
  - Totals # of Tickets: 1361 Tickets; 25.68 per day
  - Total Users: 31,077; 586.36 users per state
- On-site visits
  - Appriss has sent a representative to FL and PA
  - Each state had requested additional assistance with ICOTS
  - FL reported that the visit was very beneficial and helped them to develop a better understanding of ICOTS
  - PA reported that the visit fell short of their expectations

ICAOS Website Survey
- 359 Submitted Surveys
Top 5 Most Important Locations on the Website:
• 18% - Interstate Compact Forms
• 12% - ICAOS Rules
• 8% - ICOTS Training Resources
• 5.7% - ICOTS Knowledge Base
• 4.6% - ICOTS Legacy Data List

Overall Website Satisfaction:
• 10% Completely Satisfied
• 26% Mostly Satisfied
• 47% Satisfied
• 13% Mostly Unsatisfied
• 4% Completely Unsatisfied

Observations:
• Time Constraints: Job duties do not allow time for looking for information beyond their basic needs on the website much less time to engage the discussion forums
• Engagement: Need means for engaging Commission members and others to utilize readily available document, video, and communication resources on the website
• Frequency: 25% of users say they receive too many communications from ICAOS and therefore are probably not reading many important messages
• Identity Crisis: Lots of confusion between ICOTS and ICAOS website may have lead to inaccuracies in survey results
• Location: Some users unable to easily locate training and informational documents

Commissioner K. Winckler (TX) mentioned that based on this survey there was a need to engage commissioners and the rest of compact staff to use the website on day-to-day basis.

New Business
The Committee discussed the implementation of ICOTS related Rules.

Commissioner K. Winckler (TX) made a motion to implement Rule 3.104 on June 1, 2009. Commissioner D. Ege (AZ) seconded. The motion passed unanimously.

After the discussion, the Committee decided that no official action is necessary for Rules 3.107.

Commissioner M. Gilliam (OK) made a motion to implement Rule 4.105 on June 1, 2009. Commissioner W. Theriault (ME) seconded. The motion passed unanimously.

The Committee discussed Rule 2.102 Data Collection and Reporting and states capacity to be in complaint with this Rule. The Committee decided to take no action at that time. States will generate the data collection numbers if they have the capacity to do so.

Approved on 05.12.2009. B.S.
Executive Director H. Hageman informed the Committee that estimate numbers can be generated from ICOTS.

The Committee discussed the budget for ICOTS enhancements. Executive Director H. Hageman suggested including enhancement development into next year’s Appriss service contract.

**Commissioner G. Tullock (TN) made a motion to adopt the proposed FY 11 budget and recommend it to the full Commission at the 2009 business meeting. Commissioner W. Theriault (ME) seconded. The motion passed unanimously.**

Commissioner D. Ege (AZ) brought to the Committee’s attention the importance of the case closure enhancement in ICOTS.

**Old Business**
The Committee discussed Governor H. Barbour (MS) executive order releasing inmate Bowlin on treatment furlough to Louisiana. The Committee authorized R. Masters to send an official letter to the Governor to clarify this issue.

Chairman K. Merz (MN) asked the Committee members to email him any future standing committee member’s nomination for record purposes.

**Adjourn**
Commissioner G. Tullock (TN) moved to adjourn. Commissioner W. Emmer (ND) seconded. The motion passed.

The Committee adjourned at 4:12 pm EDT