 Interstate Commission for Adult Offender Supervision  
 Executive Committee Meeting Minutes  
 May 14, 2013  
 Louisville, KY

**Members in Attendance:**
1. Milt Gilliam   Chairman, OK  
2. Sara Andrews  Vice-Chair, OH  
3. Charlie Lauterbach  Treasurer, IA  
4. Dori Ege  AZ  
5. Cathy Gibson-Beltz   NE  
6. Kathie Winckler  TX  
7. Jane Seigel  IN  
8. Chris Norman  AL  
9. Mike McAlister  NH  
10. Cheryl Marlow   HI  
11. Scott McCaffery  ME  
12. Kim Madris  NV  
13. Rick Masters  Legal Counsel

**Members not in Attendance:**
1. Pat Tuthill    Ex-Officio, FL

**Staff:**
1. Harry Hageman
2. Sam Razor
3. Barno Saturday
4. Kevin Terry
5. Xavier Donnelly
6. Mindy Spring

**Call to Order**
Chairman M. Gilliam (OK) called the meeting to order at 8:00 am ET. Twelve voting members were present, establishing the quorum.

**Agenda**
Commissioner S. Andrews (OH) moved to approve the agenda. Commissioner C. Norman (AL) seconded. Agenda approved as written.

Minutes
Commissioner C. Gibson-Beltz (NE) moved to approve the minutes from April 9, 2013. Commissioner S. Andrews (OH) seconded. Minutes approved as written.

Discussion
Chairman M. Gilliam (OK) gave his opening remarks.

*Rules Committee Report:* Commissioner J. Seigel (IN) stated that the Rules Committee met on May 3, 2013 via WebEx and reviewed the rules proposals. The proposals are posted on the website for comments.

The Committee will meet again on June 12 in Indianapolis, IN.

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

Training Committee News
- Vice-Chair Vacancy
- ABM Training will focus on:
  - Rule proposals discussion
  - OVR & new reports demo
- Arkansas Prosecutor Training (April 22nd) – R. Masters
  - Over 200 attorneys in attendance

Training Statistics
- On demand Trainings -Last 30 days
  - Over 150 unique attendees
- General Rule Trainings
  - April 16th (35 attendees)
- Mini-Trainings
  - Eligibility for Transfer & Reporting Instructions April 17th (41 attendees)
  - Significant Violations April 23rd (43 attendees)
  - Violent Offenders/Absconders April 24th (25 attendees)
  - Probable Cause Hearing April 25th (17 attendees)
- OVR Training from Compact Staff
  - April 30th, May 1st & May 2nd
  - 285+ attendees

Upcoming Trainings
- TTA Requests from NC, FL & TX for OVR training
  - 8 State Specific Trainings scheduled
  - 800 users assigned to attend the designated sessions
- Open OVR Training for End Users
  - May 23rd, 24th, 28th & 29th - 8 sessions
  - 1,200 + individuals registered
20+ states have announced these sessions to introduce their users to the new process.

**DCA Liaison Committee:** Commissioner K. Madris (NV) presented her report to the Committee.

- DCA Liaison Committee developed a draft for the DCA Mentor Program
- The Committee developed criteria for region DCA chairs. These chairs are nominated by their region.
- The DCA region chair will mentor new DCAs under the proposed program
- K. Madris will present the DCA mentoring program and the DCA region meeting concept at the upcoming ABM.

Commissioner K. Winckler (TX) spoke for the DCA mentoring program.

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

- 6 meetings held in the past 12 months
- Fusion Center Data Exchange Project
  - The exchange is up and running, however some technical kinks are still being worked out
  - APPA is preparing webinar presentations with other fusion centers to gauge interest
  - SEARCH and BJA see the project as a cutting edge example of what’s possible with cloud computing and shared infrastructures
- ICOTS Violation Enhancement
  - Began development in August 2012
    - 4 JAD meetings in June 2012 to review and sign-off on functionality
    - UAT started on April 22, 2012
      - Conducted by National Office staff and JAD group
      - 31 bugs confirmed and repaired
      - 34 other issues (still investigating, offered suggestions and functioning as designed)
    - Training efforts underway (led by the Training Committee)
    - Scheduled for launch on May 22, 2013
  - New software logic will improve report quality and reduce administrative burdens over the long term
    - Example - Since ICOTS launched at least 60,000 inappropriate violation reports/responses were submitted; this is no longer possible
  - Additional data fields will allow for much more detailed reports regarding violations and retaking
    - 40+ new data elements
    - 10 new compliance reports
- Victim Notification Project
  - Workgroup met several times to discuss functionality of the project
  - Finalized the details of victim notification voice scripts
- Rule Proposals
  - Submitted two proposed amendments to the Rules Committee

- External Reports
  - Launched 10 compliance-based reports in June 2012
  - Report views rose from over 5,000 for year ending 4/30/2012 to over 12,000 for year ending 4/30/2013, a 138% increase

- ICOTS Helpdesk
  - Volume of tickets dropped from 2,700 tickets for year ending 3/31/2012 to 2,200 tickets for year ending 3/31/2013, an 18% decrease

- ICOTS Public Web Portal had over 13,000 clicks in the past 12 months, falling less than 4% from the 12 months prior.

- ICAOS Website
  - Created new “Training Resources” page with resources grouped by topic
  - Added topic-specific training resources to applicable Rule Step-by-Step pages
  - Launched improved On-Demand Training page
  - Updated website operating system for increased security and new features
  - Received over 4,000 new user registrations, 15% more than 2012 (36% non-correctional, 64% corrections-based)
  - Received over 20,000 mobile/tablet visits from May 2012 – April 2013, up 107% from year prior

Commissioner D. Ege (AZ) inquired about postponing the OVR launch date. After discussion, the committee agreed that postponing the launch is not warranted.

Compliance Committee Report: The Compliance Committee has not met since the last Executive Committee meeting. At its April 2nd meeting, the Committee discussed the Washington’s complaint against Kansas. The Committee found Kansas in default for not issuing a nationwide warrant. The Committee asked for further investigation of Kansas’ actions prior to termination of the offender’s probation. The Committee will meet shortly to discuss the investigation results completed by retired Commissioner W. Emmer (ND).

Commissioner M. McAlister (NH) thanked J. Seigel and the Rules Committee for answering the Compliance Committee request regarding the inconsistencies with the retaking rules.

Finance Committee Report: Commissioner C. Lauterbach (IA) stated that the Commission is in good financial health with expenses running 8% under budget so far this year. In addition, the long-term investment portfolio has performed well in the past year earning better 6% on average.

Bobby Slaughter, new Commissioner from Tennessee, expressed his interest to serve on the Finance Committee.

Region Reports:
East Region: The East Region conducted business on April 24, 2013 and achieved a quorum for the first time since the Annual Business Meeting. The region voted on rules proposals - 3.101-1 and 4.102. The region also discussed DCA Liaison appointment and states updates.
James Dzurenda is a new commissioner of Connecticut.
Commissioner S. McCaffery (ME) thanked B. Saturday for assistance with the region meetings.

Midwest Region: The Midwest Region met on April 10, 2013 to discuss rules amendments. The Region will meet again on May 29, 2013.

Tracy Hudrlik is a new commissioner of Wisconsin.

The Midwest Region has a commissioner vacancy in Kansas.

The region will meet again on May 29, 2013.

Commissioner C. Gibson-Beltz (NE) thanked B. Saturday for her assistance with meetings.

South Region: The South Region met in January and April 2013. The Region discussed rule proposals from GA and NC.

The Region will be meeting again in July 2013.

West Region: The West Region met on April 17, 2013. The focus of the meeting was the West Region’s rule proposals and their alternatives suggested by the Rules Committee.

Legal Counsel Report: Legal Counsel R. Masters presented his report to the Committee.

The US Virgin Islands are seeking an amendment to the current legislation to remove the requirement that each of the Governor’s nominees must appear before the legislature, which has presented an obstacle to making appointments. They expected it to pass the legislation this spring, but it was postponed until the next session.

After discussion, the Committee decided it may need to proceed with the legal action against the US Virgin Islands. The Committee will discuss the issue at its next meeting.

Legal Counsel R. Masters stated that the Commission submitted to IRS its final filing as a nonprofit organization.

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

Commissioners Changes/Vacancies
CA       Dan Stone - appointed in April 2013
CT       James Dzurenda – appointed in April 2013
WI       Tracy Hudrlik – appointed in May 2013
TN       Bobby Straughter – appointed in April 2013
KS       Is in the process of interviewing candidates. Vacant since January 2013
KY       Vacant since May 1, 2013
State Councils
CA and AK  States have not complied with the policy to provide a state council update after repeated reminders

Other

Mindy is working on a technical assistance request FL and TX for training on the OVR/RVR enhancement.

The national office met the N-DEx staff on March 20, 2013. The committee reviewed the letter from FBI. After discussion, the committee authorized the National Office to proceed with the N-DEx project.

The national office completed compliance audits for AL, DC, ND, NE and TN in May. The schedule for June includes CO, LA, MT, NJ and RI.

A. Lippert is on a maternity leave. ICAOS billed ICJ $37,670 for its services in FY13.

New Business

Annual Business Meeting Agenda: The Committee discussed the agenda items for the upcoming Annual Business Meeting.

Monday, August 26 –
3 pm - 5 pm  Executive Committee meeting

Tuesday, August 27

8:00 am – 8:15 am  Welcome by Milton Gilliam, Chairman

8:15 am – 11:45 am  Rule Proposals Discussion
  ➢  Rules Committee Panel

1:00 pm – 3:00 pm  East Region Meeting
  ➢  Scott McCaffery, Chair
    o  Rules Amendment Discussion
    o  Region Chair Election
    o  DCA Region Chair Election/Mentoring Program
    o  ICOTS Reports

South Region Meeting
  ➢  Chris Norman, Chair
    o  Rules Amendment Discussion
    o  Region Chair Election
    o  DCA Region Chair Election/Mentoring Program
    o  ICOTS Reports
Midwest Region Meeting
➢ Cathy Gibson-Beltz, Chair
  o Rules Amendment Discussion
  o Region Chair Election
  o DCA Region Chair Election/Mentoring Program
  o ICOTS Reports

West Region Meeting
➢ Cheryl Marlow, Chair
  o Rules Amendment Discussion
  o Region Chair Election
  o DCA Region Chair Election/Mentoring Program
  o ICOTS Reports

Printed handouts of the ICOTS reports will be distributed at the region meeting.

3:15 pm – 3:45 pm  Public Hearing
4:00 pm – 6:00 pm   Reception

Wednesday, August 28, 2013
General Session
8:00 am - 8:15 am  Call to Order
                     Flag Presentation
                     Roll Call
8:15 am – 9:00 am  Welcome & Overview
  ➢ Josh Wall, Commissioner of Massachusetts
  ➢ Speaker
  ➢ Milt Gilliam, Chairman

The Committee discussed a backup for the keynote speaker at the Business Meeting. H. Hageman mentioned Ms. O’Brien who was in charge of Criminal Justice in MA Governor’s office. R. Masters mentioned Boston Police Chief.

Approval of Agenda

Approval of Minutes
➢ August 29, 2012

9:00 am – 10:00 am  Committees Reports
  ➢ Training, Education & Public Relations Committee
    o Dori Ege, Chair
➢ Information Technology Committee
   o Kathie Winckler, Chair

➢ DCA Liaison Committee
   o Kim Madris, Chair

➢ Compliance Committee
   o Mike McAlister, Chair

➢ Finance Committee
   o Charlie Lauterbach, Chair

➢ Victims’ Advocate
   o Pat Tuthill, Victim’s Advocate

➢ Legal Counsel
   o Rick Masters, Legal Counsel

10:00 am – 10:15 am   Break

10:15 am – 11:45 am  Committee Reports (Cont.)

➢ Rules Committee
   o Jane Seigel, Chair
     ▪ Rules Proposals

11:45 am – 1:00 pm   Lunch [on your own]

1:00 pm – 2:00 pm   Committee Reports (Cont.)

2:00 pm – 3:15 pm  Prosecutor Panel
   o Moderator: National District Attorney Association (M. Gilliam)
   o Suggested panelists
     o Thomas Wine, chief felony prosecutor in Jefferson County, KY (R. Masters)
     o A prosecutor from Boston area. R. Masters will contact E. McDermott and M. Walsh for leads.
     o Larry Landis, Executive Director for Indiana Public Defenders Council (J. Seigel)
   o Topic ideas:
     o Motion to revoke & plea agreements

Commissioner K. Winckler (TX) suggested giving clear topic and description of what is expected from panelists.
The Committee discussed possibility of *no bail* and *detention* topics with the sheriff panel at the next year’s business meeting.

3:15 pm – 3:30 pm  Break

3:30 pm – 4:00 pm  Awards Presentation/Spirit Sightings

4:00 pm – 4:45 pm  New Business/Old Business
  ➢ Region Chairs Oath of Office
    o Justice VandeWalle/ Chairman Milt Gilliam

4:45 pm – 5:00 pm  Call to the Public

5:15 pm – 6:15 pm  Executive Committee Meeting

*FY2015 Budget*: The Committee reviewed the FY2015 budget.

**Commissioner D. Ege (AZ) moved to approve budget proposal for FY 2015. Commissioner S. Andrews (OH) seconded. Motion passed.**

*Executive Director’s Evaluation & COLA for Staff*: The Committee decided to go into the executive session to discuss this matter.

**Commissioner J. Seigel (IN) moved to enter the executive session. Commissioner K. Winckler (TX) seconded. Motion passed.**

**The Committee left the executive session.**

**Commissioner D. Ege (AZ) moved to approve two percent cost of living raise for all six national office staff members. Commissioner K. Winckler (TX) seconded. Motion passed unanimously.**

*FY 2013 Audit Results and FY 2014 Audit Strategy*: The Committee reviewed the results for FY 2013 compliance audit.

**FY2013 Compliance Audit Status**

48 States audited to date
- 13 states have 4 or more “C’s”
- 20 states have 3 or more “C’S”
- Last 5 states audited in June: CO, LA, MT, NJ & RI
- Only 10 states passed 4.106 Standard (submission of annual progress reports)
M. Spring pointed out that New York and Wisconsin showed the biggest improvement compared to the previous year’s audit results.

Based on the results, the progress report remains a big challenge for the states.

**FY2011-All states audited on 21 standards**

**FY2012-Select states audited**
- 14 state received 5 or more “C’s” in the FY2011 audit and were re-audited on those standards

**FY2013 All states audited on 9 standards**
- Random schedule

**FY2014 Compliance Audit Proposals**
- Proposal A
  - Re-audit states which received 4 or more “C’s” (Similar to FY2012)
- Proposal B
  - Conduct intense audit/analysis on select states: CA, CT, MD
  - On-site visit to assess compact operations
  - Require corrective action plan
  - Follow-up visit with on-site audit

**Commissioner K. Winckler (TX) moved to approve the FY 2014 compliance audit proposal including re-auditing states which received 4 or more “C” and conduct intense audit on MD and CT. Commissioner D. Ege (AZ) seconded. Motion passed unanimously.**

**Retaking Rules Issues (NH):** The Committee discussed the retaking issues with the rules.

**Commissioner D. Ege (AZ) moved to authorize Legal Counsel to write a white paper on the consequences of discharging offenders in lieu of retaking in consultation with Training and Rules chairs. Commissioner S. Andrews (OH) seconded. Motion passed unanimously.**

**DCA Mentoring Program:** Commissioner K. Madris (NV) introduced the Deputy Compact Administrator Mentoring Program produced by the DCA Liaison Committee. After discussion, the Committee decided to adopt the program.

**Commissioner K. Madris (NV) moved to adopt the Deputy Compact Administrator’s mentoring program. Commissioner D. Ege (AZ) seconded. Motion passed unanimously.**

**PREA:** Commissioner C. Lauterbach (IA) introduced the issue of PREA to the Committee. He suggested including related documentation in the transfer packet. The Committee had discussion on this matter and determined no action is needed.
California Default: The Executive Committee reviewed Commissioner Stone’s letters of May 1, 2013 and May 2, 2013 as well as the proposed corrective action plan submitted on behalf of the State of California along with his letter dated May 2, 2013.

Commissioner J. Seigel (IN) moved to find CA’s corrective action plan to be insufficient and to reject the submitted plan. Commissioner C. Gibson-Beltz (NE) seconded.

Motion passed unanimously.

Commissioner K. Winckler (TX) moved to enter the executive session. Commissioner K. Madris (NV) seconded. Motion passed.

Commissioner K. Winckler (TX) moved to exit the executive session. Commissioner K. Madris (NV) seconded. Motion passed.

Commissioner K. Winckler (TX) moved to authorize legal counsel to file a judicial enforcement action in the federal court to enter an injunction against California to comply with the Compact Statute and Rules including a request to recover costs and fees. Commissioner M. McAlister (NH) seconded.

Motion passed unanimously.

Border City Related Issues: Commissioner K. Winckler (TX) presented to the Committee the essence of the border city related issues.

- The total population in the cities, which cross one or more state borders, is around 76 million people.
- 1,538,000 offenders who are under community supervision in these communities that spill over state borders.
- The rules of the Interstate Compact do not take into account offenders who are under supervision in one state yet reside in a contiguous state, sometimes as little as a few blocks away.
- The rules of the Interstate Compact do not take into account offenders who may cross state borders every day to work, and who may spend the majority of their waking hours in a jurisdiction where they are not supervised.

Commissioner K. Winckler (TX) proposed to create an ad hoc committee to review the issue including the following:

- The number of states affected by this issue and offender population of the affected areas;
- The manner in which the affected areas are currently handling offenders who fall in this category;
• The possible amendment of rules for the Executive Committee to consider so that the seamless supervision of these offenders can be adequately ensured and permit the offenders to engage in work, school, and authorized personal activities in the state most appropriate to meet their needs;

Commissioner K. Winckler (TX) moved to create an ad hoc committee to review the border city related issue as discussed above. Commissioner C. Norman (AL) seconded.

Motion passed unanimously.

The ad hoc committee will be appointed by Chairman Milt Gilliam and will report to the full commission at the 2014 Annual Business Meeting.

NY Compliance: The Committee reviewed complaint from the State of New York regarding an absconded offender from Colorado. After discussion, the Committee decided that the issue has been resolved by the states.

Recovering offenders: Commissioner K. Winckler (TX) initiated discussion concerning the recidivism rate of transferred offenders. The committee took no action.

Adjourn
Commissioner S. Andrews (OH) moved to adjourn. Commissioner K. Madris (NV) seconded.

The meeting adjourned at 3:48 pm ET.