



Interstate Commission for Adult Offender Supervision

Executive Committee Meeting MINUTES

May 20, 2020
Teleconference

Members in Attendance:

1. Jeremiah Stromberg (OR), Chair
2. Hope Cooper (KS), Vice-chair
3. Gary Roberge (CT), Treasurer
4. Chris Moore (GA), Information Technology Chair
5. Mary Kay Hudson (IN), Rules Committee Chair
6. Russell Marlan (MI), Midwest Region Chair
7. Allen Godfrey (MN), Compliance Committee Chair
8. Julie Kempker (MO), South Region Chair
9. Roberta Cohen (NM), West Region Chair
10. Dale Crook (VT), East Region Chair
11. Tracy Hudrlik (MN), DCA Liaison Committee Chair, Ex-Officio
12. John Gillis (NOVA), Ex-Officio

Members not in Attendance:

1. Joselyn Lopez (WI), Training, Education and Public Relations Committee Chair

Guests:

1. Tina Balandran (TX)

Staff:

1. Ashley Lippert, Executive Director
2. Allen Eskridge, Policy and Operations Director
3. Barno Saturday, Logistics and Administrative Coordinator
4. Mindy Spring, Administrative and Training Coordinator
5. Xavier Donnelly, ICOTS Project Manager

Call to Order

Chair J. Stromberg (OR) called the meeting to order at 12:02 pm ET; ten voting members were present, a quorum was established.

Agenda and Minutes

Commissioner A. Godfrey (MN) moved to approve the agenda as presented. Commissioner G. Roberge (CT) seconded. Agenda approved.

Commissioner G. Roberge (CT) moved to approve the minutes from April 15 and April 21, 2020 meetings as drafted. Commissioner D. Crook (VT) seconded. Minutes approved.

Discussion

Compliance Committee Report: Commissioner A. Godfrey (MN) stated the Compliance Committee had not met since the last Executive Committee meeting. He added that currently there were no outstanding compliance matters.

Commissioner A. Godfrey (MN) stated that *01-2020 Administrative Policy on Emergency Guidelines* that allowed states to suspend interstate transfers or returns for 60 days due to the pandemic was expiring for some states. He discussed the best way to help states move forward and was considering how to provide support to states as they reestablish ICAOS Rules' practices.

He added that as states were at different phases of lifting their restrictions, there could be a spike of violations and complaints.

Executive Director A. Lippert noted that the national office continued to monitor states' acceptance and denial rates. Currently, the biggest issue was retaking, since the offender transport services were not operational in all jurisdictions.

She added that the Commission would need to evaluate its response to the COVID-19 pandemic so the Commission is prepared for situations that may arise in the future.

Commissioner C. Moore (GA) added that the committee needs to take into account states' economic condition. He noted that his department was asked to make more cuts in addition to the cuts they had already made. He added that some compact offices could be understaffed and have difficulties complying with ICAOS Rules requirements.

The national office will work with the Compliance Committee on creating tools and strategies for states to adapt to this new normal.

DCA Liaison Committee Report: DCA T. Hudrlik (MN) stated that the DCA Liaison Committee had not met since the last Executive Committee meeting. The committee would meet early June to discuss the ABM agenda and DCA quarterly newsletter.

Finance Committee Report: Commissioner G. Roberge (CT) stated that the Commission was 83% into the fiscal year and at 79% of spending. He anticipated to be 4-5% under budget at the end of current fiscal year.

The Commission had \$250,000 in its checking account and \$1,200,000 in its savings account, which was consistent with previous months. The Vanguard account rebounded this month and closed with \$1,786,000. Commissioner G. Roberge (CT) noted that even though the account lost money in the last couple of months, considering the current stock market condition, their Vanguard account was doing well as it had \$60,000 more than a year ago.

Commissioner G. Roberge (CT) presented amendments to FY21 budget:

Executive Director A. Lippert noted that since Commission's budget was determined two years in advance, the national office refined the upcoming fiscal year's budget based on spending for the Executive Committee consideration and approval.

- Cash Reserves reduced to \$44k to balance the budget. (\$13k reduction)
- Lines 60000, 61000 and 61009: Reduced a total of \$15,100 due to staff changes.
- Lines 62090 and 62130: Computer services and outside web support increased by \$4,500 in accordance with spending and economic increases.
- Line 62360: Direct telephone reduced by \$2,000 in accordance with spending.
- Line 68200: WebEx reduced by \$2,000 in accordance with spending.
- Lines 11364, 11365 and 11371: Committee meetings reduced by \$1,250 in accordance with WebEx renewal and reduced charges.
- Line 11354: ICOTS increased by \$6,200 in accordance with Appriss renewal (3% increase annually) and economic increases for dashboard reports and monitoring software. Includes \$50k for enhancements.
- Total budget reduced by \$9,650

Commissioner A. Godfrey (MN) moved to approve proposed FY21 budget changes as presented. Commissioner R. Marlan (MI) seconded. Motion passed.

Commissioner G. Roberge (CT) presented the proposed FY22 budget, which was consistent with the FY21 budget with the following exceptions:

- To balance the FY22 budget, \$58k moved from cash reserves.
- Line 61000-Benefits: Estimated based on increase in benefit renewal, which occurs mid-year.
- Line 11366-Rules Committee: Adjusted for non-rule making year.
- Line 11354-ICOTS: Adjusted for economic increases. Includes \$50k for enhancements.

Commissioner D. Crook (VT) moved to approve the proposed FY22 budget as presented. Commissioner H. Cooper (KS) seconded. Motion passed.

Technology Committee Report: Commissioner C. Moore (GA) stated that all of the ICOTS changes for the rule amendments passed at the last annual business meeting were launched in the system on April 1, 2020. Appriss found one bug on their own the first day and had it resolved within 24 hours. No users reported any bugs or issues related to the launch.

Two outstanding bugs were also resolved with the code release on April 1, 2020. The first bug was where the Subsequent State Transfer process kept the old receiving state, if started from the offender profile. This issue was confirmed fixed.

The second issue had to do with the offender ID and compact case numbers longer than 6 digits being cut off on the reports within ICOTS. The reports now allow for 7-8 digits for those fields.

The Technology Committee met in April and reviewed and approved five new enhancement requests, bringing the total number of enhancements to seven. Those seven enhancements were posted to the comment forum for feedback. The committee will review all comments after the July 1st deadline.

Commissioner C. Moore (GA) updated the committee on the ICOTS Training Integration Project. The national office provided Appriss with half the documentation for the help points throughout the ICOTS system. Those changes were pushed to the ICOTS Prep environment for testing. The Training Committee was also reviewing the changes.

Rules Committee Report: Commissioner M. Hudson (IN) stated that the Rules Committee had not met since the emergency meeting, where the full Commission met and voted on new Rule 2.111 *Emergency Suspension of Enforcement of Rules*. She noted that the regular rules promulgation processes would be applied retroactively. The Emergency Rule 2.111 was posted for comment from May 1 until June 1 and the Rules Committee would hold a public hearing on June 10.

The Rules Committee will meet again in July to review the legal counsel's recommendation on a warrant timeframe conflict in rules and discuss the West Region's concept for managing domestic violence offenders.

She noted that based on today's discussion, the Rules Committee would also review current rules for any adjustments needed in a case of nationwide emergency.

Training Committee Report: Executive Director A. Lippert noted that the Training Committee had not met since the last Executive Committee meeting. The committee would meet in June to discuss the ABM curriculum.

ABM Workgroup Report: Commissioner H. Cooper (KS) stated that yesterday, she met with Chair Stromberg and Executive Director Lippert to discuss status of the business meeting. With uncertainties around travel restrictions and the ongoing impact of COVID-19 in respective jurisdictions, an in-person business meeting presented an unnecessary risk.

To meet the Compact obligation for an annual meeting as outlined in the Commission's Bylaws, she presented a proposal for a virtual meeting. This meeting would be held over two weeks instead of the standard three days and utilize webinar and virtual meeting tools from Zoom and WebEx.

Commissioner H. Copper (KS) added that the national office was analyzing various consultants who specialized in virtual event planning. These consultants help with technical support, measure attendees experience to improve curriculum and delivery methods for future events, and provide support and assistance in the voting/election process. Cost would depend of on the agenda.

The Commission contracted with the Hyatt Regency Milwaukee Downtown, in Milwaukee, WI for September 2020. If the Commission decides to go to a virtual platform in 2020 and cancel its face-to-face meeting, it will pay \$22,440 in penalty fees, as long as the 2021 ABM takes place in

the same hotel before Dec 31, 2021. The hotel is currently holding September 26-29, 2021 for the Commission.

The Commission would still realize an estimated \$150,000 cost savings for the 2020 meeting.

The Executive Committee instructed the ABM Planning Workgroup to revisit the agenda to fit a virtual meeting format and the DCA Liaison and the Training Committee would subsequently provide relevant content.

Commissioner M. Hudson (IN) stated that she served on NADCP board. They had to cancel their face-to-face meeting and move to a virtual platform in a short period of time. They hired an outside consultant to support the platform. Commissioner M. Hudson (IN) offered to share the consultant's information and lessons learned.

Commissioner D. Crook (VT) thanked Chair Stromberg and the national office for their leadership during the pandemic. He noted that people were fatigued from online meetings and suggested keeping the virtual business meeting agenda to a minimum.

The committee members supported Commissioner Crook's recommendation.

Chair J. Stromberg (OR) agreed with Commissioner Crook and expressed his concern with connectivity of compact members due to a high turnover rate among the commissioners.

DCA T. Hudrlik (MN) noted that it was difficult to design an interactive and engaging virtual session. She noted that since travel would not be required, more compact office staff could attend the virtual business meeting.

The committee discussed the proposed agenda and agreed that the dashboard reports session was a better fit as a recorded session, rather than as an in-person training.

Commissioner J. Kempker (MO) thanked Commissioner Cooper for addressing the situation as an opportunity instead of a challenge. She plans to set up an ABM watching party event for her staff members.

Commissioner G. Roberge (CT) motioned to move the 2020 Annual Business Meeting to a virtual platform and instruct the ABM Planning Workgroup to revisit the agenda. Commissioner R. Marlan (MI) seconded. Motion passed.

East Region Report: Commissioner D. Crook (VT) stated that the East Region met and reported on their states' update on May 11. All region members were in similar situation with COVID-19 responses. He added that East Region DCAs were meeting on bimonthly basis and praised DCA East Region Chair Latulippe for her leadership. The East Region states started to lift their restrictions and open their borders.

Midwest Region: Commissioner R. Marlan (MI) stated that the Midwest Region met on May 6. The meeting was well attended and each state gave an update on where they were with the COVID-19 situation. The Midwest DCAs had been meeting on weekly basis.

South Report: Commissioner J. Kempker (MO) reported to the committee that the South Region met on May 13. The meeting was well attended with many guests present. The region gave accolades to their DCAs, who worked through challenges and came up with creative solutions to fulfil Compact obligations.

West Region Report: Commissioner R. Cohen (NM) noted that the West Region met on April 23. The region discussed limitations from the pandemic. She noted that the State of California struggled with the shelter in place orders and moving forward with the interstate compact responsibilities. They are now processing transfers.

Commissioner R. Cohen (NM) stated that Arizona brought up an issue with the legality of electronic witness signatures that was addressed by the Executive Director.

The West Region DCAs met on regular basis to discuss problems and solutions. Their current discussion was focused on absconders and home visits.

Due to the current pandemic, the region postponed scheduling a meeting for an ad hoc committee to look at the issue of supervision in tribal regions and development of best practices.

The region will meet again in July.

Victim Advocate Report: Chair J. Stromberg (OR) welcomed new Victim Advocate J. Gillis (NOVA) to the committee.

Victim Advocate J. Gillis (NOVA) expressed his gratitude for the Commission's work. He noted that he was familiar with all aspects of Commissions' work as he had experience in the criminal justice system as a law enforcement officer, a Chairman of California Board of Prison Terms, and Director for Maricopa County Victim Services.

He requested to set up an email account for victims to reach out to him regarding their problems and concerns. He asked the national office staff to have an access to this email as well.

Executive Director Report: Executive Director A. Lippert presented her report to the committee:

- Sally Kremer was appointed Commissioner for Iowa.
- The national office continues to monitor states' COVID-19 restrictions and notices posted on the Commission website to make sure they were appropriately listed and have not expired.
- The national office worked individually with two states, California and North Carolina, who were issuing blanket denials on mandatory cases. She asked the members to inform the national office, if they encounter issues with blanket denials from these or other states.
- The national office continues to monitor ICOTS transfers data. She presented significant Compact trends during COVID-19 pandemic based on ICOTS data.

Executive Director A. Lippert noted that the data correlates well with the Executive Committee actions: approval of Emergency Administrative Policy (3/13/2020); revision of Emergency Policy (4/1/2020); policy training for Commissioners and DCAs (4/10/2020); implementation of Rule 2.111 (4/21/2020); and NSCS & ICAOS training for judges (4/30/2020).

On a national level, there was an uptick in transfer denials across the board the two weeks following the adoption of the Emergency policy. Revision of the policy and training on it to commissioners and DCAs corresponded with a decrease in the number of rejections.

The data supports the assumption that reporting all violations for an offender has taken on a lower priority, especially since many states are not conducting in-person field visits. Monitoring the violation trends in the months to come as restrictions are lifted will provide a better picture of how states handle the effects of COVID-19 and offender violations.

The national office will publish the data in the Annual Report.

The national office will continue to provide this data to the Executive Committee throughout pandemic to make sure the decision to lift the restrictions provided by the Emergency Rule is based on hard data.

- The national office continues working with FBI on the BJA grant. In order to fulfill the grant's requirements to enter offender information into the FBI's program, the Commission needs to obtain an Originating Agency Identifier (ORI) number. Since 2018, the national office has met on numerous occasions with the FBI to provide the information needed to prove the Commission meets their regulations. After the Commission was awarded the grant, SEARCH also met with the FBI to explain the project and how it necessitated an ORI number. The national office and ICAOS Legal Counsel met with the FBI General Counsel to explain the basis of ICAOS. The FBI asserted that ICAOS was not a criminal justice agency (CJA) performing the administration of criminal justice as a primary function as defined in their regulations.

The national office sent a letter to Senator McConnell's office to assist with confirming the Commission's status.

Executive Director A. Lippert noted that without ORI number, the project would not be able to move forward.

- With NCSC help, Chair Stromberg and Legal Counsel Travis delivered training to judges on the Commission's response to COVID-19. The training was well attended with over 650 participants. The national office posted a recording of the training along with its Q&A on the Commission's website.
- The national office will present via teleconference to NAAG and NDAA in June based on joint efforts with ICJ and APA.
- National office staff was provided with a return to work document that followed the Commonwealth of Kentucky's guidelines. Governor Basheer recommends to continue to

telecommuting as long as possible. The national office prepared a telecommuting agreement for staff to enter individually.

Chair J. Stromberg (OR) expressed his support in continuing the telecommuting option for staff as long as possible or to become a new norm.

Old/New Business

There was no old business.

Adjourn

Commissioner G. Roberge (CT) moved to adjourn. Commissioner C. Moore (GA) seconded.

The meeting adjourned at 1:26 pm ET.

Jeremiah Stromberg
Jeremiah Stromberg (Jun 24, 2020 13:53 PDT)

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Final Audit Report

2020-06-24

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