



Interstate Commission for Adult Offender Supervision

Executive Committee Meeting MINUTES

**June 16, 2021 @ 12 p.m. ET
Video Conference**

Members in Attendance:

1. Jeremiah Stromberg (OR), Chair
2. Gary Roberge (CT), Treasurer
3. Chris Moore (GA), Information Technology Chair
4. Mary Kay Hudson (IN), Rules Committee Chair
5. Russell Marlan (MI), Midwest Region Chair
6. Julie Kempker (MO), South Region Chair
7. Allen Godfrey (MN), Compliance Committee Chair
8. Roberta Cohen (NM), West Region Chair
9. Dale Crook (VT), East Region Chair
10. Joselyn López (WI), Training, Education and Public Relations Committee Chair
11. Suzanne Brooks (OH), DCA Liaison Committee Chair, Ex-Officio
12. John Gillis (NOVA), Ex-Officio

Members not in Attendance:

1. Hope Cooper (KS), Vice-Chair

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 12:01 pm ET; ten out of eleven voting members were present; a quorum was established.

Agenda and Minutes

Commissioner D. Crook (VT) 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 21, 2021 meeting as drafted. Commissioner A. Godfrey (MN) seconded. Minutes approved as drafted.

Discussion

Compliance Committee report: Commissioner A. Godfrey (MN) stated that the Compliance Committee planned to meet late May in anticipation of a new request to extend application of Rule

2.111 from Hawaii. He cancelled the meeting, as Hawaii did not submit the request. Once the national office completes the discretionary case compliance audit, the committee will meet again to discuss the results and determine the standard's benchmark.

DCA Liaison Committee report: DCA S. Brooks (OH) stated that the DCA Liaison Committee met earlier this week to finalize details for the Quarter One DCA Dashboard Program roll out. The committee also discussed Advisory Opinion 1-2019, as there had been resistance from some states to follow the opinion and reopen absconder cases as part of managing retaking. She asked the DCA region chairs to discuss the issue at their respective regions.

DCA S. Brooks (OH) added that at the last meeting, the DCA Liaison Committee invited new DCAs to attend their meeting and familiarize themselves with the committee and its operations. Moving forward the committee discussed scheduling a separate meeting to connect with new DCAs.

Finance Committee Report: Commissioner G. Roberge (CT) stated that the Commission remained in good financial health. Its savings account had \$1,300k and its checking account has \$200k. The Commission's Vanguard investment account had \$2,361,000, which was a \$10k increase from the previous month.

Commissioner G. Roberge (CT) continued that the Finance Committee met last week to discuss a recommendation to withdraw Vanguard funds. The national office keeps the majority of the Commission funds in the savings account to capitalize on interest gains. Every month, Executive Director Lippert transfers funds to the checking account to cover Commission's monthly expenditures. At the 2020 Annual Business Meeting, the Commission approved a one-time 30% state dues reduction, which would result in a reduction of the savings account funds.

After reviewing the matter in detail, the Finance Committee recommended that should the bank account fall below \$500k, the Commission withdraw funds from its Vanguard investment accounts bringing the balance back up to \$750k. This would be a preventative measure to ensure availability of funds.

Executive Director A. Lippert added that distributions from Vanguard occur next day by wire transfer. As an institutional account, ICAOS has no limits on the number of disbursements it may initiate.

Commissioner A. Godfrey (MN) moved to allow ICAOS Executive Director to access Vanguard Funds, if necessary, should the Commission's savings account fall below \$500k, the total withdrawn should bring the total savings account balance up to \$750k. Commissioner D. Crook (VT) seconded. Motion passed.

Technology Committee Report: Commissioner C. Moore (GA) stated that the Technology Committee met earlier this month to discuss the Statement of Need for an administrative enhancement to offender management. Appriss estimated the enhancement cost to be \$11,895.

Executive Director A. Lippert added the offender management administrative functions assure the Commission's internal and external partners that the ICOTS data contains information that is accurate, valid, and reliable. The failure of ICOTS state administrators to properly review records and implement offender management procedures (Move, Merge, and Delete) continues to be problematic. The proposed enhancement will limit offender management to correct user behavior and properly manage offender records.

Commissioner A. Godfrey (MN) moved to approve the proposed offender management enhancement as presented. Commissioner R. Marlan (MI) seconded. Motion passed.

Commissioner C. Moore (GA) continued, the national office brought to the Technology Committee's attention that the 'resident' and 'resident family' found on the Transfer and Transfer Reply PDF generated in ICOTS no longer served a practical purpose. He continued that when this PDF was created, the Commission did not have the Help Points tool that linked the ICAOS Rules to ICOTS. Now, with the availability of the ICOTS Help Points, the PDF could be perceived as redundant.

The Technology Committee voted to remove the rule definition from the Transfer and Transfer Reply PDF in ICOTS. This change will be included in the proposal to amend *Rule 1.101 Definition of Resident* for the full Commission vote at the upcoming Annual Business Meeting.

Lastly, the Technology Committee reviewed comments from the Comment Forum on the *ICOTS enhancement to track warrants status & new discretionary retaking activity*. The committee decided that some comments were out of scope for the proposed enhancement. The Technology Committee recommended the *ICOTS enhancement to track warrants status & new discretionary retaking activity* for approval at the 2021 Annual Business meeting. Appriss will provide a statement of work along with the cost estimate in August.

Rules Committee Report: Commissioner M. Hudson (IN) stated that the Rules Committee was meeting later this month to review the Commission's comments for the rule proposals and finalize the proposals for the full Commission's vote at the Annual Business Meeting.

She added that later this year, the Rules Committee would be looking at the probable cause hearing and custody status as discussed at the previous Executive Committee meetings. She thanked DCA Liaison Chair Brooks and Training Committee Chair López for starting the conversation in their committee meetings on this matter. She noted that it would be beneficial to know the applicability of the probable cause hearing and custody status in the field as well as variation of practices.

Training Committee Report: Commissioner J. López (WI) stated that the Training Committee met on May 26. The committee tested two interactive Zoom features, polling and breakout rooms, to use at the upcoming Annual Business Meeting.

Based on the polling results, the committee agreed to focus on the *Retaking Challenges* topic for the summer round table discussion and the *Reducing Revocations* topic for the fall round table discussion. Even though, the *Warrants* topic received many votes as well, the committee decided

to proceed with it after the full Commission's vote on the warrant related rule and ICOTS enhancement proposals at the Annual Business Meeting.

Furthermore, the Training Committee discussed the Q&A part of the Remote Sentencing & Hearings whitepaper drafted by Legal Counsel Travis. The committee reached a consensus on the Q&A part of the paper.

The Training Committee had a brief discussion on the probable cause waivers and rule requirements for holding offenders in custody on a waiver. The consensus was that the states kept offenders in custody, if probable cause was found.

Chair J. Stromberg (OR) asked if the Commission was selected to present at the American Probation and Parole Association (APPA) Summer Institute this August.

Commissioner J. López (WI) will follow up on this matter with APPA.

ABM Planning Workgroup Report: Executive Director A. Lippert informed the committee that the Annual Business Meeting's registration opens in July. She asked the committee members to start thinking about their Docket Book reports that were due in August.

East Region Report: Commissioner D. Crook (VT) stated the East Region did not meet since the last Executive Committee meeting. The region was scheduled to meet on July 13.

Midwest Region: Commissioner R. Marlan (MI) stated that the Midwest Region met on April 27. The region will meet again on July 22.

South Report: Commissioner J. Kempker (MO) stated that she cancelled the June South Region meeting as there were no official business to discuss.

West Region Report: Commissioner R. Cohen (NM) stated that the West Region met on April 15. The Region will meet again on July 15. She added that last week, she attended a DCA West Region meeting. She recommended the other region chairs to attend their DCA region meetings to gain more perspective about their region's activities.

Victim Advocate Report: Victim Advocate J. Gillis (NOVA) was interested in the Technology Committee report, specifically the *Resident Family* rule proposal matter. He will present it to NOVA board for any recommendation.

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

- Executive Director Lippert along with DCA Hudrlik (MN) presented at the Association of Paroling Authorities International hybrid conference.
- ICAOS will present on the JRI project at the SEARCH symposium.

- Executive Director Lippert was working with states in each region to join the JRI project before its launch announcement date this fall. Currently there were three states - Arizona, Connecticut, and Kansas - enrolled in the project.
- The Training Committee selected Retaking Challenges as a topic for the next round table discussion. The discussion will engage states in a thoughtful dialogue on retaking considerations considering criminal justice reform and how each state complies with Rule 5.105 – Retaking within 30 days. Participants will share practices that each state has implemented to manage retaking during the pandemic and will explore the post-pandemic return to normal operations. Former ICAOS Commissioner from Tennessee Alisha James agreed to moderate the discussion. The other two moderators would be a representative of the National Sheriff Association (NSA) and Commissioner Cooper (KS). The session was scheduled for August 4, 2021.
- The Commission’s dues formula was based on state’s population and ICOTS offender numbers. The U.S. Census Bureau recently published the 2020 census numbers. The national office will examine the published data to adjust the state dues tiers, if necessary. She will report on the findings at an upcoming meeting.
- In preparation for the Commission’s 20th year anniversary, the national office in collaboration with the National Institute of Corrections (NIC) had been working on a documentary that provided a general context and history of the Compact. Executive Director A. Lippert received excellent feedback from the crew about their filming in Georgia.

Commissioner C. Moore (GA) provided an update on the filming that occurred in Georgia and suggested choosing all documentary participants from the same location.

- Kelsey Moore, ICAOS Web Applications and Tech Support Manager, has taken a new position with another company. The national office appreciated Moore’s hard work and technical expertise. Executive Director A. Lippert started looking for her replacement and will update the committee as she progresses.
- Executive Director A. Lippert reminded the committee that she was taking part in a group initiated by APPA to look at ways criminal justice agencies can collaborate on racial equity initiatives. The Justice System Partnership for Racial Equality asked for approval from each organization to be part of the group, meaning the Commission would be officially associated with the partnership.

The partnership planned to craft a letter to President Biden’s administration informing them about the group and its recognition of the existing disparities. She added that once completed, the Executive Committee would review the letter and decide if they want ICAOS to be part of it.

Commissioner A. Godfrey (MN) expressed his full support of the partnership.

Commissioner M. Hudson (IN) noted that Indiana had a similar group to discuss this issue. The group hired a researcher from the George Mason University to analyze the issue and its outcomes. She will share the documents with the national office.

Chair J. Stromberg (OR) spoke in appreciation of the partnership.

Commissioner A. Godfrey (MN) moved to approve the Interstate Commission for Adult Offender Supervision's participation in the Justice System Partnership for Racial Equality. Commissioner C. Moore (GA) seconded. Motion passed.

- Per Rule 6.101(c), Minnesota was requesting an advisory opinion regarding state's practice to allow offenders to return to the receiving state on a travel permit prior to the disposition of a violation that resulted in retaking.

Commissioner M. Hudson (IN) suggested surveying the states to find out the extend of the issue.

Commissioner R. Cohen (NM) noted that it was a common practice among border states.

Commissioner M. Hudson (IN) noted that if there was no rule governing this practice, the Rules Committee would look at drafting a rule to regulate it.

Victim Advocate J. Gillis (NOVA) asked if these cases were protected under the Federal Statute of Victim Protection.

The committee decided to proceed with requesting a legal analysis of the issues to determine the extent of the problem.

Commissioner A. Godfrey (MN) moved to seek legal analysis of the issue of allowing offenders to return to the receiving state on a travel permit after being retaken. Commissioner G. Roberge (CT) seconded. Motion passed.

Old/ New Business

Executive Director A. Lippert reminded the committee that the July Executive Committee meeting was cancelled. The committee will meet as scheduled in August.

Adjourn

Commissioner G. Roberge (CT) moved to adjourn. Commissioner D. Crook (VT) seconded.

The meeting adjourned at 1:20 pm ET.


Jeremiah Stromberg (Aug 20, 2021 09:06 PDT)

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Final Audit Report

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