



## Interstate Commission for Adult Offender Supervision

### Compliance Committee Meeting MINUTES

December 21, 2021 · 1:00 pm ET

#### Video Conference

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#### **Members in Attendance:**

1. Allen Godfrey (MN), Chair
2. Cathy Gordon (MT)
3. Sally Reinhardt-Stewart (NE)
4. Amy Vorachek (ND)
5. Dale Crook (VT)
6. Diann Skiles (WV)
7. Jacey Rader (NE), Ex-officio
8. Suzanne Brooks (OH), Ex-officio

#### **Not in Attendance:**

1. Hope Cooper (KS)
2. Gloriann Moroney (MA)
3. Tina Balandran (TX), Ex-officio

#### **Guests:**

1. Jocelyn Angton (TX)
- 2.

#### **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
6. Drake Greeott, Web Development Manager

#### **Call to Order**

Chair A. Godfrey (MN) called the meeting to order at 1:01 p.m. ET. Executive Director A. Lippert called the roll. Six out of eight voting members were present; a quorum was established.

#### **Approval of Agenda and Minutes**

**Commissioner D. Crook (VT) moved to approve the agenda as presented. Commissioner S. Reinhardt-Stewart (NE) seconded. Agenda approved.**

**Commissioner D. Skiles (WV) moved to approve the minutes from April 19, 2021 as drafted. Commissioner A. Vorachek (ND) seconded. Minutes approved.**

## **Discussion**

*Compliance Committee FY 2022 Goals:* The committee reviewed its current goals:

1. Continue to review compliance issues and make fair and consistent recommendations if necessary.
2. Meet and review compliance issues within 30 days of an Executive Committee referral.
3. Develop processes to enhance proactive compliance by monitoring trends and working collaboratively with other committees.

**Commissioner D. Crook (VT) moved to discuss adding a new goal - *Develop processes for improving dashboard outcomes*. Commissioner C. Gordon (MT) seconded. Motion passed.**

Chair A. Godfrey (MN) stated that the committee's current goals were broad and proposed including a new and specific goal to define the committee's framework on annual basis. He suggested adding *Develop processes for improving dashboard outcomes* goal to develop processes for review the other dashboards outcomes and changes to improve compliance among the states.

DCA S. Brooks (OH) supported the new goal. She noted that based on the DCA Dashboard Program's results that the DCA Liaison Committee rolled out last year, states could improve on their processes and data.

**Commissioner A. Vorachek ((ND) moved to add Goal #4 *Develop processes for improving dashboard outcomes* to FY 2022 goals. Commissioner D. Crook (VT) seconded. Motion passed.**

*Develop and recommend process for review and modifying dashboard outcomes:* Chair A. Godfrey (MN) noted that from 2002 to 2009, the Commission worked to define standards for the performance of annual compliance assessments and audits centered on receiving and sending state roles and responsibilities. With the implementation of ICOTS and the resulting data standardization in 2009, the Commission was able to assess state performance on five identified areas of import:

1. states allowing offenders to reside in other states without permission;
2. states failing to send transfer packets after providing reporting instructions;
3. states failing to retake offenders or issue warrants;
4. states failing or slowly responding to requests for reporting instructions; and,
5. states failing or slowly responding to transfer requests.

Accordingly, the Commission adopted administrative policy 05-2009 *Compliance Audit Policy and Standards* to independently assess how member states efficiently managed the transfer process in compliance with rules and concerning Commission goals.

Chair A. Godfrey (MN) noted that the Commission had matured and many states compliance rates were over 90%. He asked the committee about areas in need of future dashboard assessments, as well as their frequency for monitoring and notice needed to inform Commissioners.

Commissioner D. Crook (VT) suggested the Commission focus their future assessments on problem areas discovered during the previous assessments as well as the compliance dashboard results.

Commissioner S. Reinhardt-Stewart (NE) recommended focusing on currently assessed standards and potentially adding a few more.

Chair A. Godfrey (MN) suggested reviewing past complaints, elements from previous audits, dashboard results, as well as surveying DCAs to determine potential problem areas.

DCA S. Brooks (OH) noted that the DCA Liaison Committee could name some problem areas based on the results of the DCA Dashboard program.

Chair A. Godfrey (MN) asked DCA Liaison Committee Chair S. Brooks (OH) to help establish the DCA survey's framework.

The committee reviewed a list of potential areas for compliance review based on previous audits and rule requirements prepared by the national office:

- Case Acceptance and Rejections - Establish a standard for outgoing acceptance rates. Standardized rejection justifications to facilitate dashboard reporting that tracks justifications by individual officers.
- Standardization option would require ICOTS change – Facilitating easier categorization and subsequent analysis. Standardized responses could be correlated against other factors or used to review training, facilitating potential efficiency gains for programs with large numbers of rejection yet subsequent acceptance.
- Notice of Departure Rule 4.105(a) - At the time of offender departure from the sending state resulting from the transfer of supervision or reporting instructions, sending state to send notice of departure.
- Notice of Arrival Rule 4.105(b) - Following the transfer of supervision or reporting instructions, the receiving state must transmit NOA to reflect a physical change of custody.
- ICOTS Data Integrity - Identification and correction of duplicate offender files, empty cases, and cases requiring move, delete, or other action. Offender Photo Audit includes the use of image recognition and proprietary tools.
- ICOTS User Role Administration - Per ICOTS Privacy Policy, states are required to maintain active (within 12 months) user databases.
- Offender Demographic Data - ICOTS Privacy Policy states that data will be accurate, current, and complete (as possible). States must make reasonable efforts to delete bad information no later than 30 days from learning of errors making the information unreliable.

- Warrant Status: Absconders - Within 15 days of receipt of an absconder violation report and case closure, sending state must issue a warrant and, following apprehension, file a detainer.
- Time Allowed for Retaking - Dashboard created to reflect the number of offenders awaiting retaking by periods (>30 days from OVR Response, <30&60>, >60 days from OVR Response. An audit standard could emerge from an analysis of these periods where a national trend may emerge.

**Commissioner D. Crook (VT) moved for the Compliance Committee to review trends, recommend compliance dashboards modifications, and provide implementation timeframe. The review will include the DCA survey, past compliance audit results, and past state complaints. Commissioner C. Gordon (MT) seconded. Motion passed.**

*Recommendations for current and new dashboard outcomes including acceptance rates:* Chair A. Godfrey (MN) noted that based on the findings of the FY21 compliance assessment of states acceptance and rejection cases for transfers, the acceptance rate had improved minimally since the last case assessment in FY16. The verification of transfer plans and insufficient justifications remained the top concern for both mandatory and discretionary transfers.

He asked the committee whether the current assessment benchmark was appropriate. He added that it could be beneficial to see the other states and the nationwide rates of the discretionary and mandatory cases to compare one state's progress with the others.

The committee agreed on the benefit of adding the national average to this compliance dashboard.

Commissioner D. Crook (VT) noted the difficulty of setting benchmark for discretionary cases adding that there were situations where the receiving states simply could not comply with the supervision requirements in transfer applications.

**Commissioner C. Gordon (MT) moved to add the acceptance rates for incoming and outgoing cases to the compliance summary and quarterly emails to commissioners. Commissioner D. Skiles (WV). Motion passed.**

Executive Director A. Lippert noted that states should focus on review and quality of their outgoing cases. Since there were minimum changes since 2016 audit, she suggested establishing a benchmark to direct states behavior toward compliance.

Chair A. Godfrey (MN) suggested to gather more audit data and postpone the second part of this agenda item *Recommendations for new dashboard outcome* until a future meeting.

*Compliance Committee's vice chair:* Chair A. Godfrey (MN) tabled the discussion of adding a vice-chair to the committee.

### **Old Business**

There was no old business.

### **New Business**

*WA vs. KY Complaint:* The committee discussed a complaint filed against the Commonwealth of Kentucky for failing to issue a compact warrant. On November 25, 2021, the State of Washington submitted a formal request for assistance to resolve a dispute. As noted in Washington's request and upon review of the ICOTS case, Kentucky failed to issue a compact warrant per Rule 5.103-1. Washington sent a violation report to Kentucky on June 15, 2021, and continuously followed up on their request for a warrant over the past five months.

On December 1, the national office received a notice from Kentucky that they had issued the nationwide warrant and acknowledged that they had been working with the courts throughout the process with no results until the formal complaint was filed.

Chair A. Godfrey (MN) asked the committee if the basis of the complaint was substantiated. The committee agreed that it was but did not approve a recommendation of default given the corrective actions taken by Kentucky to issue its warrant.

The committee shared concerns with the time it took Kentucky to resolve the matter with their courts. The committee agreed Kentucky should provide a written response that details the actions they will take to remedy future issues of this nature.

The committee lost its quorum during the discussion, as a result, the committee would vote via email on the action against Kentucky. The committee did not forward the matter to the Executive Committee since no default was recommended.

Chair A. Godfrey (MN) stated that the committee was going to review the AK vs. FL case involving a failure to issue a nationwide warrant. However, Florida was able to resolve the issue and Alaska withdrew its complaint.

### **Adjourn**

Meeting adjourned at 2:14 p.m. ET.