



INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING MINUTES

September 10, 2008

Wyndham Palm Springs Hotel,
Palm Springs, CA

Call to Order

The meeting was called to order by Chairman W. Emmer (ND) at 8:05 a.m. PDT. Chairman W. Emmer (ND) gave welcoming remarks.

Roll Call

Roll was called by Executive Director H. Hageman. Fifty-two out of fifty-three members were present, thereby constituting a quorum.

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|-------------------------|-------------------|
| 1. Alabama | Chris Norman |
| 2. Alaska | Donna White |
| 3. Arizona | Dori Ege |
| 4. Arkansas | David Guntharp |
| 5. California | Robert Ambroselli |
| 6. Colorado | Jeaneene Miller |
| 7. Connecticut | Tracy Johnson |
| 8. Delaware | Carl Danberg |
| 9. District of Columbia | Adrienne Poteat |
| 10. Florida | Pamela Levine |
| 11. Georgia | David Morrison |
| 12. Hawaii | Janice Yamada |
| 13. Idaho | Kevin Kempf |
| 14. Illinois | Michelle Buscher |
| 15. Indiana | Robert Champion |
| 16. Iowa | Jeanette Bucklew |

Approved on 11/04/09. B.S.

17. Kansas	Keven Pellant
18. Kentucky	Lelia VanHoose
19. Maine	Wayne Theriault
20. Maryland	Patrick McGee
21. Massachusetts	Mark Conrad
22. Michigan	John Rubitschun
23. Minnesota	Ken Merz
24. Mississippi	Lora Cole
25. Missouri	Wanda La Cour
26. Montana	Cathy Gordon
27. Nebraska	Ellen Brokofsky
28. Nevada	Bernard Curtis
29. New Hampshire	Mike McAlister
30. New Jersey	Yolette Ross
31. New Mexico	Edward Gonzales
32. New York	Rich Bitel
33. North Carolina	Robert Lee Guy
34. North Dakota	Warren Emmer
35. Ohio	Linda Janes
36. Oklahoma	Milton Gilliam
37. Oregon	Mark Cadotte
38. Pennsylvania	Benjamin Martinez
39. Puerto Rico	Rebecca Martinez
40. Rhode Island	Ashbel Wall
41. South Carolina	Samuel Glover
42. South Dakota	Ed Ligtenberg
43. Tennessee	Gary Tullock
44. Texas	Kathie Winckler
45. Utah	Jim Ingle
46. Vermont	Jacqueline Kotkin
47. Virginia	James Camache
48. Virgin Islands	Arline Swan
49. Washington	Lin Miller
50. West Virginia	Henry Lowery
51. Wisconsin	William Rankin
52. Wyoming	Les Pozsgi

Executive Director H. Hageman recognized Ex-Officio members:

- Pat Tuthill *National Association of Crime Victim*
- Denton Darrington *National Conference of State Legislatures*
- Tom Roy *American Parole and Probation Association*
- Nick Alexander *National Association of Attorney General*
- Cranston Mitchell *Association of Paroling Authorities International*

Approval of Agenda

Commissioner D. Guntharp (AR) moved to approve the agenda. Commissioner E. Ligtenberg (SD) seconded. The agenda was approved.

Approval Minutes

Commissioner D. Ege (AZ) moved to approve the *2007 Annual Business Meeting minutes*. Commissioner D. Guntharp (AR) seconded. The minutes were approved.

Welcome & Overview

Commissioner R. Ambroselli (CA) welcomed participants to California on behalf of Matthew Cate, Secretary of California Department of Corrections and Rehabilitation and himself.

Chairman W. Emmer (ND) instructed the Commission on the rules and procedures of the meeting and gave a short overview of the Commission's accomplishments.

Compliance Committee Report

Commissioner R. Guy (NC) stated that as the result of the open communication and hard work, no formal complaints were brought up to the Committee's attention in the past year.

Commissioner R. Guy (NC) encouraged the Commission to use three assessment tools that were developed by Executive Director H. Hageman:

- Self Assessment Checklist for Interstate Compact,
- Comprehensive Self Assessment for Interstate Compact Operations and
- Assessing Critical Public Safety Standards for Interstate Compact.

At the face-to-face meeting in April 2008, the Compliance Committee developed a first draft of the Compliance Committee Policy and Procedures document.

Commissioner R. Guy (NC), Compliance Committee Chair, made a motion to accept the *Compliance Committee Report*. Commissioner G. Tullock (TN) seconded. The report was adopted.

Ad Hoc Workgroup Report

Chairman W. Emmer (ND) charged Vice-chair G. Powers (LA) to put together a small workgroup consisting of Rules Committee chair, Compliance Committee chair and Training Committee chair. Using the Compliance Committee Policy and Procedures draft and the Compliance Survey, the workgroup developed *ICAOS Guidelines for Resolving Compliance Issues* and *Policy and Procedure for Investigating Allegations of Non-Compliance with the Interstate Commission for Adult Offender Supervision* documents.

Commissioner R. Guy (NC) made a motion to accept the *Ad Hoc Workgroup Report*. Commissioner J. Miller (CO) seconded. The report was adopted.

Rules Committee Report

Commissioner W. Rankin (WI), Rules Committee Chair, presented the Committee's Report to the Commission. He provided an overview of the Committee goals and accomplishments and introduced the Commission's two-year business calendar.

Commissioner W. Rankin (WI) informed the Commission that technical corrections were made to Rules 3.101-3 and 3.103. The corrections took effect on February 17, after they were posted on the Commission's website for commissioner's comments.

The Rules Committee received the following proposals, some of which would be presented for the consideration at the 2009 business meeting:

- Definition of *supervision* - (West Region)
- Rule 2.106 Offenders subject to deferred prosecution programs – (South Region)
- Rules 3.101-3(c) reporting instructions for sex offenders already registered in resigning in the receiving state – (Midwest Region)
- ICOTS definition - this proposal was referred back to the Technology Committee for reconsideration and justifications (Technology Committee)

Ad Hoc Committee on Treatment in Other Jurisdictions

At the 2007 business meeting, the Commission voted to establish an Ad Hoc on Treatment in other Jurisdiction Committee. This Ad Hoc Committee consisted of Rules Committee members and commissioners of District of Columbia, Maryland and Virginia. The Committee's goal was to examine whether the Commission should allow neighboring states to agree upon expedited transfer procedures that would allow offenders to report for treatment out-of-state as quickly as reasonably possible.

The Committee voted to make the following recommendations to the Commission:

- ICAOS rules should not be amended to allow local agreements between compacting states
- ICAOS rules should not be amended to create special procedures or considerations for the purposes of allowing offenders access to treatment in other jurisdictions

Commissioner W. Theriault (ME) made a motion to accept *Ad Hoc Committee on the Treatment in Other Jurisdiction and Rules Committee* reports. Commissioner K. Pellant (KS) seconded. The reports were adopted.

Training, Education and Public Relations Committee Report

Commissioner D. Ege (AZ), the Training Committee Interim Chair, expressed her gratitude towards the Committee members and the National Office staff.

Commissioner D. Ege (AZ) reported on the on-site trainings that were delivered by the Committee members and the National Office staff: Victim's Workshop (Atlanta, GA), State Council (Natick, MA and Anchorage, AK), PO Training (Winston-Salem, NC, DC, Anchorage, AK).

The Committee members and the National staff delivered the following WebEx trainings: PO Rules Training Sessions, DCA Training Sessions and ICOTS Leader Training.

Commissioner D. Ege (AZ) informed the Commission that the Training Committee received continuing Legal Education accreditation from the following states AL, CO, FL, LA, NC, VT, WA and WY.

Commissioner D. Ege (AZ) gave an overview of the on-demand usage statistics by quarter.

The Training Committee assisted the Technology Committee in the development of the ICOTS training plan.

The Committee members and the National Staff delivered a judicial workshop at the Illinois Judicial Education Conference (Chicago, IL) and ICAOS workshops at CSG Sex Offender Symposium (Reno, NV), APPA (Phoenix, AZ), AJCA (Savannah, GA), SSCA (San Antonio, TX), and APPA (Las Vegas, NV).

Commissioner D. Ege (AZ) moved to accept *Training, Education and Public Relations Committee* report. Commissioner M. Gilliam (OK) seconded. The report was adopted.

Finance Committee Report

Executive Director H. Hageman presented Finance Committee report to the Commission. He demonstrated Commission's expenses and revenue – FY 2008 is 6.7% below revenue due to delayed ICOTS payments, un-purchased equipment, not utilized Technical and Training Assistance funds, 2007 Annual Meeting budget and general administrative savings.

Commissioner G. Tullock (TN) made a motion to accept the proposed FY 10 budget. Commissioner L. Janes (OH) seconded. The motion passed.

Ad Hoc Finance Committee Report

Executive Director H. Hageman presented to the Commission the Ad Hoc Finance Committee Report.

At the 2007 business meeting, the Commission voted to establish an Ad Hoc Finance Committee that consisted of present Finance Committee members and commissioners of Maine and Virgin Islands to review the Commission's dues structure.

After reviewing the dues formula, the Committee passed the motion to make a recommendation to the full Commission to create an additional tier that includes states that have a dues ratio below 0.001. The Virgin Islands was the only Commission member affected by this decision.

Commissioner W. Theriault moved to accept the Ad Hoc Finance Committee recommendation. Commissioner K. Merz (MN) seconded. The motion passed.

Commissioner D. Ege (AZ) made a motion to amend FY 10 budget to reduce its revenue to accommodate the lower tier. Commissioner D. Guntharp (AZ) seconded. The motion carried.

Legal Counsel Report

Legal Counsel R. Masters informed the Commission about newly issued Advisory Opinions 1-2008 and 2- 2008.

Legal Counsel R. Masters requested that the Commission's litigation matter would be discussed during the closed session.

Commissioner W. Theriault (ME) made a motion to go into Executive Session. Commissioner M. Gilliam (OK) seconded. Motion carried by vote of fifty two (52) to zero (0).

Commissioner H. Lowery (WV) made a motion to come out of Executive Session. Commissioner S. Glover (SC) seconded. Motion carried.

Commissioner J. Miller (CO) made a motion to accept the Legal Counsel Report and adopt its purpose. Commissioner K. Winkler (TX) seconded. Motion carried.

DCA Liaison Committee Report

Commissioner M. Gilliam (OK), the Chair of DCA Liaison Committee, presented the DCA Liaison Report to the Commission. He recognized the members of the Committee and thanked them for their hard work.

Commissioner M. Gilliam (OK) presented Committee's goals and objectives. He reported to the Commission the results of the DCA Liaison meetings and DCA trainings.

Commissioner M. Gilliam (OK) made a motion to accept *DCA Liaison Committee Report*. Commissioner A. Wall (RI) seconded. The report was adopted.

Official Designee M. Conrad (MA) made a motion to make schedule adjustments to the business meeting agenda. Commissioner P. McGee seconded. The motion passed.

Victims' Advocate Report

P. Tuthill (FL), Victims' Advocate, presented her report to the Commission. She requested the Commission to provide an opportunity for the Ex-officio Victim Representative to make brief remarks at the Commission trainings, on the significance of complying with the Compact and real consequences to the public for failure to comply.

P. Tuthill (FL), Victims' Advocate, reported on several criminal justice and victim outreach presentations she held across the country:

- October 2007 - North Carolina Probation Association.
- May 2008 - Georgia Criminal Justice Coordinating Council.
- September 2008 - Montana Probation Association
- October 2008 – annual conference of the Colorado Organization of Victim Advocates
- November 2008 – Georgia Mental Health Association Presentation
- Early 2009 – Massachusetts Eastern Region training for victim advocates

Victim's Advocate P. Tuthill (FL) is working with the National Office to develop the victims' rep web page on the Commission's website. This webpage will be updated monthly to include discussion board, additional links to victim organizations and victim assistance training announcements.

Victim Advocate P. Tuthill (FL) informed the Commission that victim representatives helped to promote the Peyton Tuthill Foundation Scholarships. Three \$1,000 college scholarships were awarded on July 1, 2008 to survivors of homicide.

Commissioner M. Gilliam (OK) made a motion to accept the *Victims' Advocate Report*. Commissioner K. Winkler (TX) seconded. The report was adopted.

Award Presentations

- *Executive Chair Award* was presented to Commissioner William Rankin (WI) by Chairman W. Emmer (ND).
- *Executive Director Award* was presented to Deputy Compact Administrator Anne Precythe (NC) by Executive Director H. Hageman.
- *Peyton Tuthill Award* was presented to Victims' Advocate – Dan Levey (AZ) by Chairman W. Emmer (ND), Victims' Advocate P. Tuthill (FL) and Commissioner D. Ege (AZ).

Chairman W. Emmer (ND) recognized the Ex-Officio Senator Darrington for being one of the Commission's architects.

Committee Chair Recognition

Recognition Awards were given to the Committee Chairs for their service to the Commission.

The Compliance Committee Chair Recognition Award was given to Commissioner R. Guy (NC) by Chairman W. Emmer (ND).

The Rules Committee Chair Recognition Award was given to Commissioner W. Rankin (WI) by Chairman W. Emmer (ND).

The Technology Committee Chair Recognition Award was given to Commissioner D. Guntharp (AR) by Chairman W. Emmer (ND).

The Training Committee Chair Recognition Award was given to Commissioner D. Ege (AZ) by Chairman W. Emmer (ND).

The DCA Liaison Committee Chair Recognition Award was given to Commissioner M. Gilliam (OK) by Chairman W. Emmer (ND).

Chairman W. Emmer (ND) recognized those who preserve the "Spirit of the Compact" and expressed his appreciation to them: John Rubitschun and his staff (MI), Naeemah Yarber (CO), Michael Maestas (CO), Tom Plumlee (TX), Donna Reed (MA), Denis Clark (ME), Tima Ellsmore (ME), Richard Rhines (OH), Debbie Duke (TN), Anne Precythe (NC), Judge Mollee Westfall (TX), Marjorie Owens (WA), Angela Tolley (KY).

Executive Director H. Hageman presented the Chair with a plaque of recognition for his leadership and service to the Commission.

New Business

Commissioner R. Bitel (NY) on behalf of the East Region gave a donation to the Peyton Tuthill Scholarship Fund.

Commissioner D. Morrison (GA) emphasized the importance of the Spirit of the Compact.

Commissioner J. Bucklew (IO) informed the Commission about the Women Working in Corrections Conference on October 26-29, 2008. Attendees can find full information about the conference on www.womenofcorrection.com.

Chairman W. Emmer (ND) recognized the National Office staff and thanked them for their hard work.

Information & Technology Report

Commissioner D. Guntharp (AR), Technology Committee Chair, presented a short history of ICOTS development and progress.

Five states, Arkansas, Kentucky, Ohio, Indiana and North Carolina, volunteered to participate in ICOTS pilot launch on August 18, 2008.

The national implementation is scheduled for October 6, 2008.

Appriss representative Brian Oldham introduced his team and gave an overview of the Appriss history and accomplishments.

MIS Project Manager held demonstration of ICOTS functionalities.

Commissioner D. Guntharp (AR) made a motion to implement ICOTS and require all new transfer cases between states be processed through the system on October 6, 2008. Commissioner G. Tullock (TN) seconded. Motion carried by vote of forty (40) to eleven (11).

In the process of discussion, Appriss assured to fix the static fields of the supervision expiration date, victim sensitive and sex offender status to the dynamic fields before the national launch date - October 6, 2008.

Brian Oldham, Appriss, informed the Commission that 59 presented issues would be fixed in urgent matter based on the priority.

Brian Oldham, Appriss, stood by his words that all of the 59 issues were considered not showstoppers for the national ICOTS implementation.

MIS Manager S. Razor mentioned that every state ICOTS representative would have access to the working issues via FrontRange.

Brian Oldham, Appriss, assured the Commission that Appriss would be very flexible with the warranty timeframes and agreed to extend the warranty to six months after acceptance.

Commissioner R. Martinez (PR) informed the Commission that Puerto Rico would be having some training and language difficulties with the ICOTS implementation.

Commissioner D. Guntharp (AR) moved to give 60 days for the legacy data load. Commissioner S. Glovers (SC) seconded. Motion carried by vote of forty three (43) to nine (9).

Brian Oldham, Appriss, assured the Commission that the test files would be returned back to the sending state in 1-week timeframe.

Commissioner W. Rankin (WI) reminded Commission that there are three rules that would take effect upon implementation of ICOTS. The Executive Committee will determine the dates of these rules implementation.

Elections

Commissioner D. Ege (AZ), the Nomination Committee spokesperson, explained the Commission's election process.

Commissioners K. Kempf (ID) and L. Janes (OH) were nominated for the Treasurer position.

Commissioner D. Ege (AZ) asked for nominations from the floor.

Commissioner D. Guntharp (AR) made a motion to cease the nominations. Commissioner W. Theriault (ME) seconded. The motion passed.

Commissioners K. Winckler (TX) and M. Gilliam (OK) were nominated for the Vice-Chair position.

Commissioner D. Ege (AZ) asked for nominations from the floor.

Commissioner G. Tullock (TN) moved to cease the nominations. Commissioner B. Curtis (NV) seconded. The motion passed.

Commissioner D. Ege (AZ) asked for nominations from the floor.

Commissioners R. Bitel (NY) and K. Merz (MN) were nominated for the Chairman position.

Commissioner D. Guntharp (AR) made a motion to cease the Chairman nominations. Commissioner E. Ligtenberg (SD) seconded. The motion passed.

The candidates delivered their speeches to the Commission.

Commissioner K. Kempf (ID) was elected as Treasurer.

Commissioner M. Gilliam (OK) was elected as Vice-Chair.

Commissioner K. Merz (MN) was elected as Chairman.

Senator D. Darrington (ID) delivered the Oath of Officers to the elected officers.

Chairman K. Merz (MN) asked the West Region to meet after the business meeting for the Midwest region chair election.

Chairman K. Merz (MN) announced that the next Annual Business Meeting would take place on November 2-4, 2009 in Reno, Nevada.

Adjourn

The Commission adjourned at 4:10 pm PDT.