



Interstate Commission for Adult Offender Supervision

West Region Meeting MINUTES

July 15, 2021 · 2:00 PM ET
Video Conference

Members in Attendance:

1. Roberta Cohen (NM), Chair
2. Rebecca Brunger (AK)
3. Dori Littler (AZ)
4. Merideth McGrath (CO)
5. Brook Mamizuka (HI)
6. Cathy Gordon (MT)
7. Jeremiah Stromberg (OR)
8. Dan Blanchard (UT)
9. Mac Pevey (WA)

Members not in Attendance:

1. Guillermo Viera Rosa (CA)
2. Denton Darrington (ID)
3. Deborah Dreyer (NV)
4. Coltan Harrington (WY)

Guests:

1. Chris Smalling (CA)
2. Devon Whitefield (CO)
3. Christopher Clifton (NV)
4. Nora Antonucci (NV)
5. Shaira Chandler (NV)
6. Mark Patterson (OR)
7. Tanja Gilmore (WA)
8. Patricia Odell (WY)

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 R. Cohen (NM) called the meeting to order at 2:01 pm ET, nine out of thirteen members were present; a quorum was established.

Approval of Agenda and Minutes

Commissioner J. Stromberg (OR) moved to approve the agenda as presented. Commissioner M. Pevey (WA) seconded. Agenda approved.

Commissioner J. Stromberg (OR) moved to approve the minutes from April 14, 2021 as drafted. Commissioner M. McGrath (CO) seconded. Minutes approved.

Discussion

Review revisions to proposal to amend Rule 1.101 Definition of Resident: Chair R. Cohen (NM) noted that the Rules Committee reviewed the comments received during the rule proposal comment period. Upon further consideration, the committee made additional changes to the proposal to amend Rule 1.101 Definition of Resident.

Commissioner D. Littler (AZ), Rules Committee vice-chair, stated that the Rules Committee added ‘continuously and immediately’ to section 1 clarifying the trigger for when the 1-year timeframe for qualification for a resident starts. Additionally, the committee decided not to strike section 3 referencing military orders and incarceration.

Chair R. Cohen (NM) noted that this amendment would significantly affect their parole transfers.

Commissioner D. Littler (AZ) anticipated the acceptance rates to go up noting that it would be a positive change. She added that the current definition was overly restrictive as sometimes it was difficult to determine offenders’ residence a year prior to their offense.

DCA C. Smalling (CA) presented a scenario where an offender who was sentenced to probation in Arizona, absconded and moved to California. After retaining California’s residence for over a year, he gets arrested on his warrant and extradited back to Arizona. Would he qualify as a resident of California?

Commissioner D. Littler (AZ) thanked DCA Smalling for bringing up this scenario. The offender would not qualify to be a resident of California as the rule clearly indicates “Resident” means a person who has resided in a state for at least 1 year continuously and immediately prior to either the supervision start date or sentence date for the original offense for which transfer is being requested...”

The region had no issues with the current proposal as revised.

Rule 1.101 Definitions

“Resident” means a person who—

1. has resided in a state for at least 1 year continuously and immediately prior to either the supervision start date or sentence date for the original offense for which transfer is being requested ~~has continuously inhabited a state for at least 1 year prior to the commission of the offense for which the offender is under supervision;~~ and
2. intends that such state shall be the person’s principal place of residence; and
3. has not, unless incarcerated or under active military orders deployment, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.

Justification:

The current definition of resident in Rule 1.101 is overly restrictive and does not address the circumstances of individuals who have resided in a receiving state for an extended time, especially between commission of the offense and placement on supervision. Moreover, the current definition makes it particularly challenging for the sending state to provide proper documentation to support residency in such circumstances. The misapplication and limitations of the current definition often result in unnecessary delays or denials of the transfer request because the individual does not meet the current criteria of “resident”, despite having a valid plan of supervision in the receiving state. This proposal maintains the protections provided to the receiving state under the existing “resident” rule, while recognizing individuals who have established themselves with the requisite supports in the receiving state. Lastly, this proposal ensures that the request for transfer under the qualifying reason remains tied to the commission of the offense for which the offender is placed under supervision.

State Updates: Chair R. Cohen (NM) asked the members to share their state updates.

Alaska – Commissioner R. Brunger stated that their office is transitioning to their pre-COVID business practices. They welcomed a new staff member, Charlie Welsch, to the Interstate Compact unit.

Arizona – Commissioner D. Littler stated that their compact office was almost back to normal business. They have had some issues getting offenders in jail due to COVID.

She reminded the region how valuable the rule proposal comment process was and that the Rules Committee made changes to the original proposal to amend *Rule 1.101 Definition of Resident* based on the comments received. She encouraged everyone to attend the upcoming business meeting.

California – DCA C. Smalling stated that his state was returning to normal business operations. They still had some issues with extraditing their own offenders. Judges and jails continued releasing offenders being held other states’ warrants and holds.

He was looking forward to getting newly hired staff members on board.

Colorado – Commissioner M. McGrath stated that even though Colorado was open, the state still experienced problems with their jail space.

The department was building their own offender transportation system instead of utilizing the Prisoner Transport Services (PTS). In addition, they were exploring a direct book option to use prisons as the technical holding space.

Colorado was taking a limited approach to electronic monitoring and reduced the number of offenders required to wear a tracking device from 1,500 to 600.

They plan to restructure the Interstate Compact office, where the commissioner duties would be transferred to current DCA Zavaras.

DCA D. Whitefield stated that Probation office was getting back to normal. With no restrictions in place related to the pandemic, she noted the need to retrain their judges on the Interstate Compact procedures and timelines.

Montana: Commissioner C. Gordon stated that similar to the other states in the West Region, Montana was getting back to normal. They started extraditing their parolees and probationers, however, county jails still experienced some issues with holding compact offenders.

Hawaii – Commissioner B. Mamizuka stated that with over 50% of population being vaccinated, Hawaii was slowly reopening. They still experienced difficulties with extraditions. The compact office lost a full-time position.

New Mexico: Chair R. Cohen stated that New Mexico spent over \$100,000 using PTS bringing offenders back to their state. Now, they had to go through a bidding process for all their extraditions.

New Mexico opened 100% as of July 1 and parole and probation staff returned to their physical offices.

New Mexico was transitioning to a new internal offender management system – OMNI in the next six months.

Oregon: Commissioner J. Stromberg stated that Oregon was fully reopened with just a few jails having limited capacity. They anticipated some counties to be impacted due to forest fires that started much earlier this year.

At the direction of their legislature, they will stop charging the offender supervision fee which would be offset by the state funding.

In addition, they have expended a number of misdemeanor offences that are eligible to be supervised formally and funded by the state. Primarily, these offences were domestic violence and sex-offenders that fell into the misdemeanor category.

Oregon was dealing with an increased absconder rate. The department was contemplating an amnesty day for those who have a warrant for technical violations. If they turned themselves in, it would not result in jail time, provided there was no new law enforcement contact. The main obstacle right now was communicating the message to the appropriate population.

Utah – Commissioner D. Blanchard stated Utah was fully operational. The courts were slowly transitioning back to in-person operations. Some probation retakes had been a challenge with a law that was changed a couple years ago regarding NCIC listings, the Compact Office worked on several of those cases to make sure the warrants are listed correctly.

The Compact Office registry unit had limited staff due to vacancies.

Washington – Commissioner M. Pevey stated that at the last legislative session, violator fund for local jails was cut in half. At the directive of the legislature, the department made a policy change to limit the maximum amount of time for any individual to serve from 30 days to 15 days. He added that depending on the sentence, returned or revoked offenders may have to return to serve the balance of their time. They were working on making exceptions for the compact offender population.

The compact office would stay in the teleworking environment, as they had functioned well in the last year.

The department was discussing the amnesty day program for low-risk offenders. Commissioner M. Pevey would like to connect with other states to come up with the best advertising method for the program.

Wyoming – DCA P. Odell noted that despite the vaccination rates being low, the state was open 100%.

Old Business

ICOTS Enhancement proposals: The region reviewed an ICOTS enhancement proposal to *Display Incentive/Corrective Action Screen on Progress Report Before User Interaction* proposed by the State of Washington.

DCA T. Gilmore (WA) requested the ICOTS users not be allowed to skip over the Incentive and Corrective Actions screen by simply checking ‘No.’ She noted that this screen should not be a hidden screen but should remain open so users can see the options and be forced to check the appropriate box or boxes before being able to move to the next screen. If the appropriate response was ‘No’, then once selected, the user should explain why the answer was "No" before being allowed to move to the next screen. This screen was routinely overlooked.

The region reviewed another ICOTS enhancement proposal to *Require Gang Affiliation Field on Offender Information Screen* proposed by the State of Washington.

Washington requests for Gang Affiliation to be a mandatory field adding the option for the sending state to select ‘no known gang affiliation.’ This offender population poses a significantly higher risk to officer and community safety so the Sending State should be required to attest to having no knowledge of gang affiliation at the time they build the offender profile. A Receiving State should have this information beforehand as it impacts officer and community safety, case assignment and classification.

Commissioner D. Littler (AZ) expressed her support for both enhancements noting that they would provide states with good tools.

Commissioner M. Pevey (WA) moved to request the Technology committee to review language for gang affiliation to include ‘threat groups’ ‘security threat groups’ and recommend the enhancement for approval.

Commissioner J. Stormberg (OR) noted that “gang affiliation” term was not fully encompassing for that population and suggested finding terminology that works for all states.

Commissioner C. Gordon (MT) stated that Montana used “security threat group” terminology.

After discussion, the region decided to table the matter until its next meeting.

Commissioner D. Littler (AZ) moved to table the ICOTS proposal to Require Gang Affiliation Field on Offender Information Screen until the next region meeting. Commissioner D. Blanchard (UT) seconded. Motion passed.

New Business

Executive Director A. Lippert stated that the national office was getting ready for the upcoming Annual Business Meeting and encouraged everyone to attend.

She reminded the region about the DCA West Region chair opening. She encouraged DCAs to apply for this position.

The region will meet again on September 23, 2021.

Adjourn

Commissioner M. Pevey (WA) moved to adjourn. Commissioner D. Littler (AZ) seconded.

The meeting adjourned at 3.03 pm ET.