



Interstate Commission for Adult Offender Supervision

West Region Meeting MINUTES

September 23, 2021 · 2:00 PM ET
Video Conference

Members in Attendance:

1. Roberta Cohen (NM), Chair
2. Rebecca Brunger (AK)
3. Dori Littler (AZ)
4. Guillermo Viera Rosa (CA)
5. Andrew Zavaras (CO)
6. Brook Mamizuka (HI)
7. Cathy Gordon (MT)
8. Deborah Dreyer (NV)
9. Jeremiah Stromberg (OR)
10. Dan Blanchard (UT)
11. Mac Pevey (WA)
12. Coltan Harrington (WY)

Members not in Attendance:

1. Denton Darrington (ID)

Guests:

1. Lorna Colver (AK)
2. Matthew Poyzer (AZ)
3. Chris Smalling (CA)
4. Devon Whitefield (CO)
5. Kyle Sauer (CO)
6. Dennis Dunn (HI)
7. Michael Knott (HI)
8. Stacey S Luke (HI)
9. Nichole Case (ID)
10. Karen Collins (NV)
11. Nora Antonucci (NV)
12. Shaira Chandler (NV)
13. Shannon Serena (NV)
14. Mark Patterson (OR)
15. Jennifer Calvo (UT)
16. Nickole Lavery (UT)
17. Tanja Gilmore (WA)
18. Ashley Ayers (WA)
19. Autumn Witten (WA)
20. Ly Tran (WA)

21. Nicki Hutchison (WA)
22. Robin Roy-Keel (WA)
23. 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
6. Drake Greeott, Web Development Manager

Call to Order

Chair R. Cohen (NM) called the meeting to order at 2:01 pm ET, twelve 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 M. Pevey (WA) moved to approve the minutes from July 15, 2021 as drafted. Commissioner D. Littler (AZ) seconded. Commissioner G. Viera Rosa (CA) abstained. Minutes approved.

Discussion

Review rule and ICOTS enhancement proposals for Commission's consideration at the 2021 Annual Business Meeting. Proposal to amend Bylaws Article 2, Section 2: Chair R. Cohen (NM) presented the proposal to the region. The Commission would vote on this proposal to amend the Bylaws by inviting National District Attorneys Association (NDAA) to become an ex-officio member. NDAA encompasses both large and small jurisdictions.

The region had no comments on the proposal.

Proposal to amend Rule 1.101 Definition of Resident: Chair R. Cohen (NM) presented the proposal to the region. She stated that the Rules Committee clarified and made changes to the existing rule as it was overly restrictive.

Commissioner D. Littler (AZ) added that many states mistakenly think the acceptance rates would go up significantly. She added that the proposed definition was easier to train on. The current definition was overly restrictive and was difficult to determine offenders' residence a year prior to their offense.

Commissioner M. Pevey (WA) appreciated the change for the clarity it brings to support individuals with their reentry and transition.

Proposal to amend Rule 5.108 Probable Cause Hearing in the Receiving State: Chair R. Cohen (NM) presented the proposal to the region. The proposal clarified that probable cause must be established prior to retaking on a violation that is revokable in the receiving state.

Commissioner D. Littler (AZ) spoke for the proposal noting that it significantly clarified the current rule language.

Warrant Proposal Package: Chair R. Cohen (NM) presented the proposal package to the region; the package expanded the timeframe for issuing compact compliant warrants to a standard 15-business day, when an offender fails to arrive or return as instructed or is subject to retaking.

Commissioner D. Littler (AZ) noted the importance of having warrant timeframe standards. She reminded the region that 15 business days equaled to 22-calendar days, and the proposed package expended the timeframes in all but one rule.

Commissioner G. Viera Rosa (CA) agreed with the merits of the proposed rule. However, he would vote against the proposal as California would not be able to comply with the new standards. In addition, if the proposal package passes, they would have to prioritize the Interstate Compact offenders over their local offenders.

Executive Director A. Lippert reminded the region that if they could not comply with proposed 15-business day timeframes, they were not complying with the current rules. The Rules Committee considered multiple timeframes including 10-business days and 30-calendar days. She continued that the committee decided against 30-calendar day timeframe due to public safety concerns. The committee agreed on the 15-business day timeframe as it equaled to 22 calendar days.

She continued that the Rules Committee set the effective date for this rule package as April 1, 2022 to allow states adequate time to provide the necessary training to local stakeholders or seek assistance from the ICAOS National Office.

Proposed ICOTS enhancements: Chair R. Cohen (NM) presented proposed ICOTS enhancements and their cost to the region.

The Technology Committee proposed ICOTS enhancement to create warrant tracking process that consisted of two parts:

1. Warrant Status Bundle. Cost - \$56,565.
 - a. Special status – Warrant Status: \$36,525
 - b. New warrant status email notifications: \$16,500
 - c. Warrant Status data fields to data export: \$3,540
2. New Discretionary Retaking activity. Cost - \$38,625.

The Technology Committee will present the warrant tracking enhancements as separate votes and recommends the Commission approve the warrant tracking bundle at a cost of \$56,565. The

committee remained neutral on prioritizing the new discretionary retaking at a cost of \$38,625. The total cost to add the above enhancements to ICOTS was \$95,190.

Executive Director A. Lippert reminded the region that the rules and ICOTS enhancement proposals were not contingent upon each other and would be presented to the Commission as separate votes.

Commissioner J. Stromberg (OR) inquired if the other states see value in New Discretionary Retaking activity enhancement.

Commissioner D. Littler (AZ) spoke for adopting both enhancements. She noted that even though the cost was high, the value for these enhancements exceeded its cost. She noted that the discretionary retaking enhancement would notify her compact office when a sending state issued a warrant, while sometimes this communication does not reach them in timely manner.

States' COVID update: Chair R. Cohen (NM) asked the members to share their state updates.

Alaska: Commissioner R. Brunger stated that with 29% increase in COVID-19 infections, Alaska was in high alert stage. The prisons have closed all in-person visitations.

Alaska Compact Office was open and there were no changes to their field operations.

Commissioner R. Brunger added that some states were using COVID-19 as an excuse for not picking up their offenders.

Arizona: Commissioner D. Littler stated that their compact office was back to normal business. They too noticed that some states were using COVID-19 as an excuse for not picking up their offenders.

Colorado: Commissioner A. Zavaras stated that Colorado recently reopened their COVID incident command center. Operationally, they had not had any major changes. Over the last year, they had difficulties with overpriced extradition fees, therefore they put together an in-house extradition unit made of their parole agents. The department implemented a mandatory vaccine requirement. Institution bed space was still an issue.

California: Commissioner G. Viera Rosa stated that the compact office was open and fully operational, they still had challenges with extraditions; the courts were backlogged, and the Governor issued an executive order to use virtual work environments.

Hawaii: Commissioner B. Mamizuka stated that their COVID-19 numbers were 576 infections a day. The IC units were reaching their limits and Hawaii started flying in nurses and other medical staff. Their two men extradition team had a mandatory quarantine after each extradition. The Compact Office requested advise from the Attorney General Office on how to proceed forward on this matter. The Compact Office was fully operational and not counting the extradition and retaking cases, they were complying with the Compact standards.

Montana: Commissioner C. Gordon stated their COVID 19 numbers were over 970 cases a week. They had to deploy the national guard to help with hospital overflow. MT prisons and facilities had COVID outbreaks. The department did not have a mandatory vaccine requirement. MT also had issues with extradition cases.

New Mexico: Chair R. Cohen stated that about a month ago, the Governor issued an executive order requiring vaccination within state and private facilities. Even though, New Mexico had over 70% vaccinated, the COVID-19 numbers were going up.

Chair R. Cohen noticed an increase in transfer requests and requests for reporting instruction.

Nevada: Commissioner D. Dreyer stated that their compact office was fully open and operational. Vaccines were not mandatory, but over 68% of staff had been vaccinated. They implemented mandatory testing for unvaccinated people.

Oregon: Commissioner J. Stromberg stated that similar to the other states, they had extradition issues with local sheriffs, but their Governor's extradition unit picked up the task. The OR Compact Office transitioned into a full teleworking environment. The DOC also required vaccination. The COVID-19 infection numbers continued to climb up.

Utah: Commissioner D. Blanchard stated Utah's COVID-19 cases were going up, but the Compact Office was fully operational, and extraditions were taking place as scheduled.

Washington: Commissioner M. Pevey stated that their community supervision remained in limited operations. They identified a safe start date of November 1. The date is fluid based on the pandemic and public safety numbers. Their supervision and prison populations decreased over 30% since the last year. WA Supreme Court declared that simple possession of drugs was unconstitutional, as a result, cases for 1,700 individuals on active supervision were vacated and closed. WA Governor issued a vaccine mandate.

Wyoming: Commissioner C. Harrington stated that like the other states, their department was fully operational, and their COVID-19 infection rates were going up.

FY 2023 Dues Assessment changes based on 2020 census and offender numbers: Executive Director A. Lippert stated that the dues assessment formula in use since 2002 was outlined in the Rule 2.103: $((State\ Population/US\ Population) + (State\ Offender\ Transfers/Total\ US\ Offender\ Transfers))/2$. In 2002, calculations relied on population data from the US Census Bureau and the US Department of Commerce. In addition, the Commission incorporated a population estimate for compact offenders. At that time, there were additional estimates and adjustments for territory data due to incomplete information. As applied, the formula produced results for all states that were subsequently divided into five tiers.

In 2008, the Executive Committee added an additional tier for the US Virgin Islands per an ad hoc finance committee finding. This tiering distribution continued uninterrupted with an adjustment in dues calculation based on population figures from the 2010 decennial Census through FY 2022's assessment.

The 2020 decennial Census provided an opportunity to update state populations and evaluate any resulting change in individual as well as Commission-wide funding totals. Based on this data, the following individual state tier changes:

- Idaho increases from Tier 2 to Tier 3;
- Tennessee increases from Tier 3 to Tier 4;
- Michigan decreases from Tier 4 to Tier 3; and,
- Florida increases from Tier 5 to Tier 6.

Idaho is the only West Region state that was affected by census changes.

Under the proposed FY 2023 dues scenario using the newest decennial Census figures, total revenue increases slightly more than one percent.

Executive Director A. Lippert noted that the region members could find the detailed census changes and budget information in the 2021 ABM Docket book.

The region members did not have any comments on this matter.

Old/New Business

Chair R. Cohen deferred the ICOTS Enhancement proposals discussion to the next meeting for the region to focus exclusively on the proposed enhancements.

Region chair election: Chair R. Cohen (NM) opened the floor for nominations.

Chair R. Cohen (NM) nominated Commissioner M. Pevey (WA) for the West region chair. Commissioner M. Pevey (WA) accepted the nomination. Motion carried by voice vote.

Commissioner J. Stromberg (OR) thanked Chair R. Cohen for her leadership, commitment, and dedication during her tenure as the West Region chair.

Commissioner A. Zavaras (CO) inquired about the status of the ad hoc committee on tribal issues.

Chair R. Cohen (NM) stated that since she was no longer chairing the West Region, she would work on setting up the ad hoc committee meeting.

Adjourn

Commissioner M. Pevey (WA) moved to adjourn. Commissioner R. Brunger (AK) seconded.

The meeting adjourned at 3:29 pm ET.