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Secretary  
**Guillermo Viera Rosa**  
Director, Division of Adult Parole Operations

**Gavin Newsom**  
Governor



**CALIFORNIA COUNCIL FOR  
INTERSTATE ADULT OFFENDER SUPERVISION**

**Minutes**

**October 12, 2020**

**Present:**

Chris Smalling	Deputy Compact Administrator, Parole Agent III, California Interstate Compact Office
Dave Robinson	Member, Sheriff, Kings County
John Keene	Member, Chief Probation Officer, San Mateo County
Shirley Friedman	Member, Assembly Speaker Appointee
Karen Neuwald	Member, Senate Rules Committee Appointee

**California Interstate Compact Office Guests:**

Hansen Chi	Parole Administrator I, Adult Parole
Alma Underwood	Parole Administrator I, Adult Parole (A)
Truesee Chang	Parole Agent II, Adult Parole (Supervisor)
Arquelle Colson	Supervising Program Technician I

Deputy Compact Administrator (DCA) Smalling called the meeting to order at 2:00 PM.

- Opening of Meeting: DCA Smalling.
- Roll call was completed and all Council members were present.

I. **Introduction**

Parole Administrator Chi introduced Council members and guests.

II. **Approval of Minutes from State Council Meeting Held on September 4, 2019**

DCA Smalling requested everyone to turn to the minutes from September 4, 2019, (PDF: p. 6) for approval. There were no questions or comments and the minutes were approved.

III. **Deputy Compact Administrator's Report**

DCA Smalling explained he would discuss several reports and provide an update on the status of the California (CA) Interstate Compact Office (Office).

A. **Compliance Statistics (2019-20)**

DCA Smalling informed the Council of the yearly statistics for July 2019–June 2020 (PDF: pp. 12–23). Smalling explained the statistics were not negatively impacted by the COVID-19 pandemic until June 2020. From July 2019–May 2020, the statistics were between 99–100 percent compliant and there were no issues meeting compliance levels prior to June 2020.

DCA Smalling informed the Council that June 2020 statistics were still above the national average and CA remains in compliance for Case Closure Notices, Case Closure Notice Responses, Progress Reports, Requests for Reporting Instructions, and Violation Reports. June 2020 Transfer Requests were not in compliance (43.9 percent) due to COVID-19, which was discussed later in the meeting.

B. **COVID-19 Update**

DCA Smalling explained early 2020 was the start of the COVID-19 pandemic. On March 16, 2020, the CA Office stopped accepting Incoming Transfer Requests and stopped submitting Outgoing Transfer Requests. This order was in effective until April 21, 2020. Also, on April 21, 2020, Rule 2.1111 was passed, which suspended all timelines in Chapters 3, 4, and 5. CA stopped denying cases with blanket denials due to COVID-19. On April 27, 2020, The CA Office sent an email to Interstate Compact Offender Tracking System users and CA probation departments stating they were to investigate cases as allowable, according to their specified county COVID-19 protocols. At that time, (realistically) they could not investigate Transfer Requests.

DCA Smalling explained that the Transfer Requests (Incoming/Outgoing) stacked up in the CA Office for roughly 2 months with parole cases being held in the Office. Probation cases were sent to the field; however, they were not able to be investigated. California's July–September 2020 compliance was in the 70th percentile.

DCA Smalling explained how telework capabilities have improved and more counties have reopened for investigations, but most are not going into their offices. From June–September 2020, the Office saw gradual increases from 43–70 percent compliance with Incoming Transfer Requests. It had taken several months to catch-up; however, CA was on the upward swing. At some point, the National Office will reinstate the timelines. The CA Office wants to ensure that we are 100 percent ready and back into compliance before that happens. There are currently 26 staff within the CA Office, who have rotating in-office and teleworking shifts with Virtual Private Network. There are no more than 25 percent of staff in the Office at once.

Time was provided for questions. Member Karen Neuwald asked if the rule change federally or amongst the State. DCA Smalling advised the rule change is federal. Member Neuwald asked if states have been given leeway. Smalling explained that a Reply to Transfer Request allows each state 45 days to investigate. At this point, all states have been given permission to go beyond that deadline without being penalized for being out of compliance. Parole Administrator Hansen Chi explained that other states are having the same issue. The last few months, offices are bringing their compliance back up. CA is expecting the National Office to give a soft deadline and then a hard deadline to get back to the 80 percent minimum.

### **C. Training Update**

DCA Smalling explained prior to the COVID-19 pandemic, a large Parole unit was trained and, in October 2019, 29 counties participated in the Annual Training. Time was taken off for the holidays and then the COVID-19 pandemic began. Due to COVID-19, multiple trainings scheduled for March, April, and June had to be cancelled. Trainings cancelled included large group trainings for Fresno and Shasta counties and their neighboring counties.

DCA Smalling explained how training is conducted and, moving forward, the manner in which the CA Office provides training will have to be reevaluated. A training for the Capital District (Sacramento) was done last month via Zoom. The CA Office will likely transition to smaller group Zoom trainings in the future.

No follow-up questions were asked.

**D. Interstate Commission for Adult Offender Supervision (ICAOS) Annual Business Meeting: New Rules Passed—San Diego 2019**

DCA Smalling discussed rules proposed last year and the rules that took effect on April 21, 2020. Updates included: the definitions of abscond and sex offender and the language for Victim Sensitive, Victim Notification, Military Family and offenders living with military. The CA Office deals with many sex offenders and these cases are usually supervised by Parole.

DCA Smalling explained the proposed rule for Return Reporting Instructions after the revocation process was causing too much of a hardship for some states, due to mandatory retaking of absconders. The National Office is trying to establish a timeframe when a warrant is to be issued; initially, they were looking for 15 business days. However, for most states, it is problematic to get a warrant issued within 15 days for probation cases. A new proposal can be expected again this coming year as it is a big topic of conversation. It takes counties 30–45 days to get a warrant. Therefore, CA would not be able to comply with a 15-day rule.

Member John Keene advised that we may want to work with the Judicial Council in an attempt to work with the bench to see if there is a way to expedite the process. Member Keene stated that we should engage the courts early, since this rule did not pass by a narrow margin, in order to try to get ahead of it. DCA Smalling stated that was a great idea. Smalling explained he spoke to other states and 20 business days was thrown around, which is closer to a month. Smalling agreed that we do need to do some rework and hoped other states will support 20 days.

DCA Smalling concluded this section by discussing Progress Report rules and for offenders returning to sending states. There was some language cleanup regarding the definition of offender behavior requiring retaking. Non-pertinent rules were skimmed over and the rules that did not get passed were not included in the Council members' packets.

**E. ICAOS Virtual 2020 Annual Business Meeting**

DCA Smalling explained the 2020 ICAOS Annual Business Meeting was virtual and took place from September 8–16, 2020. This was not a rule-making year. General information was discussed and regional meetings were held during this year's meeting. The CA Office attended for the Western United States with Commissioner David Babby in attendance. The proposal for 20 business days was discussed; however, there were no pertinent updates.

DCA Smalling explained the next Annual Business Meeting is scheduled for September 21–22, 2021, in Milwaukee, Wisconsin. Smalling explained 2021 will

be a rule-making year. CA will attempt to meet for the Council's annual meeting prior to the ICAOS Annual Business Meeting to discuss what is on the ballot and what will be voted on. Member Shirley Friedman stated she will be unable to attend a meeting in September 2021 and asked for the meeting to take place during August. Smalling stated he will look for a date near the end of August 2021.

#### IV. Interstate Issues

##### A. Minnesota Interstate Compact Office's Complaint

Parole Administrator Chi explained an outgoing Interstate Compact case in which a judge in Nevada County, CA, discharged an offender instead of retaking the offender back to CA (sending state). A formal grievance was filed by Minnesota (MN) and the National office decided CA was in the wrong and should have retaken the offender. A corrective action plan was implemented. The CA Office contacted the judge and probation department and subsequently conducted training on the ICAOS Rules, as well as the *ICAOS Bench Book for Judges and Court Personnel*. During the meeting, CA met with the judge, reviewed the actions that took place, and discussed what should have been done to stay in compliance with the ICAOS Rules.

Parole Administrator Chi explained after the training, CA submitted the action plan to the National Office and they eventually cleared the Office, revoking the \$25,000 fine. It was a 6–7 month process. In September 2019, the CA Office acknowledged the completion of the Action Plan. The National Office put CA back in compliance; however, the CA Office was on probation for 1 year. MN had a similar situation happen with their offender in CA, but the CA Office worked with them to resolve the issue.

Member Keene asked if this issue was addressed with any other county. Parole Administrator Chi explained that it was not, just the county where it took place, and each county has their own nuisances. DCA Smalling stated the issue is brought up in our training and this situation is used as an example, so other counties will not make the same mistake. Member Keene asked if the bench officer could also get a breakdown, as it seems like this could be common in other counties, as well. Parole Administrator Chi explained that it does happen and there are judges who violate the Compact Rules. A lot of the time, the CA Office finds out because the violation has already occurred. DCA Smalling explained, the majority of the time, the CA Office is notified by the other state. Most states are considerate about it, because they have the same type of issues happen and it does not result in a formal complaint. MN wanted to set an example for all (member) states. Member

Karen Neuwald thanked Parole Administrator Chi and DCA Smalling for their time, because it was out of their control and took a lot of work. DCA Smalling stated Chi did most of the work. Member Shirley Friedman stated she agreed and thanked Parole Administrator Chi, who explained that it was a collaborative effort.

**B. ICAOS Fiscal Year 2020 Warrant Audit Results**

DCA Smalling explained the National Office randomly selected 10 cases for offenders who absconded probation and/or parole to see what the outcome would be. The 2020 audit letter was read. The CA cases audited were compliant; however, because of the timeframes enforced, CA was ‘in the red.’ The current rule states warrants should be issued immediately. This is another reason why the rule didn’t pass—many states ended up “in the red.”

DCA Smalling explained the current process. When a case comes through and CA is responsible for issuing a warrant, the CA Office adds it to the tracker. One of our staff follows up and ensures the warrant is fully extraditable. The COVID-19 pandemic has made it a little more difficult. The National Office was going to do this audit again, but it has been postponed due to COVID-19 pandemic. The National Office is very focused on each state’s processes of ensuring that Compact compliant warrants are being issued and offenders are being retaken.

Member Neuwald asked if the deadline is 15 days. DCA Smalling explained that the deadline is vague right now. The Rule implies that a warrant should be issued immediately; however, the National Office is working on coming up with a defined timeframe. This audit was released before the Annual Business Meeting and when the states saw they were “in the red,” they did not agree to the Rule. Member Neuwald pointed out that one was over 60 days. DCA Smalling explained that CA was successful to have the warrants in all the cases get issued. CA Extradition is currently suspended; however, CA is retaking offenders based on Return Reporting Instructions, if the offender does not return, the warrant stays in effect. Other states are also doing this.

**V. Open Forum**

During the open forum, no additional questions were asked. Member Neuwald stated she appreciated what the CA Office is doing during this tough time and thanked the CA Office for the material, as it was very informative and useful.

DCA Smalling referred to the Annual Report and provided the following statistics: California is the third highest state of offender intakes; CA had 5,522 Incoming Transfer Requests (Florida was the largest state with over 7,000 Incoming Transfer Requests); and

California had 2,999 Outgoing Transfer Requests, which was due in part to the fact CA requires offenders to pay their restitution before they can leave.

**VI. Future Business**

Suggested dates for next meeting. Late August was preferred. Suggested meeting ideas will be sent out at the beginning of the coming year.

Motion to adjourn meeting at 2:55 PM.