



Interstate Commission for Adult Offender Supervision

Compliance Committee Meeting MINUTES

May 20, 2019 · 2:00 pm ET
Teleconference

Members in Attendance:

1. Allen Godfrey (MN), Chair
2. James Berry (DC)
3. Hope Cooper (KS)
4. Amy Vorachek (ND)
5. Jacey Rader (NE)
6. Dale Crook (VT)
7. Suzanne Brooks (OH), Ex-Officio
8. Tina Balandran (TX), Ex-Officio

Members Not in Attendance:

1. Merideth McGrath (CO)
2. Cathy Gordon (MT)

Staff:

1. Ashley Lippert, Executive Director
2. Allen Eskridge, Policy and Operations Director
3. Barno Saturday, Logistics and Administrative Coordinator
4. Kevin Terry, Website Analyst
5. Xavier Donnelly, ICOTS Project Manager

Call to Order

Chair A. Godfrey (MN) called the meeting to order at 2:00 p.m. ET. Executive Director A. Lippert called the roll. Six out of eight voting members were present, establishing a quorum.

Approval of Agenda and Minutes

Commissioner D. Crook (VT) moved to approve the agenda as presented. Commissioner H. Cooper (KS) seconded. Agenda approved.

Commissioner J. Rader (NE) moved to approve the minutes from February 11, 2019 as drafted. Commissioner D. Crook (VT) seconded. Minutes approved.

Discussion

Formal Complaint - Arizona v. Oklahoma: The committee reviewed a complaint filed by the State of Arizona against Oklahoma. Arizona asserts that Oklahoma violated ICAOS Rules 2.110, 3.102, 5.102 and 5.103-1 by issuing a warrant with limited jurisdiction, failing to issue compact compliant warrants, and failing to issue a warrant for an offender who was not eligible for transfer.

Chair A. Godfrey (MN) stated that the committee needs to consider the matter and determine if it was substantiated. In addition, in accordance with AP 1-2019, the committee needs to review the determining factors, provide recommendations for appropriate sanctions, and assess fines if necessary.

The committee reviewed the cases cited in the complaint.

In the Stephanie Brewster case (ICOTS # 748055), Arizona invoked Rule 5.102. On 11/6/2018, Oklahoma responded that the required warrant would be issued. Oklahoma did not file a compact compliant warrant in this case. Arizona's attempts to resolve this issue with the Oklahoma Compact Office and Commissioner Duckworth failed. Offender Brewster returned back to the sending state on her own and turned herself in on March 2, 2019.

Commissioner A. Vorachek (ND) found the complaint substantiated and expressed her concerns that the warrant was never issued.

Commissioner D. Crook (VT) moved to recommend the Executive Committee find the State of Oklahoma in default of Rule 5.102 for its failure to issue compact compliant warrants for offender S. Brewster. Commissioner A. Vorachek (ND) seconded. Motion passed.

The committee reviewed the Joshua Thompson (ICOTS #914638) case. Arizona rejected Oklahoma's request for transfer on September 20, 2018. On November 6, 2018, Joshua Thompson was located in Arizona and the offender had stated he was in Arizona with permission from his probation officer in Oklahoma. Oklahoma's DCA was contacted via email on November 6, 2018 to advise of Thompson's presence in Arizona despite the transfer rejection. Arizona received no further response and no warrant was located in NCIC.

On May 13, 2019, Oklahoma responded saying that on November 21, 2018, Thompson was reviewed and approved for the advanced supervision termination in accordance with their local policy OP-160201. Thompson is no longer under any type of supervision in the state of Oklahoma, and does not violate compact rules by residing in Arizona.

Chair A. Godfrey (MN) stated that it appeared to be an isolated case resulting from poor communication between the states.

Commissioner J. Rader (NE) moved to refer the J. Thompson case back to the national office to address. Commissioner J. Berry (DC) seconded. Motion passed.

The committee reviewed the Devin Dahozy (ICOTS #817332) case. Arizona invoked Rule 4.109-2 on 11/19/2018, which required Oklahoma to issue a warrant under Rule 5.103-1; Oklahoma responded on 11/28/2018 that a warrant would be issued. Arizona contacted Oklahoma several times between December 2018 and April 2019 in attempts to resolve this issue of non-compliance with no results.

Commissioner H. Cooper (KS) moved to recommend the Executive Committee finds the State of Oklahoma in default of Rule 5.103-1 for its failure to issue compact compliant warrants for offender D. Dahozy. Commissioner D. Crook (VT) seconded. Motion passed.

Executive Director A. Lippert informed the committee about Oklahoma's recent history of non-compliance. In August 2013, Washington filed a complaint against Oklahoma asserting that Oklahoma violated Rule 5.103-1 Mandatory Retaking for an Absconder. The complaint stated that Oklahoma did not issue a nationwide warrant. The Executive Director assisted Washington and Oklahoma toward resolution and the complaint was withdrawn.

In June 2017, Arizona requested assistance from the national office to gain compliance from Oklahoma regarding the issuance of compact complaint warrants in three separate cases as required by Rule 5.103-1 Mandatory retaking for an Absconder. The Executive Director assisted Arizona and Oklahoma toward resolution and the matter was resolved.

In October 2017, Wyoming requested assistance from the national office in resolving a dispute with Oklahoma regarding the retaking of an offender whose transfer was denied. Oklahoma reported being unable to obtain a warrant due to state laws and rules governing OK DOC post imprisonment supervision. Executive Director A. Lippert met with OK legal counsel and Commissioner, which led to the issuance of a warrant and the matter was resolved.

The committee agreed that the State of Oklahoma had an ongoing pattern of noncompliance with issuing warrants.

The committee discussed Oklahoma's lack of efforts to ensure state officials adhere to the provisions of the Compact and their unwillingness to take the legal steps necessary to ensure Oklahoma judges and sheriffs comply with the compact rules.

Commissioner J. Rader (NE) moved to recommend the Executive Committee impose a \$10K fine for the State of Oklahoma, which will be held in abeyance for 12 months upon successful completion of a corrective action plan. Commissioner J. Berry (DC) seconded. Motion passed.

Old Business

Chair A. Godfrey (MN) noted that the next committee meeting was scheduled for July 18, 2019. At this meeting, the committee will review the 4th quarter compliance dashboard data as well as the compliance status for the U.S. Virgin Islands.

He informed the committee that the Executive Committee adopted the Compliance Committee's recommendation for the FY 2020 compliance audit to focus on the compliance of tracking warrants and the FY 2021 compliance audit to revisit the warrants compliance based on the FY2020 audit results.

Adjourn

Commissioner D. Crook (VT) moved to adjourn. Commissioner J. Rader (NE) seconded.

Meeting adjourned at 3:08 pm ET.