



# Interstate Commission for Adult Offender Supervision

## West Region Meeting MINUTES

January 23, 2019 · 2:00 PM ET  
Teleconference

---

### **Members in Attendance:**

1. Roberta Cohen (NM), Chair
2. Dori Littler (AZ)
3. Merideth McGrath (CO)
4. Dwight Sakai (HI)
5. Cathy Gordon (MT)
6. Sheri Sliva (NV)
7. Jeremiah Stromberg (OR)
8. Dan Blanchard (UT)
9. Mac Pevey (WA)

### **Members not in Attendance**

1. [Vacant] (AK)
2. Jerry Powers (CA)
3. Denton Darrington (ID)
4. Coltan Harrington (WY)

### **Guests:**

1. Lorna Colver (AK)
2. Anthony Oliveri (AZ)
3. Chris Smalling (CA)
4. Devon Whitefield (CO)
5. Andrew Zavaras (CO)
6. Brook Mamizuka (HI)
7. Deon McDaniel (NV)
8. Victoria Vigil (NM)
9. Mark Patterson (OR)
10. Jennifer Calvo (UT)
11. Tanja Gilmore (WA)
12. Pat Odell (WY)

### **Staff:**

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

5. Kevin Terry, Website Analyst

**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.

**Agenda and Minutes**

**Commissioner C. Gordon (MT) moved to approve the agenda. Commissioner J. Stromberg (OR) seconded. Agenda approved.**

**Commissioner J. Stromberg (OR) moved to approve the minutes from October 2, 2018 as drafted. Commissioner M. Pevey (WA) seconded. Minutes approved.**

**Discussion**

*Executive Committee Update:* Executive Director A. Lippert stated that the national office proceeded with the Commission's decision to discontinue the IVINS agreement with Appriss. IVINS was taken offline for any new registration on December 21, 2018. Appriss sent out a notice to all registered victims on January 2, 2019.

Executive Director A. Lippert added that the Executive Committee adopted a whitepaper outlining legal implications of using ICOTS PDFs as official court documents. The whitepaper can be found on the Commission website.

*DCA West Region Meeting Update:* The West Region DCAs have not met since the last region meeting. The DCA Liaison Committee published two quarterly DCA newsletters in September and December 2018.

*Proposed Rule Amendments:* The region reviewed a proposal to Rule 5.103-1 presented by Commissioner D. Littler (AZ).

**Rule 5.101 - Discretionary retaking by the sending state**

a. Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may ~~retake or~~ order the return of an offender. The sending state must notify the receiving state within 15 business days of their issuance of the directive to the offender to return. The receiving state shall request return reporting instructions under Rule 4.111. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than ~~10-business~~ 30 calendar days following the offender's failure to appear in the sending state.

b. ~~If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.~~ Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may retake an offender via warrant. The sending state must notify the receiving state within 15 business days of the issuance of their warrant. The receiving state shall assist with the apprehension of the offender and shall notify the sending state once the offender is in custody on the sending state's warrant.

Commissioner D. Littler (AZ) stated that the current rule was silent on notification and tracking offenders who were retaken by sending states at their own discretion. As the result, the Compact Offices cannot track offenders returning to sending states either on their own or via a warrant posing a public safety risk.

Commissioner J. Stromberg (OR) supports the proposed language for further discussion.

DCA D. McDaniel (NV) expressed his concern with the 10 business day timeframe. He noted that certain rural areas would not be able to accommodate this deadline.

Commissioner D. Littler (MN) agreed that it could be difficult for probation side to meet a 10 business day deadline and suggested changing the timeframe from 10 business days to 30 calendar days.

Chair R. Cohen (NM) supports the change. She suggested addressing in training that this rule amendment meant to give the sending states a timeframe to issue a warrants and did not mean that states should take all 30 days to issue a warrant.

The region agreed that 30 days was more reasonable timeframe to issue a warrant.

Commissioner M. Pevey (WA) stated that a 30 calendar day timeframe was too long for a potentially dangerous individual to be in the community.

**Commissioner D. Littler (AZ) moved to forward proposals to Rule 5.101(a) & (b) to the Rules Committee for consideration. Commissioner C. Gordon (MT) seconded. Motion passed.**

Commissioner D. Littler (AZ) will write the justification to the proposal to Rule 5.101 (a) and (b).

The region discussed a proposal to Rule 4.106 (b) presented by Commissioner M. Pevey (WA).

Commissioner D. Littler (AZ) stated that the changes to this rule would not require ICOTS changes. She noted that appropriate trainings need to be provided if the proposal is approved.

**Rule 4.106 - Progress reports on offender compliance and non-compliance**

(a) A receiving state shall submit a progress report to the sending state within 30 calendar days of receiving a request.

(b) A receiving state may initiate a progress report to document offender compliant or noncompliant behavior that does not require retaking as well as incentives, corrective actions or graduated responses imposed. The receiving state shall provide: date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior requiring retaking in the receiving state, and the offender's response to such actions.

(c) A progress report shall include—

1. offender's name;
2. offender's current residence address;
3. offender's current telephone number and current electronic mail address;
4. name and address of offender's current employer;
5. supervising officer's summary of offender's conduct, progress and attitude, and compliance with conditions of supervision;
6. programs of treatment attempted and completed by the offender;
7. information about any sanctions that have been imposed on the offender since the previous progress report;
8. supervising officer's recommendation;
9. any other information requested by the sending state that is available in the receiving state

**Commissioner D. Littler (AZ) moved to forward a proposal to Rule 4.106 (b) to the Rules Committee for consideration. Commissioner J. Stromberg (OR) seconded. Motion passed.**

Commissioner M. Pevey (WA) will write the justification to the proposal to Rule 4.106 (b).

*Re-opening absconder cases:* Chair R. Cohen (NM) stated that at the DCA Training Institute in Orlando, it was decided to continue discussion on reopening absconder cases in the region meetings.

The majority of the West Region states reported that they did not reopen closed cases for the purpose of sending the Probable Cause Hearing results. The region sends these results via compact action request and/or email.

DCA C. Smalling (CA) stated that California reopens closed cases when a PCH is requested. He does not have problems with closing these cases after the offender has been retaken.

Chair R. Cohen (NM) will report the results of this discussion to the Training Committee and the ABM Planning Workgroup.

### **Old Business**

*Sex-offender workgroup update:* Executive Director A. Lippert stated that the Rules Committee commissioned a workgroup to look into the sex-offender rules. The workgroup will present proposals to amend Rule 1.101 Definition and Rule 3.101-3 Transfer of supervision of sex offenders for the Rules Committee to review. The final proposals will be posted for comments in the spring.

### **Adjourn**

**Commissioner C. Gordon (MT) moved to adjourn. Commissioner M. Pevey (WA) seconded.**

The meeting adjourned at 2:55 pm ET.