



Interstate Commission for Adult Offender Supervision

West Region Meeting MINUTES

**April 24, 2019 · 2:00 PM ET
Teleconference**

Members in Attendance:

1. Roberta Cohen (NM), Chair
2. Rebecca Brunger (AK)
3. Dori Littler (AZ)
4. Merideth McGrath (CO)
5. Dwight Sakai (HI)
6. Sheri Sliva (NV)
7. Jeremiah Stromberg (OR)
8. Dan Blanchard (UT)
9. Mac Pevey (WA)
10. Coltan Harrington (WY)

Members not in Attendance

1. Jerry Powers (CA)
2. Denton Darrington (ID)
3. Cathy Gordon (MT)

Guests:

1. Lorna Colver (AK)
2. Matthew Poyzer (AZ)
3. Chris Smalling (CA)
4. Devon Whitefield (CO)
5. Andrew Zavaras (CO)
6. Michael Knott (HI)
7. Christopher Clifton (NV)
8. Deon McDaniel (NV)
9. Nora Antonucci (NV)
10. Mark Patterson (OR)
11. Jennifer Calvo (UT)
12. Nickole Lavery (UT)
13. Tanja Gilmore (WA)

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, Project Manager
6. Kevin Terry, Website Analyst

Call to Order

Chair R. Cohen (NM) called the meeting to order at 2:00 pm ET, eleven out of thirteen members were present; a quorum was established.

Agenda and Minutes

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

Commissioner S. Sliva (NV) moved to approve the minutes from January 23, 2019 as drafted. Commissioner D. Sakai (HI) seconded. Minutes approved.

Discussion

Region Chair & DCA Region Chair Election Information: Chair R. Cohen (NM) advised the region about the upcoming West Region chair election. The election will take place on October 8, 2019. She expressed her interest in continuing to serve as the West region chair, she also encouraged other Commissioners to run.

Commissioner J. Stromberg (OR), Commissioner M. Pevey (WA), and Commissioner D. Littler (AZ) encouraged Commissioner R. Cohen to run again.

Chair R. Cohen (NM) stated that the DCAs need to elect their DCA region chair at the July meeting, prior to the Annual Business Meeting. Currently, DCA J. Mesick is the West Region DCA chair. DCA Region chairs serve on the DCA Liaison Committee. They hold DCA region meetings to discuss topical Compact issues. They also serve as mentors to the new DCAs.

Interested Commissioners and DCAs can contact Chair R. Cohen (NM) for more details.

AP 02-2018 Enhancement Requests for Electronic System Authorized by the Commission: Chair R. Cohen (NM) informed the region that the Executive Committee adopted a policy on Enhancement Requests for the Electronic System Authorized by the Commission. The policy defines procedures for referring and managing ICOTS enhancement requests authorized by the Commission and outlines the responsibilities for the request originator, Technology Committee, national office, and Commission.

Executive Director A. Lippert added that the new enhancement process mimics the rule amendment process and gives all Commissioners an opportunity to provide their input.

Advisory Opinions Review: Chair R. Cohen (NM) informed the region that the national office completed its comprehensive review of ICAOS Advisory Opinions and recommended 16 out of 52 published opinions for retirement primarily because these issues were resolved via rule changes or no longer applicable. The Executive Committee retired the following Advisory Opinions: 3-2004, 8-2004, 1-2005, 3-2005, 5-2005, 7-2005, 1-2006, 2-2006, 3-2006, 10-2006,

12-2006, 15-2006, 17-2006, 1-2007, 4-2007, and 2-2011. The national office would archive the retired opinions and remove them from circulation.

Executive Director A. Lippert added that any reference to retired opinions had been removed from the Rules and Benchbook.

The Executive Committee approved revisions to Advisory Opinions 2-2005, 8-2006, 13-2006, and 1-2014. The revisions were mostly footnotes that clarified rules changes that occurred since the opinion was published.

Executive Director A. Lippert noted that the national office was in the process of revising AO 3-2010 and 4-2010.

Commissioner D. Littler (AZ) inquired about a reason behind retiring AO 5-2005 Pre-Parole Transfer Requests.

Chair R. Cohen (NM) stated that this opinion should have been handled as a dispute resolution. The rule references and numbering have changed and Rule 3.107 does not specify requirements for supervision begin and end dates. The questions asked in this opinion no longer applied, since transfers were managed through ICOTS and not paper forms.

ICAOS Dashboard Compliance Email Notifications: Chair R. Cohen (NM) informed the region that in April, the national office launched ICAOS Dashboard Compliance Email Notifications. Now, states can receive quarterly email updates of their compliance performance. The email includes a snapshot of the graphs for each of the six monitored compliance standards, as well as a PDF attachment containing the entire report. The screenshots will help compact members to identify areas of compliance that need attention. If a state chooses to examine their compliance performance in more detail, a link to the ICAOS Dashboards is included at the bottom of the email.

Commissioner M. Pevey (WA) stated the tool was a nice reminder and a quick visual reference. The PDF attachment allows for an easy way to share with other stakeholders in the state.

Discussion of New Rule Proposals: Chair R. Cohen (NM) stated thirteen proposals would be posted for comments on the Commission website on May 1, 2019. The Commission will vote on these proposals at the 2019 Annual Business Meeting. She added that these proposals were non-negotiable and were presented in their final form.

Commissioner D. Littler (AZ) added ICAOS Legal Counsel requested to withdraw the Midwest Region proposal to amend Rule 1.101 Definition of Reside and Rule 2.110 Transfer of offenders under this Compact. The proposal defined term 'reside' to clarify the qualifying Rule 2.110 is not limited to those offenders changing addresses, but those who already live in the receiving state.

She noted that the Rules Committee finalized the sex-offender rule proposal and the victim notification rule proposal which will be available for comments on May 1.

Commissioner D. Littler (AZ) informed the Region that the Rules Committee reviewed the Domestic Violence concept forwarded by the West Region. The committee will consider this proposal in the next rule making cycle.

The region reviewed an amendment to Rule 1.101 and 4.109-2 proposed by the Midwest Region. The proposal requires additional documentation and validation for reporting absconders.

Commissioner D. Littler (AZ) spoke for the proposal, noting that the changes force the receiving state to go through a thorough investigation that would help to locate more offenders.

The region reviewed an amendment to Rule 3.101-1(a)(1) and (a)(2) proposed by the West Region. The proposal provides specific language on the military transfers.

The region reviewed an amendment to Rule 3.101-1(A)(5)(a) proposed by the West Region. This proposal intended to streamline the referral and acceptance process for VA treatment and decrease any delay with an offender obtaining the necessary treatment and/or services.

The region reviewed an amendment to Rule 3.103 (a)(1) proposed by the West Region. For offenders qualifying for this rule after a revocation proceeding, this proposal requires that retaking occurred under the Compact Rules as well as a formal authority of a court or paroling authority hears the proceeding.

The region reviewed an amendment to Rule 4.106 (b) proposed by the West Region. The proposal requires additional documentation and validation for reporting the imposition of sanctions and incentives on Progress Reports.

Commissioner D. Littler (AZ) stated that when Rules 4.109 and 4.106 were revised in June 2017 to include the language regarding the use of incentives, corrective actions and graduated responses; the requirement to include specific dates, descriptions and documentation was added to Rule 4.109, but not to Rule 4.106. This proposal will mandate the same requirements for specifics and documentation when reporting compliant, non-compliant, and behavior requiring retaking.

The region reviewed an amendment to Rule 4.109 (c)(3) proposed by the West Region. The proposals requires a copy of warrant to be attached to violation response via addendum in ICOTS. Commissioner D. Littler (AZ) noted that the ICOTS cost had not been determined yet.

DCA D. Whitefield (CO) noted that Colorado had a statewide paperless system and inquired whether an NCIC warrant printout was satisfactory and whether Colorado could share it with other agencies. Their legal department does not allow them to share such documents.

Executive Director A. Lippert encouraged DCA D. Whitefield to record her concerns in the rules proposal comments for the Rules Committee and Legal Counsel's consideration and advisement.

The region reviewed an amendment to Rule 4.111(a) proposed by the West Region. Current language restricts the ability for a receiving state to initiate return of an offender with any pending charges, this proposal would allow for offenders to be returned when new charges are non-violent misdemeanants.

The region reviewed an amendment to Rule 5.101(a)&(b) proposed by the West Region. The proposal establishes additional requirements and timeframes for discretionary return and retake of offenders by the sending state.

The region reviewed an amendment to Rule 5.103(d) proposed by the West Region. This proposal clarifies the receiving state's responsibility to serve warrants issued by the sending state for retaking. When offenders are not located, the receiving state must follow absconder protocol (Rule 4.109-2).

The region reviewed an amendment to Rule 5.103-1(a) proposed by the West Region. The proposal establishes a timeframe that a warrant is issued for an absconder within 15 business days of Violation Report receipt.

Adjourn

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

The meeting adjourned at 3:05 pm ET.