

West Virginia
Interstate Compact Council Meeting Minutes
August 21, 2024
WV Division of Corrections and Rehabilitation Central Office
1409 Greenbrier St. Charleston, WV 25311

Meeting began at 10:09AM

State Council Members Present:

Jonathan Huffman, WV ICOTS Commissioner
Jordan McKinley, Deputy Compact Administrator
Jennifer Bailey, Judicial Representative (*arrived at 10:16am*)
Joyce Yedlosky, Victim's Representative
Benita Murphy, Executive Branch Representative, Parole Board Chair
Doug Workman, Southern Parole District Supervisor

State Council Members Absent:

Jason Barrett, WV State Senator
Don Forsht, WV Delegate
Stephanie Bond, Administrator of Probation

Non-Member:

Sheila Daves, Executive Assistant/Meeting Minutes

Jordan McKinley advised the members of Jonathan Huffman's appointment as the new ICOTS Commissioner, and the 2 new members from the WV State Legislature, Senator Jason Barrett and Delegate Don Forsht.

Old Business:

There was no vote on the 2023 meeting minutes as there was not a quorum at that specific time. There were also no discussion of the council meeting minutes from 2023.

New Business:

The Annual Business Meeting (ABM) will be held on September 9th – 12th. The agenda has been given to the council members by Mr. McKinley.

The Executive Committee revised the Interstate Compact policy manual and rules. The word "offenders" on each document has been changed to "supervised individual."

Mr. Huffman has asked to be on the Executive Committee as it would be good for ICOTS to have someone from WV on this specific committee.

The Technology Committee is requesting the Executive Committee for a complete rewrite of Interstate Compact. Mr. McKinley who is on the Technology Committee advised the Council members that the ICOTS is spending almost \$400,000 a year to have supervised individuals in WV. Due to old technology, quarter of a million dollars would be spent in a 6-year time span. The rewrite will help with functionality and to free up space that will help bring costs down. The initial cost will be split nationally based off tier level.

There are 2 options:

Option 1 – Would take from capitol assessment for the full amount of 1 mil and no withdrawal from the Vanguard account, one of the investment portfolios, that will cost \$13,700 within 2 years.

Option II – Pull ½ the cost from Vanguard account and the other half from Capitol Assessment that will cost \$6,855.50 within 2 years.

Motion to choose option II: Doug Workman

Second: Benita Murphy

All in favor and none opposed.

The Go-Live for this would be November of 2025.

Annual dues will be \$33,000 total after the next tier. There will be an increase of around 8,000 without factoring in the 5.6%. Funding comes from ICOTS and Mr. Huffman is unsure if it's appropriated through the legislature, but it could be requested if not. All money goes into the normal operating cost.

WV ICOTS can charge an application fee of up to \$100.00 per applicant who would like to transfer out of state for their supervision. Probation and Parole does not utilize the \$100.00, or up to \$100.00 fee in WV. Mr. Huffman provided an example of the cost if there was a full \$100.00 amount application fee charged to individuals last year. There was an estimated of 2,500 people who transferred out of the state of WV to complete their supervision in other states. If they were charged the full amount of \$100.00, that amount would cover most of the annual dues.

A sliding scale fee or waiver could be implemented for individuals who are indigent if WV moves forward with the application fee. Mr. Huffman will discuss further with DCR leadership regarding a policy change to add the application fee.

WV Compliance Letters: Per code and Parole rule, supervised individuals out of the state would need to return to WV for court hearings. A problem arose out of Cabell County where a capias was issued to a supervised individual who had to return to WV for a hearing. Rather than taking him to court for absconding, the attorney kept asking for a continuance, making ICOTS non-compliant with the rule to enter warrant information in NCIC after a certain number of days.

The Council discussed the cost savings by having video hearings rather than transporting people. Revocation and Parole hearings are conducted via video conference. Mr. McKinley will continue to propose video hearings for WV ICOTS as it would save money for the state.

WV ICOTS will begin issuing compliance letters that will explain a violation of rules and how to fix it to keep agencies on track with WV ICOTS. Compliance letters will help educate those who would be receiving them, as they probably do not know of certain ICOTS rules.

Joyce Yedlosky, Victim's Representative left the meeting at 10:47am for another commitment. No quorum established after her departure.

Mr. Huffman said no legislative changes need to occur at this time with WV ICOTS rules and laws, but better communication with Public Defenders, Prosecutors and Probation throughout the state will need to happen. Mr. Huffman plans to reach out to each office to see about having him and Mr. McKinley a timeslot at their conferences. They will be speaking at the Judges Conference on October 7th, Judge Bailey mentioned keeping WV ICOTS on future agendas.

ICOTS Rule Proposals: Mr. McKinley would like to propose a rule on out of state individuals who are being supervised in WV. The example provided was an individual who was on probation in another state and living in WV. A travel voucher was supplied to the individual from the sending state to return to the sending state every 30 days. Mr. McKinley said it completely negates Interstate Compact.

ICOTS affidavit: The WV Supreme Court has a "Hearsay Evidence Rule" where defense attorneys can cross-examine probation officers as a witness. Under ICOTS, this is prohibited and an affidavit drafted by Mr. McKinley will help alleviate this issue.

Meeting Adjourned at 12:00PM