

JOSH GREEN, M.D.  
GOVERNOR



ATTORNEY GENERAL ANNE E. LOPEZ  
PROSECUTING ATTORNEY STEVEN ALM  
VICTIM REPRESENTATIVE ROSEMARIE ALBANO  
SENATOR  
REPRESENTATIVE

DEPUTY CHIEF COURT ADMINISTRATOR DWIGHT SAKAI  
ACTING PAROLES AND PARDONS ADMINISTRATOR COREY REINCKE  
PUBLIC DEFENDER JON IKENAGA  
COMPACT ADMINISTRATOR BROOK MAMIZUKA

STATE OF HAWAII  
STATE COUNCIL FOR INTERSTATE ADULT OFFENDER SUPERVISION  
KA'AHUMANU HALE, 777 PUNCHBOWL STREET  
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MINUTES OF THE STATE COUNCIL  
FOR INTERSTATE ADULT OFFENDER SUPERVISION  
February 16, 2024  
Zoom

- Present: Thomas Brady for the Prosecuting Attorney  
Hayley Cheng, for the Public Defender  
Lisa Itomura and Albert Cook for the Attorney General  
Brook Mamizuka, Compact Administrator  
Corey Reincke, Parole and Pardon Administrator  
Dwight Sakai, Vice Chair, Judiciary, Deputy Chief Court Administrator
- Absent: Rosemarie Albano, Interim Victim Representative  
Ronald D. Kouchi, State Senate  
Scott K. Saiki, House of Representative
- Guests: Stacey Luke, Acting Deputy Compact Administrator, Probation  
Robert Bott, for Michael Knott, Deputy Compact Administrator (Parole)  
Ellie Kekauoha, Hawai'i Interstate Probation Supervisor  
Shawn Naito, Hawai'i Interstate Coordinator  
Members of the Hawaii Interstate Designees. The designees provide statewide probation and parole representation.

- 1. Call to Order and Opening of the Meeting – Compact Administrator**  
Brook Mamizuka called the meeting to order at 9:04 a.m. and thanked everyone for attending the State Council meeting this morning.
- 2. Roll Call and Introduction of Members:**  
Compact Administrator, Brook Mamizuka, Chair  
Deputy Compact Administrator for Probation, Stacey Luke  
Deputy Compact Administrator for Parole, Michael Knott (designee Robert Bott)

Voting members:

Deputy Chief Court Administrator, Dwight S. Sakai, Vice Chair

Deputy Attorney General, Lisa Itomura and Albert Cook

First Deputy Prosecuting Attorney, Tom Brady

Public Defender, Jon Ikenaga (Absent, Hayley Cheng representing)

First Deputy Public Defender, Hayley Y.C. Cheng

Parole/Pardon Administrator, Corey Reincke

Interim Victim Representative, Rose Albano (Absent)

State Senate: Senate President Ronald D. Kouchi or designee (Absent)

House of Representative: Speaker of the House Scott K. Saiki or designee (Absent)

Guests:

Members of the Hawaii Interstate Designees. The designees provide statewide probation and parole representation.

Quorum has been established with 5 voting members.

Brook Mamizuka acknowledges the probation and parole officers, supervisors, and administrators that work closely together to follow the rules of the compact, track offender movement, and most importantly keep our state in compliance avoiding any sanctions against our state.

**3. Approval of Agenda**

Members are given a moment to review the agenda. Brook Mamizuka requests a motion to approve today's agenda. Dwight Sakai motions to accept the agenda for today's meeting. Thomas Brady seconds the motion. Voted and agenda has been approved unanimously.

**4. New Business:**

**A. Rule Change**

Rule 5.108 subsection (f): "If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision that would result in the pursuance of revocation of supervision, the receiving state shall may hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.

The rule change will go into effect on March 1, 2024. Rule 5.108 was amended. The language change allowed for the flexibility to recall individuals that may not be a public safety risk but violations may still constitute return to the sending state. The change is

beneficial to Hawai'i as it will be a significant cost saving measure by not having to house individuals until extradition can be completed. This will have minimal impacts for Hawai'i. If the Waiver of Probable Cause Hearing is signed, no arrest is required.

In the rule, the word "shall" required in subsection (f): The rule does not require an supervised individual to be held in custody to conduct a Probable Cause hearing or to obtain a signed waiver. In the current language requires the receiving state to take the supervised individual in custody upon a finding of probable cause. This can pose challenges:

- (1) The Sending State may order the offender's return in lieu of issuing a warrant to retake;
- (2) The Sending State may need a Probable Cause established in order to obtain a warrant to retake
- (3) The Receiving State does not have warrantless arrest powers.

By changing the wording from shall to may states will still be able to hold the supervised individual in custody.

This provides flexibility to states without warrantless powers when the Sending State has not issued a warrant pending Probable Cause or when the decision to retake versus order return for behavior requiring retaking has not been made. The change still permits the Receiving State to issue a warrant for public safety concerns.

#### **B. Replacement of the Term Offender with Supervised Individual**

On November 29, 2023, the ICAOS Executive Committee unanimously approved replacing the term 'Offender' with 'Supervised Individual'. The objective is to foster a more person-centered approach while eliminating barriers and biases with traditional terminology. The change will apply broadly across the Commissions resources and documents. The Commission's name, terminology with the Interstate Compact Offender Tracking System (ICOTS) and language related to sex offenders continue to be unaffected at this time due to cost.

The Hawai'i Interstate Office holds quarterly meetings to keep staff updated on changes for probation and parole.

#### **C. Nomination of Victim Representative, Rosemarie Albano**

According to HRS 353B-3 State Council for interstate adult offender supervision. We must have one council member representing victims groups that will be appointed by the governor. Our last Victim Advocate was the former Director of Victim/Witness Kokua Services, Department of the Prosecuting Attorney, City and County of Honolulu, Mr. Dennis Dunn who retired in 2022.

He has been replaced by Rosemarie Albano. Unfortunately, she was unable to join us today.

Rose Albano worked as the Assistant Director for the Victim/Witness Kokua Services since 2021. She served as the Interim Director from January 2023 until January 2024 when she was placed in the Director position permanently.

Rose works face to face with victims. She partners with government and community partners in victim services. She has worked with probation and has a lengthy history working with sex offenders.

Brook Mamizuka requests to nominate Rose Albano to serve as a council member and asked if there are any questions. No questions from members at this time.

Brook Mamizuka requests a Motion to nominate Rose Albano to serve as the Victim Advocate on our Hawaii State Council. Thomas Brady motions to approve the nomination. Corey Reincke seconds the motion. Voted and nomination has been accepted unanimously.

#### **D. Renewal of Office of the Prosecuting Attorney of the City and County of Honolulu.**

The term for the Office of the Prosecuting Attorney expired on November 7, 2020. Brook Mamizuka is requesting the Council to renew the term from November 7, 2020 until November 6, 2024. Dwight motions to renew the term. Albert Cook seconds the motion. Voted and approved the renewal of the term for the Prosecuting Attorney unanimously.

#### **E. Training on the importance of the compliance of the Interstate Rules.**

Brook Mamizuaka requests the Council's assistance in state wide training with judges, defense attorneys, deputy attorney general, deputy prosecuting attorneys, and law enforcement. Currently the training is done by Brook Mamizuka, Probation Supervisor Eleanor Kekauhoa, Stacey Luke, Michael Knott, Robert Bott, and Shawn Naito. We would like to stress the importance of remaining in compliance with the rules of the compact. These are Federal rules that are heavily enforced. Any violations of the rules are subjected to sanctions. Promoting education within the criminal justice system to achieve a mutual understanding of the Interstate Rules. There is an agreement among states that individuals are supervised and treated uniformly. Individuals arriving from

another state will be afforded the same resources and treatment provided for supervised individuals in the receiving state.

The ICOTS database tracks supervised individuals at every point of contact. The database sends notifications/alerts for pending deadlines.

Attached to your agenda is the sanctioning policy for violation of the rules under the compact. State sanctions first offense up to \$10,000, second offense up to \$50,000, third offense or subsequent offenses up to \$100,000. There are fees that are incurred as well such as attorney and court fees, auditing, and travel fees.

We would like to invite the council members or anyone in their offices to attend the quarterly meetings. In this meeting there is representation from all circuits from probation and parole. Brook Mamizuka asks members if there are any questions or comments.

Dwight Sakai commented for council members to keep in mind that new employees can benefit from training and be educated on the rules and importance of the interstate compact. Encouraging attendance to training and asking questions to learn more about the Interstate Compact. Rules are specific, enforced, and scrutinized. It is important to know the rules and work with state partners to ensure the rules are followed.

**F. Interstate Compact Fees for Fiscal Year 2024**

\$21,712.33

Brook Mamizuka thanks Corey Reincke and Robert Bott from Parole for sharing the cost of the fees.

**5. Round Table**

Albert Cook, no comments at this time.

Dwight Sakai asks how many individuals we are currently supervising as the receiving state and sending state. Brook Mamizuka states the total number is over 400 cases. The breakdown of cases cannot be given at this time but can be provided at a later time for cases received and sent. This number is equitable to about two to three probation officers or parole officers' caseload. The cases are absorbed into the workload of probation and parole staff statewide. Brook Mamizuka clarified the 400 individuals are for probation and parole.

Thomas Brady asks if there are any training products/power points that can be shared. Brook Mamizuka confirmed there are modules on the ICAOS website available and accessible at any time.

Lisa Itomura, no comments at this time. Brook Mamizuka acknowledges and thanks Lisa Itomura for assisting with warrants.

Hayley Cheng has no comments, appreciates access to the training materials. Often have clients interested and subject to the Interstate Compact.

Corey Reincke, no comments at this time.

**6. Next Meeting: October 18, 2024, 9:00 a.m.**

Brook Mamizuka informed the Council of the three (3) vacancies, a representative from the Senate, House of Representatives, and Victim Witness Kokua Representative. Request will be submitted along with the nomination for Rose Albano after this meeting. At the next meeting, Brook Mamizuka hopes to have a full Council. No questions or comments at this time.

**7. Adjourn**

Brook Mamizuka requests for a motion to adjourn. Dwight Sakai motions to adjourn the meeting. Thomas Brady seconds the motion. Voted and approved unanimously.

Mahalo for your Kokua.