



Interstate Commission for Adult Offender Supervision

West Region Meeting MINUTES

January 5, 2023 · 2:00 pm ET
Video Conference

Members in Attendance:

1. Taryn Link (AK), Chair
2. Dori Littler (AZ)
3. Andrew Zavaras (CO)
4. Brook Mamizuka (HI)
5. Cathy Gordon (MT)
6. Deon McDaniel (NV)
7. Roberta Cohen (NM)
8. Jeremiah Stromberg (OR)
9. Dan Blanchard (UT)
10. Mac Pevey (WA)

Members not in Attendance:

1. Guillermo Viera Rosa (CA)
2. Judy Mesick (ID)
3. VACANT (WY)

Guests:

1. Lorna Colver (AK)
2. John Gillis (AZ)
3. Matthew Poyzer (AZ)
4. Collin Hocker (CO)
5. Michael Knott (HI)
6. Stacey Luke (HI)
7. Kathy Hust (ID)
8. Mark Patterson (OR)
9. Victoria Vigil (NM)
10. Tanja Gilmore (WA)
11. Pat Odell (WY)

Staff:

1. Ashley Lippert, Executive Director
2. Allen Eskridge, Operations & Policy Director
3. Barno Saturday, Logistics and Administrative Coordinator
4. Mindy Spring, Training and Administrative Coordinator
5. Drake Greeott, Web Development Manager

Call to Order

Chair T. Link (AK) called the meeting to order at 2:01 pm ET, ten of the thirteen members were present establishing a quorum.

Approval of Agenda and Minutes

Commissioner J. Stromberg (OR) moved to approve the agenda as presented. Commissioner A. Zavaras (CO) seconded. Agenda approved.

Commissioner D. Blanchard (UT) moved to approve the minutes from October 25, 2022, as drafted. Commissioner A. Zavaras (CO) seconded. Minutes approved.

Discussion

Colorado Rule Proposal – Rule 5.108: Commissioner A. Zavaras (CO) presented a proposal to amend Rule 5.108 to the region.

Rule 5.108 - Probable cause hearing in receiving state

(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.

Justification

The “shall” requirement in subsection f. of Rule 5.108 is not a requirement of the Supreme Court decision that Rule 5.108 is based upon, and it puts some Compact member states in violation of the requirement because they have no statutory authority to hold a person in custody pending the decision from the sending state. Holding an offender in custody following the outcome of a probable cause hearing or signed waiver should be at the discretion of the hearing officer or authority in the receiving state in accordance with local procedures. Revising the verbiage from “shall” to “may” will still allow states the option to hold an offender in custody.

Commissioner A. Zavaras (CO) thanked Commissioner Littler for her assistance with writing the justification.

Commissioner R. Cohen (NM) moved to refer the proposal to amend Rule 5.108 to the Rules Committee for consideration at the 2023 Annual Business Meeting. Commissioner D. Littler (AZ) seconded. Motion carried unanimously.

Old Business

Tribal Best Practices update: Commissioner D. Blanchard (UT) presented the Tribal Best Practices workgroup's draft report. He noted that states need to deal with transfers involving tribal lands on a case-by-case basis. The workgroup's recommendations consisted of increasing communication, creating mutual agreements, adding tribal representation to the Commission as an ex-officio member, and seeking advisory opinions.

Executive Director A. Lippert suggested using the American Probation and Parole Association's website as a reference since it has numerous resources regarding tribal matters.

New Business

There was no new business.

Adjourn

Commissioner R. Cohen (NM) moved to adjourn. Commissioner M. Pevey (WA) seconded, Motion passed.

The meeting adjourned at 2:25 pm ET.