



Colorado Interstate Compact

State Council Meeting

Friday, November 17, 2023

1:00 – 3:00 P.M.

Virtually hosted via WebEx

MEMBERS present:

Andrew Zavaras - Commissioner/DOC
Collin Hocker - Parole DCA/DOC, Co-chair
Crissy Schaudt - Probation DCA/Judicial, Co-chair
Adrienne Sanchez- Legislative Representative
Jeremy Botkins - Assistant Legal Counsel/Judicial

Not present:

Dana Wilks- Dept. Director/ Div. of Probation Services
Kelly Kissel- Victims' Rights Representative

Important Links:

ICAOS Website: www.interstatecompact.org

ICAOS Rules: <https://www.interstatecompact.org/icaos-rules>



ADVISORY MEMBERS present:

Joseph Whitfield - District Court Judge
Matt Cooper – Supervisor, ISU/Parole
Stephen Holmes - State Board of Parole
Joyce Akhahenda - Public Defender's Office
Courtney Davis – Team Leader, ISU/Parole

Not present:

Dave Martin- Sheriff's Association
Jaime Fitzsimons- Sheriff's Association
William Culver- D.A. Representative

Agenda Topic

Presenter

- ❖ **Welcome and Introductions** **Andrew Zavaras**
 - ☐ Andrew Zavaras welcomed the group present on the WebEx. Introductions were made for those present on the call. A few members were not present, members will schedule the next meeting now for proper scheduling.
- ❖ **Current Interstate Issues/Needs** **All**
 - ☐ No issues or needs were brought up at this time.
- ❖ **Probation Violation Warrants** **Crissy Schaudt**
 - ☐ There are a few recurring issues occurring that are impacting the retaking process. Primarily not being entered as Nationwide Extradition/No Bond.
 - Some warrants that are issued by the courts are not in compliance with the ICOTS Rule 1.101 (warrant definition)
 - When issued correctly they are not always entered correctly into NCIC (position to enter the warrant can vary by county).

- Solutions: Focus on training and awareness of the situation. Bench cards were discussed as a good option for Judges.

❖ **Retaking Fund**

Crissy Schaudt

- Crissy Schaudt manages the reimbursement requests for funds regarding retaking. Funds come from the \$100 transfer fee submitted by probationers who are requesting an Interstate transfer.
- It takes approximately two weeks for reimbursement.
- Fund can cover expenses related to transport for two deputies (does not include deputy salaries). Fund can also reimburse for contracted private transport services.
 - Will work on bringing awareness to this fund and encourage it to be utilized.

❖ **ICAOS Rule Amendments & ICOTS Enhancements**

Collin Hocker

- Advised group of the two year vetting process for any recommended amendments. First year is a vetting process for DCA's to review the practical application. Once that process is complete it is presented to the assigned region/ committee for a final vote and approval.
- Fiscal year 2023- 6 total rule amendment proposals were made with only one being adopted, 5.108.
- Only ICOTS enhancements to report is the new ICOTS operating platform, which did not change the functionality of the system.

❖ **ICAOS Tribal Relations**

Crissy/Collin

- Regional focus group with probation to identify the challenges stemming from the tribal relationship between New Mexico (NM) and some tribal chapters. It is reported that in some districts the NM compact office requires a tribal letter of acceptance prior to the transfer of a client residing on tribal land. Some tribal chapters are not willing to provide a letter which is impacting the client's ability to return home and reside on the land. There have been changes in the NM Interstate staff, CO has requested a meeting with NM DCA to explore solutions to this barrier.
- Zavaras advised that he is a part of a committee and may have contacts available to speak with.

❖ **Audit Reassessment Results**

Crissy/Collin

- Audit compliance is defined as 80% or greater. In FY 23 CO compliance with Rule 4.109- Response to Violation Reports; 10-day response deadline, was 77.10%. CO presented a remedial plan. On 09/30/2023 a re-audit was completed and determined CO had come back into compliance with this standard and no further action would be taken.
- FY 23 Data Integrity Audit assessed the reliability and credibility of ICOTS data to ensure accurate information is captured (junk profiles, rejected case clean up, offenders awaiting retaking). CO showed improvement in each category from both probation and parole.

❖ **Interstate Treatment/Fingerprinting**

Collin Hocker

- Hocker provided background to the Statute 17-27.1-101. An offender was attending treatment in CO while under Maryland supervision and was unsuccessfully discharged from the program. He then raped

and killed Peyton Tuthill on 02/24/1999. Therefore statute 17-27.1-101 was created.

- Statute 17-27.1-101 requires that out of state offenders who are in CO and seeking treatment must go through a background process to determine if they meet the threshold to be in the ICOTS system, this includes required fingerprints.
- Matt Cooper advised that August 2023 revisions to the statute went into effect. The Interstate Unit has been working on additional training resources to include training resources being placed on websites as well as updated forms. It was discussed that there is difficulty in obtaining fingerprints in some counties. It was recommended by Judge Whitfield that fingerprint referrals be completed to take to the county.

❖ **Update to Advisory Opinion/Rule 5.108 (f)** **Andrew Zavaras**

- March 1, 2024 the new rule will go into effect. The updated rule has one word change in section (f) of Rule 5.108, from “shall” to “may” to ensure states are able to remain in compliance with the rules. Not all states were able to hold people in custody following the outcome of a probable cause hearing or the signing of a waiver. “may” allows the states the option to hold the person in custody in accordance with local procedures.

❖ **Sentencing Considerations** **Crissy Schaudt**

- Post-pandemic remote sentencing:
 - Challenges are presented in processing paperwork in the required timeframe defined within the Rules of 7 days. This can also impact the person’s ability to remain in the receiving state while a transfer is being investigated if the paperwork is not submitted within the 14 day timeframe.
 - Can we send paperwork to the receiving state despite the person not being under their supervision?
- Return to receiving state pending revocation/ re-sentencing:
 - If a compact case is closed upon retaking, the client should remain in CO pending revocation as they would not be supervised by the receiving state if allowed to return to the receiving state by the court. This would include bond pending revocation or formal retaking.

Unsupervised Probation Sentences/Definition of Supervision:

If the charge is qualifying and the sentence meets the definition or supervision in the Rules, the case is required to go through the compact. This is something the courts should take into consideration when entering a sentence as if entered into ICOTS for unsupervised probation, they would have to be ‘supervised’ in the receiving state. Thoughts on how to best address this?

- Supervision definition: Conditions other than monetary (reporting, monitoring, monitored sobriety, treatment, community service)

❖ **Victims’ Rights** **Collin Hocker**

- ICOTS requires victims to be notified of the transfer request within one business day after the issuance of reporting instructions or acceptance of the transfer request by the receiving state.
- CO parole’s process is to provide the victim notification when a transfer request is submitted and a thirty day hold is put into place ensuring victims are given ample time to be heard. We will take any concerns into consideration before making a final decision on a transfer request. Victims are also

informed once a final decision has been reached. Probation is also very mindful of VSU.

❖ **Roundtable**

All

- Parole Board Member S Holms asked about sex offenders who have a ten year review. It appears that CO is having difficulty in obtaining the required information to make proper determinations on their review.

❖ **Next Meeting**

November 15, 2024, 1:00-3:00 P.M.

❖ **Adjourn**

Minutes are public record