INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
WEST REGION MEETING MINUTES

January 10, 2013
2:00 pm ET

WebEx

Members in Attendance:
1. Cheryl Marlow Hawaii, Chair
2. Dori Ege Arizona
3. Kim Madris Nevada
4. Edward Gonzales New Mexico
5. Denton Darrington Idaho
6. Anmarie Aylward Washington
7. Mike Mayer Utah
8. Dawn Sides Wyoming

Members not in Attendance
1. [Vacant] Alaska
2. [Vacant] California
3. Tim Hand Colorado
4. Jeremiah Stromberg Oregon
5. Pam Bunke Montana

Guests:
1. Judy Mesick (ID)
2. Marjorie Martin (WA)
3. Roberta Cohen (NM)
4. Jim Ingle (UT)
5. Robert Geraldo (NV)
6. Sidney Nakamoto (HI)
7. Patricia Odell (WY)
8. Devon Whitefield (CO)
9. Cathy Gordon (MT)
10. Carrie Belden (AK)
11. Joe White (CO)
12. Shawn Arruti (NV)

Approved on 4/17/2013. B.S.
Call to Order
Commissioner C. Marlow (HI) called the meeting to order at 2:00 pm EST. Eight out of thirteen members were present, quorum was established.

Approval of Agenda
Commissioner C. Marlow (HI) made the following changes to the agenda:
- add Discussion on Rule 2.105
- add Rule 3.101, 3.101-1, and 3.107 (UT)
- add Rule 3.101, 3.101-1, 3.107, and 5.108 (CO)
- remove Committee Updates

Commissioner D. Ege (AZ) made a motion to approve the agenda as amended. Commissioner A. Aylward (WA) seconded. Agenda approved.

Approval of Minutes
Commissioner A. Aylward (WA) made a motion to approve the minutes from November 15, 2012 as drafted. Commissioner E. Gonzales (NM) seconded. Minutes approved.

Discussion
Rule 2.105: Commissioner D. Ege (AZ) gave brief history of Rule 2.105 Misdemeanant. She stated that Arizona is not successful with complying with this rule.

Commissioner D. Ege (AZ) made a motion to eliminate Rule 2.105. Commissioner A. Aylward (WA) seconded. Motion passed by vote of four to three.

Commissioner A. Aylward (WA) made a motion to amend Rule 2.105. Commissioner D. Ege (AZ) seconded.

Rule 2.105 Misdemeanants
(a) A misdemeanor offender whose sentence includes 1 year 25 months or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied; and the instant offense includes 1 or more of the following—
(1) an offense in which a person has incurred direct or threatened physical or psychological harm;
(2) an offense against a person that involves the use or possession of a firearm;
(3) a 2nd or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;
(4) a sexual offense that requires the offender to register as a sex offender in the sending state.

Motion passed unanimously.

Approved on 4/17/2013. B.S.
Spouse Definition by Oregon: No motion was made to support the rule proposal for spouse definition.

Rule 3.101, 3.101-1, 3.107, and 5.108 (CO): The Region reviewed proposals by Colorado.

Commissioner E. Gonzales (NM) made a motion to amend the definition of abscond. Commissioner D. Sides (WY) seconded.

“Abscond” means to be absent from the offender’s approved place of residence or employment with the intent of and avoiding supervision.

Motion passed by vote five to one.

Commissioner E. Gonzales (NM) made a motion to add the definition of spouse. Commissioner K. Madris (NV) seconded.

Rather than creating a definition of spouse, it was recommended to add language to family resident transfers. 5 options:
1. Spouse as defined by sending state
2. Spouse as legally defined by sending state
3. Spouse as defined by receiving state
4. Spouse as legally defined by receiving state
5. None of the above-this is not an issue that________state wants to pursue

Commissioner D. Ege (AZ) made an amendment to add the language after the resident family “, as defined by resident state.”

Commissioner K. Madris (NV) expressed her concern with the amendment due to the various definition of the spouse in different states.

Motion failed by vote four to four.

Commissioner E. Gonzales (NM) made a motion to add definition of warrant. Commissioner K. Madris (NV) seconded.

“Warrant” means a written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction which is made on behalf of the state, or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius with a no bond amount set.

Justification: clarifies a bond cannot be set with NCIC IC warrants.

Motion passed unanimously.
Commissioner E. Gonzales (NM) made a motion to amend Rule 3.101. Commissioner K. Madris (NV) seconded.

**Rule 3.101 Mandatory transfer of supervision**

At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact and the receiving state shall accept transfer, if the offender:

(a) has more than 90 120 days or an indefinite period of supervision remaining at the time the sending state transmits the transfer request; and

(b) has a valid plan of supervision; and

(c) is in substantial compliance with the terms of supervision in the sending state; and

(d) is a resident of the receiving state; or

(e) (1) has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and

(2) can obtain employment in the receiving state or has means of support.

**Justification:** The RS has 45 days to investigate the TIR, which doesn’t leave much remaining time after the reply is submitted. Depending on the risk level, at 90 days, the offender may only be seen once. 120 days is more realistic to assist the offender with T/C’s.

Motion failed by vote one to six.

Commissioner E. Gonzales (NM) made a motion to amend Rule 3.101-1 by adding section (e). Commissioner K. Madris (NV) seconded.

**Rule 3.101-1 Mandatory transfers of military, families of military, family members employed, and employment transfer**

(a) **Transfers of military members**- An offender who is a member of the military and has been deployed by the military to another state, shall be eligible for reporting instructions and transfer of supervision. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(b) **Transfer of offenders who live with family who are members of the military**- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e) (2) and who lives with a family member who has been deployed to another state, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(c) **Employment transfer of family member to another state**- An offender who meets the
criteria specified in Rules 3.101 (a), (b), & (c) and (e) (2) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(d) Employment transfer of the offender to another state – An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(e) Transfer of offenders for VA treatment - An offender who meets the criteria specified in Rule 3.101 (a), (b), & (c) and is currently under medical care at a VA Hospital and requires specific medical treatment at a specific VA Hospital that offers that required treatment, not available in the sending state, shall be eligible for reporting instructions and transfer of supervision. A receiving state shall supervise an offender’s transfer for medical purposes for the duration of treatment or discharge. At the time of discharge an offender shall return to the sending state within 2 calendar days and the receiving state shall submit a case closure notice.

Justification: allows offender to get required treatment while being supervised. And, allows the receiving state the ability to close interest once treatment is completed.

Motion failed unanimously.

Commissioner E. Gonzales (NM) made a motion to amend Rule 3.101-1 by adding section (f). Commissioner K. Madris (NV) seconded.

Rule 3.101-1 Mandatory transfers of military, families of military, family members employed, and employment transfer

(f) Acceptance of offenders to a college of university - An offender who meets the criteria specified in Rule 3.101 (a), (b), & (c) and has received a scholarship shall be eligible for reporting instructions and transfer of supervision. A receiving state shall supervise an offender’s transfer for academic purposes for the length of the enrollment. At the time of non-enrollment or expulsion, an offender shall return to the sending state within 2 calendar days and the receiving state shall submit a case closure notice.

Justification: allows students to attend school when awarded a scholarship while be supervised. And, allows receiving state the ability to close interest once school is completed.

Motion failed unanimously.

The Region reviewed amendments to Rules 5.101 and 5.108. Commissioner D. Ege (AZ) stated that the Rules Committee has already considered these changes.
Commissioner M. Mayer (UT) made a motion to amend Rule 3.101. Commissioner K. Madris (NV) seconded.

**Rule 3.101 Mandatory transfer of supervision**

At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the offender:

(a) has more than 90 days or an indefinite period of supervision remaining at the time the sending state transmits the transfer request; and

(b) has a valid plan of supervision; and

(c) is in substantial compliance with the terms of supervision in the sending state; and

(d) is a resident of the receiving state; or

(e)

(1) has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and

(2) can obtain employment in the receiving state or has means of support; and

(3) does not pose a reasonable, articulable suspicion of a threat to any of the offender’s victim’s living in the receiving state.

Motion failed by vote two to five.

Commissioner M. Mayer (UT) made a motion to amend Rule 3.107. Commissioner K. Madris (NV) seconded.

**Rule 3.101-1 Mandatory transfers of military, families of military, family members employed, and employment transfer**

(a) **Transfers of military members**- An offender who is a member of the military and has been deployed by the military to another state, shall be eligible for reporting instructions and transfer of supervision. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(b) **Transfer of offenders who live with family who are members of the military**- An offender who meets the criteria specified in Rules 3.101 (a), (b), (c), (e)(2) and (e)(3) and who lives with a family member who has been deployed to another state, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(c) **Employment transfer of family member to another state**- An offender who meets the

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criteria specified in Rules 3.101 (a), (b), (c), (e)(2) and (e)(3) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(d) Employment transfer of the offender to another state – An offender who meets the criteria specified in Rules 3.101 (a), (b), (c), and (e)(3) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

Commissioner M. Mayer (UT) withdrew his motion. Utah will revise the proposal and present it at a later meeting.

**Commissioner M. Mayer (UT) made a motion to amend Rule 3.107 by adding section (12). Commissioner K. Madris (NV) seconded.**

**Rule 3.107 Transfer request**

(a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain:

(1) transfer request form;

(2) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;

(3) photograph of offender;

(4) conditions of supervision;

(5) any orders restricting the offender’s contact with victims or any other person;

(6) any known orders protecting the offender from contact with any other person;

(7) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;

(8) pre-sentence investigation report, unless distribution is prohibited by law or it does not exist;

(9) information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;

(10) supervision history, if the offender has been on supervision for more than
thirty (30) calendar days at the time the transfer request is submitted;

(11) information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.

(12) for violent offenders, any victim contact information if available, for the offender’s victims living in the receiving state.

(b) The original signed Offender Application for Interstate Compact Transfer shall be maintained in the sending state. A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.

(c) Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents within no more than 30 calendar days from the date of the request, unless distribution is prohibited by law or a document does not exist.

Motion failed by vote two to five.

Adjourn
Commissioner K. Madris (NV) made a motion to adjourn. Commissioner E. Gonzales (NM) seconded. Meeting adjourned at 3.33 pm ET.