INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
WEST REGION MEETING MINUTES

March 25, 2009
2:00 p.m. EDT
WebEx

Members in Attendance:
1. Edward Gonzales  Chair, New Mexico
2. Mark Cadotte  Oregon
3. Les Pozsgi  Wyoming
4. Lin Miller  Washington
5. Brent Butcher  Utah
6. Dori Ege  Arizona
7. Donna White  Alaska
8. Janice Yamada  Hawaii

Guests:
1. Devon Whitefield
2. Kathryn Luth
3. Shane Sconcce
4. Louis Zorn
5. Roberta Cohen
6. Maurice Reichelt
7. Jim Ingle
8. Kim Madris
9. David Babby
10. Marjorie Owens
11. Lynda Hamilton
12. Shawn Arruti
13. Sidney Nakamoto
14. Miki McGarvey

Members not in Attendance
1. Bernard Curtis  Nevada
2. Pamela Bunke  Montana

Approved on 06.02.2009. B.S.
Call to Order
Commissioner E. Gonzales (NM) called the meeting to order at 2:00 pm EDT. Eight out of thirteen members were present. Quorum was established.

Approval of Agenda
Commissioner E. Gonzales (OR) requested adding Washington Rule Proposal to the agenda. Commissioner D. White (AK) made a motion to approve the agenda as amended. Commissioner M. Cadotte (OR) seconded.

Commissioner E. Gonzales (NM) requested to add Colorado Rule Proposal to the agenda. Commissioner L. Miller (WA) made a motion to approve the agenda as amended. Commissioner M. Cadotte (OR) seconded.

The agenda was approved as amended.

Approval of January 27, 2009 Minutes
Commissioner B. Butcher (UT) made a motion to approve the minutes from January 27, 2009. Commissioner L. Pozsgi (WY) seconded. The minutes were approved.

States ICOTS Update
- Alaska, Commissioner D. White
  - AK is making slow progress towards establishing their State Council

- California, DCA D. Babby
  - CA submitted its legacy load to the vendor
  - Due to some technical problems ICOTS itself is moving very slow in CA

- Hawaii, Commissioner J. Yamada
  - HI is working on its last legacy upload
  - ICOTS itself is moving very slow

- Oregon, Commissioner M. Cadotte
  - OR will submit its final legacy load this week
• **Utah, DCA J. Ingle**
  - UT just finished its legislative session

• **Washington, Commissioner L. Miller**
  - WA just sent its second legacy upload to the vendor

• **Wyoming, Commissioner L. Pozsgi**
  - DCA Shane Sconce retires in a few weeks. Patricia Odell will be the new DCA. WY plans to finalize this appointment by the end of April.

**Old Business**
DCA J. Ingle (UT) proposed addition to *Rule 3.101 – Mandatory transfer of supervision.*

Justification – “Many offenders apply multiple times for transfer to a specific state, after multiple failures of supervision. A reasonable case can be made that after three case failures in the same receiving state, that any future applications for transfer should be considered discretionary and not mandatory. After a certain point, the offender is simply not having a successful experience with supervision in the receiving state where multiple failures have occurred”.

After the discussion, the Region decided to amend the proposal to *Rule 3.101* with the following:

*Upon 3 returns for violations and closures within five years of a specific offender to the sending state under the terms of this rule, any future applications for transfer shall be considered under 3.101-2 “Discretionary transfer to the same receiving state of supervision”.*

Commissioner D. Ege (AZ) made a motion to send the revised proposal to Rule 3.101 to the Rules Committee for consideration. Commissioner L. Pozsgi (WY) seconded. The motion passed.

DCA J. Ingle (UT) proposed to amend *Rule 3.103 Reporting Instructions: Offender living in the receiving state at the time of sentencing.*

Commissioner E. Gonzales (NM) made a motion to table the discussion and the proposal to amend Rule 3.103 until the next Region meeting. Commissioner D. Ege (AZ) seconded. The motion passed.

Commissioner L. Miller (WA) proposed to amend *Rule 3.103 Reporting Instructions: Offender living in the receiving state at the time of sentencing.* The Region agreed that this discussion would be resumed at the next Region meeting along with UT’s amendment to Rule 3.103.

Commissioner L. Miller (WA) proposed to revise the definition of *Supervision.* Since the West Region had already submitted one proposal to amend the definition of supervision,
Commissioner D. Ege (AZ) suggested adding any necessary changes to the definition when the Rules Committee would send this proposal to the Commissioners for comments.

Commissioner L. Miller (WA) proposed to amend Rule 3.101 Mandatory transfer of supervision. Justification: “Offenders” ability to support themselves plays a major part in:
  1) rehabilitation,
  2) the ability to be a productive member of society and
  3) the ability to pay legal financial obligations, including victim’s compensation.

Offenders should not be put in a position to lose viable employment and become unemployed because they are transferred by their company to a state that will not accept discretionary cases. If moving to the receiving state allows the offender to maintain employment, it should be a requirement to accept the offender”.

After the discussion, the Region decided to amend the proposal with the following:

**Rule 3.101 Mandatory transfer of supervision.**

Or

(f) has employment that has been transferred to the receiving state by the full-time employer.

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

(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 involuntary transferred to another state by his/her full-time employer shall be eligible for reporting instructions and transfer of supervision.

Commissioner B. Butcher (UT) made a motion to send the revised proposal to the Rules Committee for consideration. Commissioner D. White (AK) seconded. The motion passed.

Commissioner D. Ege (AZ) made a motion to add the word involuntarily to Rule 3.101-1 (c) for consistency. Commissioner B. Butcher (UT) seconded. The Motion passed.

D. Whitefield (CO) proposed to amend Rule 4.103 to clarify that the offender must return to the sending state if seeking a modification of probation. A receiving state’s courts cannot be used to amend the terms and conditions of the sending state’s probation.

After the discussion, the Region decided that a similar issue was discussed in the AO 3-2008.

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D. Whitefield (CO) proposed to amend Rule 2.105 with definition of “harm” determined by the original charge (offense details) or the charge the offender plead down (not including the original offense details).

After the discussion, the Region decided that this issue was discussed in the AO 16-2006.

D. Whitefield (CO) requested to have an ICOTS offender application in the RRI format, rather than the TIR (or in both the RRI and TIR).

S. Razor informed the Region that this request was previously submitted to the Technology Committee and is currently on the enhancement list.

Commissioner D. Ege (AZ) advised the Region to use the ICOTS Close the Case function with multiple expiration dates carefully.

**Old Business**
There was no Old Business.

**Adjourn**
Commissioner B. Butcher (UT) made a motion to adjourn. Commissioner D. Ege (AZ) seconded. The meeting was adjourned at 3:06 pm EDT.