



Interstate Commission for Adult Offender Supervision

West Region Meeting MINUTES

September 8, 2020 · 2:00 PM ET
Teleconference

Members in Attendance:

1. Roberta Cohen (NM), Chair
2. Rebecca Brunger (AK)
3. Dori Littler (AZ)
4. David Babby (CA)
5. Merideth McGrath (CO)
6. Dwight Sakai (HI)
7. Denton Darrington (ID)
8. Jeremiah Stromberg (OR)
9. Dan Blanchard (UT)
10. Mac Pevey (WA)
11. Coltan Harrington (WY)

Members not in Attendance:

1. Sheri Sliva (NV)
2. Cathy Gordon (MT)

Guests:

1. Lorna Colver (AK)
2. Matthew Poyzer (AZ)
3. Chris Smalling (CA)
4. Andrew Zavaras (CO)
5. Devon Whitefield (CO)
6. Michael Knott (HI)
7. Brook Mamizuka (HI)
8. Victoria Vigil (NM)
9. Bill West (NV)
10. Shaira Chandler (NV)
11. Mark Patterson (OR)
12. Jennifer Calvo (Utah)
13. Tanja Gilmore (WA)
14. Autumn Witten (WA)

Staff:

1. Ashley Lippert, Executive Director
2. Barno Saturday, Logistics and Administrative Coordinator
3. Xavier Donnelly, ICOTS Project Manager

Call to Order

Chair R. Cohen (NM) called the meeting to order at 2:02 pm ET, eleven out of thirteen members were present; a quorum was established.

Approval of Agenda and Minutes

Commissioner D. Littler (AZ) moved to approve the agenda as presented. Commissioner J. Stromberg (OR) seconded. Agenda approved.

Commissioner D. Blanchard (UT) moved to approve the minutes from July 23, 2020 as drafted. Commissioner M. McGrath (CO) seconded. Minutes approved.

Discussion

Warrant timeframes: Commissioner D. Littler (AZ) stated that Commissioner R. Brunger (AK) and she served on the Rules Committee. This year, the Rules Committee established a workgroup to address whether the Commission should consider a consistent timeframe in the interest of training stakeholders and public safety and was requesting regional feedback. The current rules had varying timeframes for issuing a compact compliant warrant from 'upon receipt' to '30 days' and some rules requiring a warrant do not have a timeframe at all. The workgroup thought it would be beneficial for the Commission to move to a standard timeframe.

She added that the workgroup was in favor of 15 business days as the standard timeframe for issuing warrants and inquired if states would need assistance or resources to comply with it.

Commissioner R. Brunger (AK) stated that being a small state, Alaska had a unique opportunity to work close with their courts taking them 10 days or less to issue a non-bond warrant.

Commissioner D. Blanchard (UT)) noted that it took Utah about 30 days to issue a non-bond warrant.

Chair R. Cohen (NM) stated that New Mexico needed to establish a standardize format for entry of interstate compact warrants. She added it took 15 days to issue a warrant in her state.

Commissioner J. Stromberg (OR) stated that their parole post-prison warrants were issued in 24 to 48 hrs. However, it took 2 to 4 weeks to issue a probation warrant.

He inquired why the interstate compact warrants should be prioritized over the in-state warrants and how the Commission planned to explain it to courts.

Commissioner D. Littler (AZ) stated that interstate compact warrants were different simply because the offenders were not in the same state, but multiple states away. She emphasized the importance of training and educating stakeholders. She encouraged states to look up their local policy and procedures on warrant timelines for local offenders.

Commissioner J. Stromberg (OR) noted that creating a rule also created accountability. He was opposed to proposing a rule that could be a challenge to comply with for a majority of the Commission members.

Commissioner D. Littler (AZ) noted that the Rules Committee proposed a 15-day timeframe based on the public safety aspect.

Commissioner J. Stromberg (OR) asked if the Rules Committee discussed timeframes for submission of warrants (entering a warrant into the NCIC system), which would be easier to comply with for member states.

Commissioner D. Littler (AZ) will bring this matter up to the Rules Committee's attention.

Commissioner D. Darrington (ID) agreed about the importance of public safety related to the warrant timeframes. He was in support of uniform timeframes.

DCA C. Smalling (CA) supported Oregon's idea to establish a timeframe for submission of the warrant (entering the warrant into the NCIC system). He added that even though he agreed with the public safety aspect, he would not be able to meet the 15 business day timeframe and would be in violation for most probation cases in their biggest county – Los Angeles.

Commissioner M. McGrath (CO) stated that the proposed timeframe was not an issue for Colorado Parole.

Probation DCA D. Whitefield (CO) stated that Colorado metro areas issued warrants reasonably quick. In rural areas, it could take a traveling judge up to 30 days to issue a warrant.

She added that their biggest problem was not with issuing warrants, but with clerks who entered the warrant information into NCIC. If it was a misdemeanor violation, sometimes the clerk would take it upon themselves to switch it to a state-wide warrant therefore making the compact office start the process again.

Commissioner D. Sakai (HI) stated that Hawaii had similar challenges with issuing warrants as other states.

DCA M. Poyzer (AZ) inquired whether the Rules Committee should separate the timeframes for probation and parole cases.

Commissioner D. Littler (AZ) stated that the committee discussed this option and decided against it.

The region held an informal poll. Alaska, Arizona, Idaho, Oregon, and Washington voted for 15 business day timeframe. California, Colorado, Hawaii, Nevada, Utah and Wyoming voted for 20 business day timeframe.

Commissioner D. Little (AZ) will report the findings to the Rules Committee's workgroup.

Proposed ICOTS enhancements for full Commission vote at the 2020 ABM: Chair R. Cohen (NM) informed the region that the Commission would vote on six enhancements at the general session

next week. Although seven were approved by the Technology Committee, due to the \$50k annual budget for enhancements, Enhancement #3 related to compact action request workflow functionality would not be considered this year. She presented the enhancements to the region for review and consideration.

COVID-19 Update: Executive Director A. Lippert presented the compliance dashboard acceptance and rejection data for compact transfers. Although case activity appears to be increasing as states no longer have restrictions or suspensions, the acceptance rates for discretionary cases are declining. She added that the current rejection rate for the discretionary cases was still 20% higher than pre-COVID numbers.

Chair R. Cohen (NM) asked the states to share their reasons for issuing discretionary case denials.

Commissioner R. Brunger (AK) noted the only COVID-19 restrictions in Alaska were a mandatory testing and a 14-days quarantine upon the arrival. She added that they processed cases as usual, and most discretionary case denials were due to invalid plans of supervisions.

Commissioner D. Littler (AZ) stated that COVID-19 numbers were on decline and her state started to open up. She noted that the criminal justice side was never closed. On the probation side, they sent out lower number of discretionary cases as they were making sure the offender had really good reasons to be in another state during the pandemic. Otherwise, they processed all cases as usual. They experienced problems with incoming cases with unverified supervision plans.

DCA M. Poyzer (AZ) stated that they sent out less discretionary transfer applications as they did not send them to states who restricted discretionary transfers due to COVID-19. He added that his office continued to approve the discretionary cases based on the validity of their supervision plan.

Commissioner D. Babby (CA) stated that California shut down its courts for a couple of months and some counties were still closed.

DCA C. Smalling (CA) added that California investigated and denied cases specifically based on the plan of supervision. He added that their only issue was the delay in timelines, as they were playing catch up for the months they were closed.

Parole DCA A. Zavaras (CO) noted a trend that many investigations were done by phone with no added efforts. He was working on providing internal education to his staff on this matter.

Probation DCA D. Whitefield (CO) stated that all discretionary case denials in her state on the probation side were based on invalid supervision plans and not COVID-19 restrictions.

DCA B. Mamizuka (HI) stated that Hawaii had its highest infection numbers last few weeks and the state had to close for two weeks. She noted that Hawaii is processing a limited number of discretionary cases at this time.

Commissioner D. Darrington (ID) noted that similar to other rural states, Idaho was moving forward to full opening. He did not have information on discretionary cases for his state at that time.

DCA B. West (NV) stated that Nevada's acceptance rate for discretionary cases were close to pre-COVID numbers.

Commissioner J. Stromberg (OR) stated that similar to other states, Oregon's COVID numbers continued to drop. Based on the compliance dashboard numbers, the state was back to pre-COVID numbers on discretionary transfers.

Commissioner D. Blanchard (UT) informed the region that their compact office staff remained on telecommuting status. He believed their acceptance rate for discretionary cases stayed close to the pre-COVID-19 numbers. He added that the state was trying to lower prison population by releasing parolees.

Commissioner M. Pevey (WA) stated that Washington was operating under limited capacity, with most staff working remotely.

DCA T. Gilmore (WA) added that the compact office saw increase in discretionary cases in the last few months. They were processing the discretionary cases carefully, the way they had processed them in the past. She noted that many cases were missing the elements of a valid supervision plan.

Commissioner C. Harrington (WY) stated that Wyoming's decision on discretionary cases submitted was based on validity of the plan itself and not COVID-19. He added that previously, they had Governor's placed restrictions on field operations that could have affected the case denial numbers. He added that their field operations were back to normal.

Chair R. Cohen (NM) noted that the uptick in discretionary cases was possibly due to those with lost jobs and plans to live with their families. New Mexico is processing cases as normal. They would continue to monitor the discretionary cases internally to bring them back to pre-COVID numbers.

Old Business

Domestic Violence Concept: Chair R. Cohen (NM) informed the region that the Rules Committee discussed a concept forwarded to them by the West Region around a rule for domestic violence and whether the Commission needed rules for this population. The Rules Committee did not support developing rules for domestic violence offenders at this time.

Tribal and best practices: Chair R. Cohen (NM) stated that due to the current pandemic, she postponed scheduling a meeting for an ad hoc committee to look at the issue of supervision in tribal regions and development of best practices. She asked DCA D. Whitefield (CO) to proceed with setting up a meeting to discuss the issue in the upcoming months.

New Business

2021 Rule Amendment Deadline: Chair R. Cohen (NM) announced the rule proposal deadline was set for February 1st, 2021. She reminded the region about a guide to assist in drafting proposals that was located on the ICAOS website.

Nomination of Officers: Chair R Cohen (NM) stated that the current officers were running for re-election. Current officers are Jeremiah Stromberg (OR), chairman; Hope Cooper (KS), vice chair; and Gary Roberge (CT), treasurer.

Commissioner D. Littler (AZ) moved to nominate Jeremiah Stromberg for the position of Commission's chairman. Commissioner D. Blanchard (UT) seconded. Motion passed.

She asked for nominations from the floor for vice-chair and treasurer positions.

No new nominations were received.

The region members expressed their appreciation for Chairman Stromberg's leadership during this difficult year.

Adjourn

Commissioner M. Pevey (WA) moved to adjourn. Commissioner McGrath (CO) seconded.

The meeting adjourned at 3:54 pm ET.