**Interstate Advisory Council**

**Minnesota Department of Corrections**

**ZOOM Meeting**

**Wednesday, June 8, 2022**

**10:00am – 12:00pm**

**Those in attendance:**

Mr. Shane Baker, Ms. Suzanne Elwell, Mr. Allen Godfrey, Ms. Callie Hargett, Representative Athena Hollins, Ms. Tracy Hudrlik, Representative Brian Johnson, Ms. Nicole Kern, Mr. Stephen King, Senator Warren Limmer, Representative Kelly Moller

Guests: Ms. Emily Lefholz, Ms. Rebecca Holmes-Larson, Ms. Rebecca Hillestead, Ms. Amanda Kohlbeck, Ms. Elizabeth Johnston

**Those not in attendance:**

Ms. Renee Brown-Goodell, Senator Karla Bigham, Mr. Freddie Davis-English, Mr. William Hutton, Ms. Kelly Kemp, The Honorable Richard Kyle, Mr. Michael McGuire, Representative Marion O’Neill

**Introduction of members and guests**

The November 16, 2021, minutes were approved

**Reimbursement for Interstate Compact Transports Proposal and Membership Language-Legislative Update**

* The bill for a provision of the Governor’s budget for a reimbursement fund of $250,000 a year for Sheriff’s to transfer offenders back to MN was not approved through the legislative process. Plans to reintroduce next year.
	+ **Interstate Compact on Juveniles (ICJ)**
* **Juvenile Audits**
	+ The ICJ Audit this year will consist of 3 places to audit:
		- **Violation Reports:** Prior to the rule change, states only had to send a response to a violation report acknowledging that it was received. The rule change gives 10 business days to send a response, but they also are required to provide the action the state will be taking regarding the violation. The rule change will ensure states are in the time frame for response as well as acknowledging.
		- **Juvenile Returns:** If a Juvenile Plan of Supervision is denied or has been non-compliant and a failed supervision is reported, and there is a non-legal guardian in the receiving state, the juvenile must be removed within 5 business days. A sending state can ask for additional days through UNITY if they are not able to remove the youth within the 5 business days. If there is not a legal guardian in the sending state, they can ask the receiving state to continue to supervise – MN always asks the receiving state to continue to supervise in these situations and to not require the youth to return to MN.
		- **New arrangements/transfer or returns within 5 business days of denial:** The National Office is conducting a compliance audit, not to require corrective action, but to look at trends to see where rejection plans are coming from and for what reason. The National Office is looking to get uniform responses from each state and that all are operating under the same guidelines. MN shouldn’t have any issues, we follow 5-day guidelines, and occasionally ask for additional days which have always been granted. Violation reports in MN are tracked so we aren’t late, and when we respond, we always let them know how we intend to proceed. This compliance audit will allow states to see where they are at, and what issues there might be.The National Office will not fine states if they are not in compliance in these areas, instead they will work with the states to ensure they get into compliance.
* **Proposal of any Rule Amendments**
	+ February/March of 2023 is a rule proposal year. This committee should start thinking of any rule proposals for juveniles they would like to see changed. If this committee has ICJ rules they would like to see changed, we will submit them in February/March and bring to the regional level, if the regional members vote to submit, it goes to the rules committee for approval and then will allow the voting members the option to vote at the next Annual Business Meeting. One thing MN would like to see amended, is for rules to reference other rules that are also applicable in that rule. For example, juveniles that are runaways or escape/absconded, requiring retaking, or waivers, but it doesn’t reference the rules that talk about if they have pending charges in the other state and that they can’t be retaken at that time, etc.
	+ How can we view the rules? Rebecca Hillestead shared screen to show where they can view the rules and talked about the various rules and how they do not reference other rules that would also apply to that rule. Amanda Kohlbeck emailed a copy of the juvenile rules and adult rules to the committee on June 13, 2022.
	+ Question: If we have changes, they still have to go through to be approved?
		- Yes, the changes would go through the same process. Committee members please review the current rules and if they’d like to see any changes, to bring those changes to the next State Council Meeting in November.

**Interstate Commission for Adult Offender Supervision (ICAOS)**

* + Per statute, along with all 50 states and territories that are part of a commission, rules voted on are considered federal rules and states are required to follow. Those that are not in compliance, could be placed on a corrective action plan and that state could be fined up to $100,000.
* **Rule changes effective April 1, 2022**
	+ **Resident definition changed:** The previous definition of resident was that the client would have had to of lived in the receiving state 1 year prior to the commission of the offense. The definition of resident has been changed to the client would have had to of lived in the receiving state 1 year prior to the sentencing date.
	+ **Probable Cause Rule language** changed to clarify that probable cause must be established on revocable violations before they are able to go back to sending state.
	+ **Requirement for retaking** – Previously, clients found in violation and would be required to retake, the sending state would have to issue a nationwide warrant. The warrants requirements had different timeframes in different rules/circumstances. It is now a uniform 15 business days that the warrant must be nationwide.
* **ICOTS Enhancements-Warrant Tracking-Appriss Notification**
	+ Warrants have always been tracked outside of ICOTS making states fall into non-compliance due to error in tracking. States have failed to retake or failed in issuing nationwide warrants which results in corrective action plans and fines. The warrants are now entered into ICOTS allowing it to be more easily tracked and ensure compliance is met. The system automatically generates emails, notifying compact offices and agents when action is needed or are past due.
	+ In the future, the ICAOS National Office will be reviewing the data and will have the ability to see how states are doing. MN has always ensured we meet compliance in this area, even prior to the new warrant tracking system. We are very communicative with local stakeholders and audit both weekly and monthly to ensure warrants are entered correctly into NCIC
* **Compliance and Transfer Data Results**
	+ **<**Screenshare to show compliance comparison chart>.
		- Minnesota has always had more clients leaving than coming in. In 2020 our outgoing acceptance rate was 75% and was below national average. MN made some policy adjustments, such as ensuring agents verified the plans being submitted and in 2021 MN is now well over 80% and above the national average. Very few states were able to increase that significantly in that short of time. Because MN was successful with the policy adjustments, MN will talk about the changes we made at the next Annual Business Meeting to possibly encourage other states to adjust their policies with outgoing cases.
* **Minnesota Advisory Opinion Request**
	+ Scenario: An Arizona resident was harassing a MN resident, so charges were filed, and a warrant was issued for the client during to extradite the client to MN to face the charges. After client was sentenced, MN sent Mandatory Reporting Instructions to the state of Arizona as the client was living in Arizona at the time of sentencing and has always lived in the state of Arizona and has never lived in the state of MN. AZ denied the reporting instructions as the client was in ‘violation status’ when he was on warrant during pretrial and we extradited him to MN, so they claimed he was no longer a resident of AZ.
	+ MN argued that the interpretation of the Mandatory Reporting Instructions rule by AZ was incorrect. MN sent an Advisory Opinion Request to the National Office regarding a conflict with a rule. The National Office has a legal representative to review rules and advise on the interpretation of rules. An Advisory Opinion helps to make sure states are in compliance with the rule and helps guide states to the interpretation of rule. A decision hasn’t been made yet but is expected soon.
* **Work with SEARCH-Terminated**
	+ SEARCH was a newly developed program that was to be funded by a grant, that would notify agents if a nationwide warrant was issued for one of their clients. This program has been tabled and put on hold for now as there aren’t enough MNIT staff to do the work given lack of funding.
	+ Q: Without this program, how would you know a client has a warrant in another state?
		- A NCIC would have to be ran to see if there is a warrant. Occasionally, we could be notified via email by other state if they know to reach out, but it’s just manual communication.

**New Business** - None

**Old Business** – None

**Schedule Next Meeting** – November 2022

**Adjourn**