

Interstate Advisory Council
Minnesota Department of Corrections
ZOOM Meeting
Friday, May 5, 2023
8:30am-10:30am

Those in attendance:

Ms. Suzanne Elwell, Mr. Allen Godfrey, Ms. Gina Evans, Ms. Tracy Hudrlik, Ms. Kelly Kemp, Mr. Stephen King, The Honorable Richard Kyle, Mr. Andrew Larson, Mr. Michael McGuire, Mr. William Ward

Guests: Ms. Rebecca Hillestead, Ms. Amanda Kohlbeck,

Those not in attendance:

Representative Brian Johnson, Representative Athena Hollins, Ms. Callie Hargett, Mr. Shane Baker, Representative Kelly Moller, Representative Marion O'Neill, Senator Warren Limmer, Senator Bobby Joe Champion, Ms. Mical Peterson

Introduction of members and guests

The November 2022, minutes were approved

Interstate Compact on Juveniles (ICJ)

Rule Amendment Proposals-Review and Comment

Rule 1-101: definitions: Remove the word 'Relocate' as it is used differently within the different rules of the juvenile compact. The Rules Committee is proposing to remove Rule 1-101 so that 'relocate' is not defined by the compact. By removing 1-101, relocate will now be defined by Websters dictionary, and relocate will mean 'move from one place to another'. Council agreed with change

Rule 4-101: Because relocate will no longer be defined by the compact, the term 'relocate to' will change to 'reside in'.

Rule 4-102: Currently, the juvenile compact does not have an existing rule allowing reporting instructions – meaning the youth go unsupervised in the receiving state until the decision is made on the transfer investigation – which can take up to 45 days. If the youth

is already residing in the receiving state at the time of sentencing, reporting Instructions allows the receiving state to begin supervision immediately of a youth while they investigate the proposed plan of supervision. The Midwest Region proposed the rule change to add reporting instructions to the juvenile compact to be sent within 7-days of sentencing (mirrors the adult rules). The receiving state would then get 5 business days to respond and provide reporting instructions – given the name address, phone number of agent/caseworker that youth will be assigned to in receiving state. This rule change has been proposed in the past and has not passed - the issue: the rules committee did not recommend this rule be passed based because of the word supervision in bullet point IV, as the word ‘supervision’ conflicts with many other rules for ICJ. A thought was to remove bullet point IV in this rule, so that it doesn’t reference supervision.

- Question from State Council member: What has been the reluctance in getting the reporting instructions piece for juveniles previously, if its standard on adult side? Some state statutes are written to where they wouldn’t have the authority to supervise until formal acceptance of the transfer of supervision. A concern is that if a youth is already in violation before transfer of supervision is determined, what would happen then and how could they address the violation if they are not formally supervising the youth?
- Council members would agree this rule would be a good change to the juvenile compact system as then they would have the resources/support in the receiving state while the transfer is being investigated.

Rule 4-104(5): Proposal by two compact commissioners who are part of racial equity committee, they found there are more denials of black youth as opposed to white youth nationwide. They proposed that supervision shall be accepted when there is no legal guardian remaining in the sending state and there is a legal guardian in the receiving state OR when an alternative residence has been identified and approved by the legal guardian in the sending state to reside in the receiving state.

- The rules committee likes the intent of this rule; however, the rule indicates supervision shall be approved ‘if an alternative residence has been identified and approved in the receiving state’. The language is vague, and it would make the receiving state forced to

accept the case, even though it may not be an appropriate residence, and only because the legal guardian approves the youth to reside there.

- The council believes the rule needs more work before council would support this rule.

8-101 Travel permits: Remove the term relocating (because the definition is being removed) so that it reads ‘pending a transfer of supervision, and who are subject to terms of the Compact’. This would still require states to submit travel permits for youth already residing there. Council believes it is necessary for the receiving state to be notified that youth is residing there pending the transfer of supervision and approve this rule change proposal.

7-106: Transportation: Rule references transportation of youth and providing airport surveillance if a youth has a layover in another state before reaching their destination. Currently, youth are not allowed to bring personal belongings except a checked bag. Some states have proposed to allow youth to bring personal belongings on the plane if the personal belongings wouldn’t put anyone at risk. The potential issues with allowing youth to bring personal belongings is, the youth could change their appearance so those that are providing the airport surveillance would have trouble identifying the youth when they de-board the plane. Council did not support the rule changes as is and believe it should be re-written, so the layover state knows of the type of personal belongings that the youth was allowed.

Interstate Commission for Adult Offender Supervision (ICAOS)

Rule Amendment Proposal- Review and Comment

5.108 – Probable Cause – Currently, the rule says once probable cause has been established through the Probable Cause hearing, the ‘receiving state shall hold the offender in custody. It is proposed to change the language to ‘may hold client in custody. By changing the language to ‘may’ states have an option to hold or not, based on public safety concerns.

New Business

Restoration of Voting Rights

February 2023, MN passed a law that persons that are no longer incarcerated and are under supervision, or on Work Release, in the state of MN for FE offense, are now eligible to vote as of July 1, 2023. Those that reside in our state through interstate compact– the plan is to make an announcement on the national website that MN is changing it and allowing those on supervision the opportunity to vote within MN. If the sending state has any orders that the client cannot vote, MN will inform them that we cannot abide by that condition.

MN Commissioner appointment

Al Godfrey is potentially retiring January 2, 2024. Mr. Godfrey suggested to the council consider appointing DCA Tracy Hudrlik as Commissioner of ICAOS. A motion was made and passed by the State Council appointing Tracy Hudrlik as the adult commissioner for the state of MN. Effective August 1, 2023.

Old Business – None

Schedule Next Meeting – November 14th, 2023

Adjourn