INTERSTATE STATE COUNCIL

Agenda

October 13, 2009

Alaska Interstate State Council Members:

Joseph Schmidt, Commissioner, Department of Corrections
William Hogan, Commissioner, Department of Health and Social Services
John Bodick, Assistant Attorney General
Senator Hollis French, Legislative member
Ron Dempsay, Victim Representative
Judge Peter Michalski, Judicial Representative
Joe Gamache, Public Member
Barbara Murray, Juvenile Compact Administrator
Donna White, Adult Compact Administrator

Introduction

Distribution – Manuals

Discussion of Role and Responsibilities of the State Council

Review of Proposed Rule changes for Adult Compact

Schedule of future state council meetings
Meeting Leader:

Alaska Interstate State Council Members:

William Hogan, Commissioner, Dept of Health & Social Services
Joseph Schmidt, Commissioner, Dept of Corrections
John Bodick, Assistant Attorney General
Judge Peter Michalski, Judicial Representative
Senator Hollis French, Legislative Representative  Not present
Ron Dempsay, Victim Representative
Joe Gamache, Public Member
Barbara Murray, Juvenile Compact Administrator
Donna White, Adult Compact Administrator

Also present:
Kathee Luth, Deputy Adult Compact Administrator
Candace Brower, Deputy Juvenile Compact Administrator

Purpose: to review Interstate Compact rule changes and vote to agree or not agree on rules committee recommendations

Joe Schmidt made an opening statement, welcoming everyone in attendance and discussing the intent of the meeting to provide a forum for voting on rules and for reviewing the function and responsibilities of the State Council.

Donna White discussed the manuals that had been prepared for the meeting, the agenda, and in general the existing rules and their changes to be voted on at this meeting. It was noted that the last meeting of this council was held in 2006, and that appointments to this State Council are for a 3 year term. Discussion arose regarding the Juvenile Interstate Compact and that the legislature agreed by to merge the Adult and the Juvenile compacts into one State Council appointed by the Governor.

It was discussed that the next Adult compact meeting would be scheduled for mid November, and that the November meeting would address the Juvenile Compact.

All states in the US are associated with the interstate compact. Attorney John Bodick questioned if Massachusetts had become a member of the compact. Additionally, Puerto Rico, The Virgin Islands and Washington DC participate bringing the count to 53 participants.

The SOA pays $18,000 in dues for participation in the National Council. The purpose of the council is to provide for efficient transfer of prisoners between states, it helps each state keep track of their prisoners, and requires communication between states to agree to the movement of a prisoner. There are currently separate compacts that serve for adults and for juveniles. The National Council has the ability to force non-compliant states to follow the set rules, and can fine states for non-compliance.

Joe Schmidt questioned whether the information in these meetings becomes public, it was noted that the minutes to the meetings are provided to the National office. There is no formal process to the meeting, no motions are made, and the vote is by consensus of the meeting attendees.
Barb Murray spoke to the Juvenile Compact, which has recently been revised similar to the Adult Compact. They welcome the SOA Advisory – the Interstate Compact works with the ICPC process.

Donna White spoke to the rules to be reviewed for the Adult Compact. She said that several states met as the Western Region to review and make recommendations and tentative votes on a number of rules that needed to be updated. Donna White will be attending the National Business Meeting on November 3 & 4 in Reno, NV, where the proposed rules will be voted on by the Compact members.

Following are the numbered rules, notes on discussion of those rules, and the votes to those rules made by the attendees to this meeting. A synopsis of the intent of each rule was given prior to discussion.

1.101 – re: Definitions - supervision
Discussion: Currently requires approval for a misdemeanor conviction of a DV assault, use of a firearm, a second DUI, or a sex offense that requires registration
Rules Committee recommendation: in favor of adoption
Alaska Council vote – Agreed

1.101- re: Definitions - business day
Discussion:
Rules Committee recommendation: in favor of deleting
Alaska Council vote – Agreed

2.104 – re: Forms - the use of forms or electronic information system
Discussion: regarding communication being done electronically now, and the use of the new ICOT (Inter Compact Offender Tracking System). It was mentioned that all the Adults group support the use of this electronic communication
Rules Committee recommendation: in favor of adoption
Alaska Council vote – Agreed

2.106 – re: Offenders subject to deferred sentences
Discussion: John Bodick suggested leaving it as it is, why take on an additional burden, control can be provided with bail regulations. Joe Schmidt suggested that the members be sure of the definition before they vote to change.
Rules Committee recommendation: against adoption
Alaska Council vote – Agreed

2.110 – re: Transfer of offenders under this compact
Discussion: this keeps the sending state accountable for the offender and tightens up the process by setting time elements for the states to follow, and requires the issuing of an extraditable warrant “without limitation to a specific geographic area”
Rules Committee recommendation: in favor of adoption
Alaska Council vote – Agreed

3.101 – re: Mandatory transfer of supervision
Discussion: 3 strikes and the transfer becomes discretionary. The compact does not have control over judges decisions. It was noted that the National legal office is wary of this.
Rules Committee recommendation: against adoption
Alaska Council vote – Agreed

3.101-1 – re: Employment transfer
Discussion: this is regarding an employed offender, meeting specified criteria, whose employer transfers their position to another state, and their eligibility to transfer to another state to maintain employment
Rules Committee recommendation: in favor of adoption
Alaska Council vote – Agreed

3.101-3 – re: Transfer of supervision of sex offenders
Discussion: the National Rules Committee is split on their opinion on this rule, most of the Western Region is against, changing the verbage and intent in item C requires changes to item A to maintain compatibility, however no changes were made to item A.
Rules Committee recommendation: against adoption
Alaska Council vote – agreed with rules committee

3.102 – re: Submission of transfer request to a receiving state
Discussion: applies to bordering states, so does not really apply to Alaska
Rules Committee recommendation: in favor of adoption
Alaska Council vote – Agreed

3.104 - re: Time allowed for investigation by receiving state
Discussion: this pertains to incomplete paperwork, and allows a set time for investigation and completion of the documents that are required to be submitted
Rules Committee recommendation: in favor of adoption
Alaska Council vote – Agreed

3.104-1 – re: Acceptance of offender; issuance of reporting instructions
Discussion: the changes to this rule make it now consistent with 3.104 and 3.106
Rules Committee recommendation: in favor of adoption
Alaska Council vote – Agreed

3.107 – re: Transfer Request
Discussion: this rule revises the items that must be attached to the ICOTS application
Rules Committee recommendation: in favor of adoption
Alaska Council vote – Agreed

4.106 – re: Progress reports
Discussion: this rule sets a time limit by which the receiving state shall provide a progress report to the sending state
Rules Committee recommendation: in favor of adoption
Alaska Council vote - Agreed

Discussion followed regarding the scheduling of the next meeting for mid-November. At this meeting, the Juvenile Compact will be discussed. Barbara Murray will send the proposed rules to the State Council members prior to the meeting. A report will be given regarding the National meeting held for the Adult Compact.