Meeting Leader: Joe Schmidt

Alaska Interstate Compact State Council Members attending:

William Hogan, Commissioner, Dept. of Health & Social Services
Joseph Schmidt, Commissioner, Dept. of Corrections
Hollis French, Senator
John Bodick, Assistant Attorney General
Ron Dempsay, Victim Representative
Joe Gamache, Public Member
Donna White, Adult Compact Administrator
Barbara Murray, Juvenile Compact Administrator

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

Not in attendance: Judge Peter Michalski, Judicial Representative

Purpose: to review Interstate Compact for Juveniles action on rule changes and to discuss Adult Compact issues with misdemeanant supervision.

Commissioner Schmidt welcomed everyone and reviewed the agenda.

Barbara Murray reported on the Interstate Commission for Juveniles’ annual meeting in December and informed the group that the changes that had been approved by this Council in November were approved at the annual meeting. She reported that there was a change in the definition of “demanding state” which was solely for clarification purposes. She reviewed the changes from the minutes of the last meeting and informed the group that the new rules would take effect March 1, 2010. Ms. Murray also reported that the she and the Deputy Compact Administrator, beginning next week, would be travelling across the state to provide training to Juvenile Probation Officers on the new Compact rules. For those states that have yet to become Compact member states, the old compact will be continued for an additional year.

John Bodick took the floor at this time to discuss the misdemeanor issue. Those misdemeanors that Washington State supervises are 2nd time DUI offenders, Sex Offenders, DV Assaults and Firearm offenses. The issue is that the State of Alaska does not provide formal supervision for misdemeanor offenders and the only way they come to the attention of the authorities is if they commit a new crime or don’t fulfill their conditions. Because of this we don’t
know when a misdemeanant of this nature leaves the state and there is no mechanism to inform the receiving state and request supervision. In 2005 one of our misdemeanants was arrested in Washington State and Washington was upset that we had violated the compact by not informing them and requesting supervision. Leitoni Tupou responded to Washington for Alaska at the time and Washington subsequently requested a legal opinion from the Commission’s Legal Counsel, Rick Masters. The opinion found that our misdemeanor judgments fit the definition of supervision and therefore we were in violation of the Compact.

AAG Bodick laid out several options Alaska can consider:
- Do nothing, however that would be irresponsible
- Use the after sentencing form but it is not universally used around the state. All courts act independently making compliance difficult.
- Back out of the Compact – Do not want to do that because the State feels the Compact is a good thing.
- Enact legislation that would add a probation condition requiring offenders falling into the categories to register with probation or the court before leaving the state.
- Additionally, make a rule change that would take Fish & Game Violations out of the requirement for the Firearms supervision clause.

AAG Bodick reported that Judge Michalski worked on this with the court system for some time without success. Commissioner Schmidt suggested that perhaps Christine Johnson of the Court System and who is on Criminal Justice Working Group would be willing to attempt a change. She is chair of the Efficiencies Committee.

Commissioner Hogan wondered if there was a regulatory change that could be made that would solve the problem, but also felt that we should continue to try to work with the Court System before trying to implement a legislative fix.

It was also suggested that we could ask what other states that do not supervise misdemeanants do re: the Compact.

Senator French questioned what happens if DPS picks somebody up and finds they are on misdemeanor supervision out of State?

It was determined that something may happen through DMV with those DUI offenders regarding their driver’s license privileges, but no committee member had knowledge of DMV's workings.

The question then became, if we were to have repeated offenses of violating the Compact because of this would the fine come out of the Corrections budget or could the Court also be held liable and would that be an impetus for them changing their procedures?

It was suggested that we try to work with DMC, DPS and the Court System toward a solution.

Kathee reported that multiple DUI’s are usually what is triggered by NCIC.
Ultimately, Commissioner Schmidt asked if he could bring this issue before the Criminal Justice Working Group and it was determined that he would do so. Additionally, Director White will check with others in the Commission to find out how many other states find themselves in this predicament and what they do to resolve it.

The next meeting will occur near the end of May.

Meeting adjourned at 2:45 pm