Meeting Leader: Joe Schmidt

Alaska Interstate State Council Members attending:

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

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

Not in attendance: Judge Peter Michalski, Judicial Representative

Purpose: to review Interstate Compact for Juveniles 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 with regard to the Interstate Compact for Juveniles.

Donna White reviewed her attendance to the National Council meeting in Reno and the votes that she cast for the Interstate Compact for Adults changes that had been reviewed and voted on by the State Council on October 13. She discussed how the National Council voting went, and the two items that were not adopted. Discussion indicated that, although there had been no meeting for the Alaska Council for several years prior to the one in October, the customary time between meetings would be 6 months. There is a vote on rules every 2 years for the adult interstate compact. Barbara indicated that last year (2008???) was the first year for a meeting for the juvenile interstate compact. With regard to juveniles, not all states are involved in the interstate compact. Seven states and six territories are non-compliant, for a variety of reasons. One more year to work with non-compliant states?????

Joe Schmidt clarified that the sending state’s law determines if the person is considered a juvenile, but that the prosecution can petition for a change to that status. The states have different age criteria with regard to juvenile status, California’s age goes up to 25, which in Alaska would be considered an adult.

Barbara, Candy and Kathee then lead the group in a review of the proposed rule changes to be considered for the December 2009 National Council voting.

Following are the numbered rules, notes on discussion of those rules, and the votes to those rules made by the attendees to this meeting. In general, the intent of the review of these rules was to clean up language, tighten up criteria and delete terminology that is no longer used.

1.101 – re: Definitions -
Discussion: changes were suggested to the language in the definitions for Accused Delinquent, Accused Status Offender, Adjudicated, Commission, Compacting State, Emancipation, Escapee, Good Faith Effort, Juvenile Sex Offender, Legal Jurisdiction, Notice, Peace Officer, Residence, and Travel
Permit. Deleted entirely were the definitions of Aftercare, Asylum State, Due Process, Emancipated Juvenile, and Renunciation.

Rules Committee recommendation: in favor of adoption  
Alaska Council vote – Agreed

2.103 – re: Dues Formula 
Discussion: none  
Rules Committee recommendation: in favor of adoption  
Alaska Council vote – Agreed

3.103 – re: Revision of/Modification of Forms 
Discussion: none  
Rules Committee recommendation: in favor of adoption  
Alaska Council vote – Agreed

4.101 – re: Processing Referrals 
Discussion: comments were made with regard to the practice of all States in accommodating juveniles who are moving to another state with their family  
Rules Committee recommendation: in favor of adoption  
Alaska Council vote - Agreed

4.102 – re: Sending and Receiving Referrals 
Discussion: with regard to the intent of this rule to be to tighten up the timeline of processing documents  
Rules Committee recommendation: in favor of adoption  
Alaska Council vote – Agreed

4.103 – re: Transfer of Supervision Procedures 
Discussion: with regard to the intent of this rule to be a tightening up of criteria and procedures  
Rules Committee recommendation: in favor of adoption  
Alaska Council vote – Agreed

4.104 – re: Cooperative Supervision/Services Requirements 
Discussion: with regard to a tightening up of criteria for progress reports  
Rules Committee recommendation: in favor of adoption  
Alaska Council vote – Agreed

5.101 – re: Authority to Accept/Deny Supervision 
Discussion: regarding the practice of running criminal checks on adults in the home where the juvenile will be residing  
Rules Committee recommendation: in favor of adoption  
Alaska Council vote – Agreed

6.103 – re: Non Voluntary Return of Out of State Juveniles 
Discussion: with regard to the intent of this rule to be setting clear timelines for processing documents  
Rules Committee recommendation: in favor of adoption  
Alaska Council vote – Agreed
It was agreed by all attending that there were no concerns to the rule changes that were proposed, and that they all agreed to the Rules Committee recommendations.

Joe Schmidt then began a discussion on the status of supervision of misdemeanants. If the misdemeanor is assigned to an agency to do community work there is a level of supervision involved, but if there is no agency assignment, the misdemeanor is not supervised and is only given the instruction to “obey all laws”. There is no written instruction on the court documents that indicates to the misdemeanor that they cannot leave the state without permission, which brings about the problem of them leaving the state (which is against the law), being picked up in another state and Alaska incurring costs to bring them back instate. It would require a core group of probation officers to supervise just the large number of juvenile misdemeanants, for which there is currently no staffing. The liability to Alaska, as indicated by John Bodick, is that if Alaska violates the rules, we will be fined.

Discussion followed regarding the scheduling of the next meeting for late January or early February; the date to be finalized by Donna White.