State Council Meeting
Interstate Compact for Adult Offender Supervision
Thursday, January 21, 2010
10:00 am – 12:00 pm

Those in attendance: Ms. Rose Ann Bisch, Mr. Randy Hartnett, Mr. Doug Johnson, Mr. Harry Kennedy, Mr. Ken Merz, Ms. Suzanne Elwell, Mr. Stephen King, Mr. Tom Roy, The Honorable Lisa Fobbe, Mr. Jim Early, The Honorable Gordon Shumaker, Ms. Carolina Lamas.

Those not in attendance: The Honorable Julianne Ortman, The Honorable Kurt Zellers, the Honorable Joe Mullery, Ms. Chris Bray, Ms. Jill Carlson.

Guests: Kathryn S. Richtman, Bruce Fleury

Mr. Tom Roy called the meeting to order.

Mr. Steve King moved to approve the minutes from the October 2009 council meeting. Ms. Suzanne Elwell seconded the motion. Minutes approved.

National Victims Group – Ms. Suzanne Elwell
- Ms. Suzanne Elwell had nothing to report
- Mr. Ken Merz reported that a public portal to ICOTS is in the final stages of development.
  - Concerns expressed that access to this information can be detrimental to offenders in areas of job search and fuels public paranoia. Access is for all interstate offenders – probation and parole.
  - Support of access to the information by law enforcement agencies and victim groups.
  - Every state council will have the opportunity to review the process and make recommendations.

ICAOS Updates – Mr. Ken Merz
- National Commission Updates
  - National Office released a media statement (Media Statement copy handed out) in regard to the incident in the State of Washington (Maurice Clemmons). The offender was an interstate transfer to Washington from Arkansas.
    - Discussion regarding the warrant issuing process at the county level. One of the issues in the case was an in-state only warrant issued by Arkansas.
There is legislation currently in the State of Washington that would suspend the interstate compact process in the State of Washington.

ICAOS Rules allow for a grievance process (Incident Report copy handed out) that every state can file when there are issues with other states. There is an informal process and a formal process that is addressed at the National Office. In 2009 there were five incident reports filed with the National Office.

California has released a report regarding Garrido’s supervision and the interstate process. This report is available online.

**ICAOS Final Rule Amendments – Ms. Rose Ann Bisch**

- Rules passed and the impact handed out.
- Rules that were not passed were:
  - Rule 3.101 – Mandatory Transfer of Supervision - Upon three returns to the receiving state for violation three times in five years – resulting in nine significant violations at that point the offender is no longer a mandatory case.
  - Rule 3.101-3 (c) – Reporting Instructions for Sex Offenders - Rules committee did not support wording.
- Rules that passed:
  - Rule 1.101 – Definition of Supervision – excludes offenders that are only subject to monetary conditions.
  - Rule 2.104 – Forms – States shall use the forms or electronic information system authorized by the commission (ICOTS). ICOTS does not prohibit the communications – written, electronic, or oral communications between compact offices outside of ICOTS.
  - Rule 2.106 – Offenders Subject to Deferred Sentences – Persons subject to supervision pursuant to a pre-trial release program, bail, or similar program are not eligible for transfer under the terms and conditions of this compact.
  - Rule 2.110 – Transfer of Offenders under This Compact – A compact eligible offender who is in the receiving state with the permission of the sending state must be returned.
    - Sending state will direct the offender to return within 15 calendar days of receiving notice the offender the offender is in the receiving state.
    - If the offender does not return to the sending state as ordered, the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area, no later than 10 calendar days following the offender’s failure to appear in the sending state.
3.101-1 Mandatory Transfers of Military, Families or Military, Family Members Employed, and Employment Transfers - Employment transfer of the offender to another state when the offenders full-time employer, at the direction of the employer, and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision.

- The receiving state shall issues reporting instructions no later than two business days following receipt of such a request from the sending state.

Rule 3.102 – Submission of Transfer Request to a Receiving State – Offender who is employed in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for the employment may be permitted to continue to travel to the receiving state for the employment while the transfer request is being investigated, provided the following conditions are met:

- Travel is limited to what is necessary to report to work, perform the duties of the job and return to the sending state;
- The offender shall return to the sending state daily during non-working hours, and;
- The Transfer Request shall included notice that the offender has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.

Rule 3.104 – Return of Offenders Following Receiving State’s Rejection. If a receiving state determines that an offender’s transfer request is incomplete the receiving state shall notify the sending state by rejecting the transfer request with the specific reason for rejection.

- If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided the sending state submits a complete transfer request within 15 calendar days following the rejection.

Rule 3.104-1 – Acceptance of Offender – Receiving state shall assume responsibility for supervision of an offender upon the offender’s arrival in the receiving state and shall submit notification of arrival as required under Rule 4.105.

Rule 3.107 – Transfer Request – A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.

Rule 4.106 – Progress Reports - Progress report shall be submitted within 30 calendar days of receiving the request.

Data Collection – internal reporting process.
Old Business

Return of Misdemeanor Offenders – Ms. Rose Ann Bisch

- Warrants issued for Interstate Offenders must be issued nationwide. ICAOS rules govern the transfer of felonies and misdemeanors:
  - Offense in which a person has incurred direct or threatened physical or psychological harm;
  - Offense that involves the use or possession of a firearm;
  - Second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;
  - Sexual offense that requires the offender to register as a sex offender in the sending state.
- Mr. Bruce Fleury of the Clay County Sheriff’s Department suggests that the State Council include a member from law enforcement and advises that law enforcement would benefit from interstate training – ICAOS rules.
  - Mr. Ken Merz advises that Ms. Rose Ann Bisch will train on the interstate process.
- Discussion regarding funding and ramifications for non-compliance with ICAOS Rules – fine vs. cost.
- National Commission has information of individual state processes in regard to fees.
  - Mr. Tom Roy requests that Mr. Ken Merz supply the information at the next State Council meeting.

Juvenile Compact – Mr. Ken Merz

- Forty states have become part of the new Juvenile Compact. The new Juvenile National Office has been established and they are currently filling positions.
- Minnesota’s legislation in regard to the new juvenile compact has been approved by the Governor’s office.
- Ms. Rose Ann Bisch attended the new juvenile meeting. Minnesota had no voting rights at the meeting.
  - New juvenile compact and old compact will continue to transfer juveniles and the transfer will be governed under the sending states status – whether they are part of the new juvenile compact or the old juvenile compact.
  - Concerns with the new juvenile rules – they allow for the youth to be in the receiving state for 90 days prior to any supervision being in place.
  - New juvenile compact does not guarantee placement if the guardian is in the receiving state.
  - A home evaluation not recommending placement will be returned to the sending states judge for reconsideration.
  - The new rules are available online at the Juvenile Commission website.
- Ms. Rose Ann Bisch will e-mail the new juvenile rules to the Minnesota State Council members.

The next meeting was scheduled for Tuesday, April 13, 2010, 10:00 am – 12:00 pm.