State Council Meeting
Interstate Compact for Adult Offender Supervision
Monday, June 21, 2010
9:00 am – 12:00 pm

Those in attendance: Ms. Rose Ann Bisch, Mr. Randy Hartnett, Mr. Jim Early, The Honorable Joe Mullery, Mr. Ken Merz, Mr. Marvin Davis, Ms. Chris Bray, Ms. Jill Carlson, Ms. Freddie Davis-English, Mr. Doug Johnson, Sheriff Bill Bergquist, Mr. Tom Roy, Mr. John Stuart.

Those not in attendance: The Honorable Julianne Ortman, The Honorable Kurt Zellers, The Honorable Lisa Fobbe, The Honorable Gordon Shumaker, Mr. Stephen King, Mr. Harry Kennedy, Ms. Carolina Lamas, Ms. Suzanne Elwell

Mr. Tom Roy called the meeting to order.

Mr. Tom Roy requested introduction around the table for new members.

The April 13, 2010 minutes approved.

- **Interstate Compact on Juveniles (ICJ)**
- **Update on Juvenile Compact Bill**
  - Juvenile bill passed
- **How the council will work**
  - The June 21, 2010 State Council meeting is the first council meeting of the combined Adult/Juvenile State Council
  - Juvenile State Council is modeled after the Adult State Council with the addition of members from DHS, JJAC, and Julie Snyder has been invited to attend the meeting as a resource on juvenile detention issues.
  - DOC Commissioner designated Ms. Bisch as the Juvenile Compact Commissioner
  - 2nd Annual Juvenile Meeting is scheduled in September 2010
- **Proposed rule amendments**
  - Juvenile State Council books passed out to members
  - June 30, 2010 is the deadline to post comments regarding the proposed juvenile rules
  - The difference between ICJ and ICPC is explained to State Council
4-103: Transfer of Supervision Procedures

- Discussion regarding the definition of sex offender
- 4-103 (5) Discussion of the definition of suitable placement – unclear
- 4-103 (5) Discussion of the definition of local policies – this is not required to be a law
- 4-103 (4) Fails to require psycho-sexual evaluation for juvenile sex offenders – minimum level of information is being provided
- Recommendation: Replace should with shall in the rule

5-101: Authority to Accept/Deny Supervision

- Discussion adding wording to 5-101 indicating “not notwithstanding rule 4-103” or “5-101 does not override 4-103”
- 5-101 (3) Discussion regarding the contradiction to rule 4-103
- Recommendation to change the wording to eliminate the contradiction with rule 4-103

4-104: Cooperative Supervision/Service Requirements

- 4-104-(2) Discussion in support of this rule because the rule gives the receiving state the authority to enforce terms of probation/parole if the sending state does not take action

5-102: Travel Permits

- Discussion regarding the language used to address violent youths – travel permit only.
- Recommendation that this language addressing violent youths be added to rule 4-103 and rule 5-101

6-101: Release of Non-delinquent Juveniles to Parent or Legal Guardian

- Discussion regarding the Interstate Compact superseding both federal and state law
- Discussion in support of using discretion to determine if the youth should be held in a secure facility

6-108: Warrants

- Clarification sought regarding issuing juvenile warrants in NCIC
- Mr. Harnett clarified that MN does enter juvenile warrants in NCIC for juveniles committed to the state

6-106: Public Safety

- Discussion and clarification sought regarding two rule 6-106s listed
- The rules committee recommends the first version
- The east region recommends the second version

6-???: Probable Cause Hearing in the Receiving state for Juveniles facing revocation in the Sending state.

- Discussion regarding this rule proposal, wording regarding the opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists
- Discussion regarding whose responsibility the PC hearing will become – the courts or HRU

Mr. Merz requested State Council members send any additional member suggestion to Ms. Bisch
• ICAOS Updates
• Hand outs - reports that can be accessed in ICOTS by supervisors and compact administrators
  o Handouts include a list of reports available to supervisors and a list of reports available to compact administrators
  o Handouts of screen shots of reports run in ICOTS
  o Mr. Roy requested if there have been any trends identified
  o Mr. Roy requested a side-by-side comparison report of previous years
• Proposed rule amendments
  o Mr. Merz gave the background on the Maurice Clemons incident that prompted Washington State to present ICAOS rule amendments
  o 1.101 – Definitions
    ▪ Violent Crime
      • Psychological harm can be unintended—include a person’s reaction to something unintended
      • Definition is too broad and needs refinement
      • Suggestion: “Violent crime means any crime in which a person has incurred direct or indirect physical threat.”
    ▪ Violent Offender
      • Violent offender definition is too narrow—violent offender is someone who is being supervised for a violent crime
      • Definition of violent offender needs to include in the definition something that would recognize a person who has a significant record of violent offenses even if his current offense for supervision is a property offense
      • Significant record of violent offenses prior to the time of the transferring offense—history of violence should be included
      • Discussion—same issue definition needs refinement
    ▪ Warrants
      • Discussion regarding the proposed language and the need for consistency—“...a warrant that is effective in all compact member states, without limitation as to specific geographic area…”
      • Language shall be consistent the current warrants language.
  o 3.107 Transfer Request
    ▪ 3.107 Recommendation that all mental health information and evaluations be supplied as part of the transfer request paperwork
    ▪ 3.107 (2) Discussion regarding support documents that cover offense detail
      • Recommendation for documents the sentencing state uses.
    ▪ 3.107 (8) Discussion regarding distribution of PSI
      • Recommendation to remove prohibited by law, supply document or documentation as to why it is not included
    ▪ 3.107 (c) Discussion regarding the receiving state requesting additional documents after the offender has been accepted for supervision
      • Recommendation to remove prohibited by law, supply document or documentation as to why it is not included
  o 4.109 Violation Reports
4.109 (C) (3) & (4) Discussion in support of removing section C, 3 & 4 if rule 4.109-2 is passed before rule 4.109 (C) (3) & (4).
- Recommendation that rule 4.109-2 be passed prior to rule 4.109 (C) (3) & (4) and then MN supports rule 4.109 (C)(3) & (4)
  - 4.109-2 Absconding Violation
    - Recommendation to support this rule if passed before 4.109 sections (C)(3) & (4)
  - 5.101 Retaking by the sending state
    - 5.101 (B) Discussion about the intention of this rule – it is not clearly stated
    - Recommendation to add “And physically return the offender”
  - 5.102 Mandatory retaking for a new felony conviction
    - Discussion regarding the intention of the rule
    - Recommendation to add “And physically return the offender”
  - 5.103 Mandatory retaking for violation of conditions of supervision
    - 5.103 (b) Discussion regarding the intention of the rule
    - Recommendation to add “And physically return the offender”
  - 5.103-1 Mandatory retaking for offender who absconds
    - 5.103-1 (D) Discussion regarding the time period that the sending state has to retake an offender
    - Recommendation to add “within “x” amount of time”

- Deadline for making comments on the adult rule recommendations is August 9, 2010 - any further suggestions about the amendments or comments you would like to make get them to Ms. Bisch and they will be forwarded to the Rules Committee.
- National Office will be auditing every state for compliance issues in ICOTS
- Four states will be audited each month
- Minnesota’s audit is scheduled for December 2010

- Old Business
  - New York Proposal
    - Mr. Merz advised that the New York proposal to have a complete Interstate Transfer of Resident Probationers to the receiving state has not moved forward at this time

- Questions & Open Forum
  - Once the final juvenile rules are drafted the council members will receive an electronic version for review and send comments to Ms. Bisch by September 13, 2010
  - Ms. Bisch will report after the Juvenile Meeting on the rules.

The next meeting scheduled for Monday, September 27, 2010, 9:00 am – 12:00 pm.
Meeting Adjourned