Interstate Advisory Council  
Minnesota Department of Corrections  
Pung 1 & 2  
Monday November 18, 2013  
10:00 a.m. – 12:00 p.m.

AGENDA

Introduction of members and guests

Approval of Minutes of the September 9, 2013 meeting

Update on the National Victims group and the new victims portal

Interstate Commission for Adult Offender Supervision (ICAOS)

    Annual Report
    Violation Issues

Interstate Compact on Juveniles (ICJ)

    Annual Report
    ICJ Updates and report from the ICJ Annual Business
    Juvenile’s right to due process

New Business

Old Business

Questions & Open Forum

Schedule Next Meeting

Adjourn
State Council Meeting
Interstate Compact for Adult Offender Supervision
Interstate Commission for Juveniles
Monday, November 18th, 2013
10:00 am – 12:00 am

Those in attendance: Mr. Stephen King, Ms. Suzanne Elwell, The Honorable Michelle Larkin, Mr. Michael Downey, The Honorable Joe Mullery, Mr. Jim Early, Ms. Carolina Lamas, Ms. Midge Christianson, The Honorable Barb Goodwin, Mr. Randy Hartnett, The Honorable Bill Ingebrigtsen, Ms. Rose Ann Bisch

Those not in attendance: The Honorable Kathy Sheran, The Honorable Dan Hall, The Honorable Jim Newberger, Mr. Pete Orput, Sheriff Bill Bergquist, Ms. Freddi Davis-English, Mr. Tom Roy, Ms. Jill Carlson, Ms. Mical Peterson, Ms. Julie Snyder, Mr. Ron Solheid

Mr. Stephen King called the meeting to order.

The September 9, 2013 minutes were approved.

UPDATE ON THE NATIONAL CRIME VICTIMS GROUP

- Minnesota still has not received information as to when VINEWatch will be launched or when training will occur. Minnesota has identified Suzanne Elwell, DPS and Lydia Newell, DOC Victims Unit as the primary contacts for VINEWatch. Minnesota still has several unanswered questions and concerns about how this will work in Minnesota.
- DPS has a restitution workgroup to look at restitution and the post-conviction process. The main question is how is restitution being monitored and how is it being collected.

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION (ICAOS)

- Annual Report
  - The ICAOS Annual Report was provided to the Council. Of interest to the council was the number of offenders Minnesota is taking in under the compact opposed to the number that are being transferred out.

- Violation Issues
  - The council discussed the fact that the rules have not changed, however, the new violation process in ICOTS, although a better system, is causing confusion within Minnesota as well as across the country.
  - The council had a discussion regarding the different types of mandatory retaking rules and the fact an offender can’t receive early discharge once a mandatory retake rule has been invoked.
  - The issue of detaining Interstate Offenders from other states being supervised under the compact in MN with pending charges was discussed
at great length. Agents in Minnesota are concerned that if they do not detain incoming interstate offenders with pending charge and something happens while on supervision pending the resolution of the charges, they will be held liable.

- Minnesota does not revoke an offender on a new offense until there is a conviction, therefore a significant violation report should not be filed on an interstate offender with pending charges in Minnesota.
- Minnesota Statute 243.1605 require that a PC hearing be held within 12 days of an interstate offender being detained in MN.
- If an interstate warrant is issued on an offender with pending charges and the offender is released on bail or personal recognizance they become available for a probable cause hearing. However, DOC Hearing and Release Unit will not do a probable cause hearing on pending charges.
- Based on this information the council concluded that a warrant or detainer should not be issued on an incoming interstate offender with pending charges. If the MN county court involved with the new charges allows the release of the offender supervision should be continued on the interstate case. The assumption being that the court has made a determination that the offender does not need to be held pending further court proceedings.

**INTERSTATE COMMISSION ON JUVENILES (ICJ)**

- **ICJ Updates**
  - Parental rights with a non-delinquent versus a delinquent juvenile were discussed. In the case of a delinquent juvenile the council did not feel that parental rights should supersede public safety.
  - Form IA/VI was also discussed and the council had some questions and concerns.
    - The placement resource signature is solely stating that there will be no interference with a return of the juvenile. However, what recourse does the state have if they do interfere with the juveniles return?
    - In Minnesota a delinquent juvenile can sign on their own as they have their own rights in a hearing. The juvenile has his or her own attorney to represent them and the parents can have their own attorney. With this information the council feels that another signature on form IA/VI would not be needed.
    - Members of the council also did not feel that a judge or the compact official should be signing form IA/VI.
    - A motion was made by Stephen King to have the Placement Resource signature and the Judges/Compact Official signature on form IA/VI removed. This motion was seconded by Mike Downey and the motion passed.
  - Form III (Voluntary Return Form) was also discussed by the council.
    - What are a juvenile’s rights? The compact mentions juvenile rights but does not define them.
• The council does not feel that a judge in the holding state is in a position to state the return of a juvenile to the demanding state is appropriate and in the best interest of the juvenile.
• Another question raised is why are the parents only given 24 hours to pick up the juvenile? What happens when a parent arrives in 28 hours?
• The Council felt that the only time the courts should be involved is when secure detention is needed or there is an issue of abuse or neglect.

New Business
  • None

Old Business
  • None

Questions and Open Forum
  • None

Schedule Next Meeting
  • Council has set the next meeting for: Friday March 7, 2014

Adjourn
  • Meeting was adjourned at 11:47am