State Council Meeting
Interstate Compact for Adult Offender Supervision
Monday, October 12, 2009
10:00 am – 12:00 pm

Those in attendance: Ms. Rose Ann Bisch, Ms. Chris Bray, Ms. Jill Carlson, Mr. Randy Hartnett, Mr. Doug Johnson, Mr. Harry Kennedy, Mr. Ken Merz, Ms. Suzanne Elwell, Mr. Stephen King, Mr. Tom Roy.

Guest: Ms. Freddie Davis-English, JJAC


Mr. Tom Roy called the meeting to order.

Ms. Jill Carlson moved to approve the minutes from the June 2009 council meeting. No objections - minutes approved.

National Victims Group – Ms. Elwell
- Office of Justice Update – stimulus monies and grants have been distributed to law enforcement, victim service providers, and courts. Focus on stimulating the economy – more training, more staff, victim service organizations, etc. All the grants that received funding are listed on the OJP website.

ICAOS Updates – Mr. Merz
- National Commission Updates
  - California has passed legislation called summary parole. This will result in the release of almost 5,000 offenders from prison without any type of supervision or conditions. Offenders have to apply for summary parole. They cannot be violent offenders or sex offenders.
    - Victim’s community has concerns regarding California releases
  - Puerto Rico Compact Office – Due to budget cuts the Commissioner for the interstate as well as the DCA have been laid-off.
  - Annual Business Meeting in November 2, 2009 – November 5, 2009
    - Registration is down due to budget and retirement issues
    - National Office is working with states that do not have representatives, Maine, Vermont, and South Dakota to ensure that they are represented at the Annual Business Meeting.
  - Juvenile Compact
    - Mr. Merz met with the new Juvenile Compact Executive Board in Kentucky
    - New Director of Juvenile Compact Appointed – Ashley (Hassan) Lippert, former Assistant Director of ICAOS
Annual Report finalized
Statistics from ICOTS
- Discussion regarding the high number of transfers for some states such as California, Illinois, Alabama, New York and the possible relation to the poor job market and populations.
- Mr. Merz directs attention to the last page of the Annual Report which contains incoming and outgoing transfer numbers for every state.
- Minnesota has accepted 1569 incoming offenders and transferred 2641 outgoing offenders.
- This information is available in pdf format online and the information is public record.

Interstate Compact Offender Tracking System (ICOTS) – Ms. Bisch
- Training push throughout the state. All DOC District have been trained with the exception of the Bemidji 2 District and the Chaska District.
  - Constant updates – currently on release 6.1, but the training helps to familiarize the agents with the system and how to maneuver in order to find their information.
  - There are still some serious issues especially in regard to e-mail notices that Ms. Bisch will discuss with Mr. Merz.
  - ICOTS has sped up the process of transfers because it is instantaneous.
- Mr. Merz – ICOTS current release 6.1 included:
  - Some of the requested changes.
  - Corrected some of the glitches in the system.
  - Some of the requested enhancements added.
- Ms. Bisch indicates ICOTS has somewhat stabilized with upgrades
  - Training has covered the issues of entering the offender into the system more than once. This knowledge helps to eliminate a lot of problems but that is a user issue.
  - CCA counties are attending the monthly training session at Central Office.
  - Tentative training in Duluth but will wait to do the ICAOS Rules and ICOTS at the same time.
- Questions regarding the numbers reported in ICOTS compared to when Minnesota was tracking the numbers with the internal database.
- Ms. Bisch advises that the only cases being tracked are outgoing parole and incoming ECRC offenders. ICOTS tracks a case when it is started and Minnesota does not count the case until it is accepted and the offender departs.
- Mr. Merz advises that two databases cannot be maintained. The decision was made that ICOTS would be the official system for tracking purposes. Some of the number issues are duplicate offenders and this is being addressed through training and cleaning up the system.
- Discussion in regard to the CSTS integration with ICOTS
- Mr. Merz responds that the integration is not an option at this time.
ICAOS Proposed Rule Amendments – Ms. Bisch

- Mr. Merz indicates that the comments from the last meeting were posted for the Rules Committee. The Rules Committee met on September 22, 2009 and took all the feedback under consideration. Mr. Merz will vote on these rules at the Annual Meeting in three weeks.

- Rule 1.101 – Definition of Supervision
  - Ms. Bisch advises this rule has revised language adding the verbiage if the only condition is the payment of monies these offenses are not transferrable.
  - Council Approves.

- Rule 2.104 - Forms
  - Ms. Bisch states, basically, this is the same as last time. Concern that communications outside of ICOTS is not tracked/saved anymore. Clarification that using ICOTS does not prohibit communications between compact offices.
  - Council Approves.

- Rule 2.106 – Offenders Subject to Deferred Sentences
  - Ms. Bisch advises that the Rules Committee went through and added ICOTS Impact, Effective Date on each rule.
  - There was a lot of discussion from the group about deferred sentence and some concerns about it.
  - Ms. Bisch indicates that there was no consensus last time and the change would eliminate the term “intervention”. They are not governed by the Compact (excluded from the Compact) then they can move around without supervision being in place.
  - Request if there is a definition of deferred sentence.
  - Ms. Bisch reads the definition of deferred sentence as it appears in ICAOS Rule 1.101: means a sentence the imposition of which is postponed pending the successful completion by the offender of the terms and conditions of supervision ordered by the court.
  - Mr. Merz comments that they would not want to exclude those offenders under a diversion program they would want their supervision monitored. Diversion programs will be kept in - if the release is from custody either by bond, bail, or similar program then those people won’t qualify for transfer.
  - Council Approves.

- Rule 2.110 – Transfer of Offenders Under This Compact
  - Ms. Bisch advises that Minnesota requested clarification - If the offender leaves the sending state and does not have the right to leave then the sending state has an obligation to return the offender.
  - Discussion in regard to why this would happen, whose mistake?
  - Mr. Merz advises sometimes it is a mistake, but not always. This will put in writing that the sending state is obligated to bring the offender back if they are in the receiving state illegally.
  - Council Approves.

- Rule 3.101 – Mandatory Transfer of Supervision
  - Ms. Bisch states, basically “F” was added – Upon three returns to the receiving state for violation three times in five years – basically resulting in nine significant violations the offender is no longer a mandatory case. HRU requested revision that is more restrictive than this proposal. If the offender continues to transfer
supervision and repeatedly violates the transfer should be a discretionary – not a mandatory.

- Council Approves

- Rule 3.101-1 – Mandatory Transfers of Military, Families of Military, and Family Members Employed
  - Ms. Bisch states, (d) was added – “Employment transfer of the offender to another state – An offender who meets criteria specified in Rules 3.101 (a), (b), & (c) and is transferred to another state by their full-time employer, at the direction of the employer as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision. The receiving state shall issue reporting instructions no later than two business days following receipt of such a request from the sending state.” This revision allows for the offender’s employment transfer to be included as a mandatory transfer. Language added – “if the offender’s employment is transferred to another state by their full-time employer, at the direction of the employer and a condition for maintaining employment they shall be eligible for reporting instructions.” Situation is not that the offender wants to transfer; it is the only way the offender will keep their job.
  - Council Approves

- Rule 3.101-3 – Transfer of Supervision of Sex Offenders – (c) Reporting Instructions for sex offender living in receiving state at the time of sentencing.
  - Ms. Bisch states the intent was to change (c) Reporting Instructions for sex offender living in receiving state at the time of sentencing. Example: An offender who is on supervision in Wisconsin for a sex offense and comes over to Minnesota and gets a DWI – right now they cannot return because they have to register. Ms. Bisch advises that Minnesota made the suggestion of adding the word current (offense). The revision did not change the language. The Rules Committee was against supporting this rule because not only does it not clearly do what we want it to do, it is in direct conflict with (a).

- Rule 3.102 – Submission of Transfer Request to a Receiving State
  - Mr. Bisch indicates that the council was not in agreement and all comments were submitted to the national level. There were a few changes, it is better but there are still concerns. The change is that the offender shall return to the sending state daily during non-working hours. Ms. Bisch has no recommendation.
  - Mr. Merz and Ms. Carlson recommend this amendment due to the correctional sense of the rule to allow the offender to return to maintain employment.
  - Council Approves.

  - Ms. Bisch advises that currently an incomplete transfer request is rejected, but this additional language will allow an offender that has approved reporting instructions to remain in the receiving state to allow the sending state to either cure the defect in the transfer request or return the offender.
  - This revision gives the sending state 15 days to resubmit another transfer request prior to removing the offender from the receiving state.
 Council Approves.

**Rule 3.104-1 – Acceptance of Offender; Issuance of reporting instructions**
- Ms. Bisch advises that this change clarifies when the supervision responsibility begins – when the offender physically arrives in the receiving state
- Request for update on the issues of transferring sex offenders to Illinois.
- Mr. Merz advises that Minnesota completed the informal process. The decision now is if Minnesota will pursue a formal grievance.

**Rule 3.107 – Application for Transfer of Supervision**
- Ms. Bisch states that currently the offender’s application does not have to be attached in ICOTS and there is a problem with the applications being completed. DOC Policy requires the offender’s application to be attached to the transfer request in ICOTS.
- Mr. Hartnett advised that if the application is missing pertinent information this could be a legal problem.
- Council Approves

**Rule 4.106 – Progress Reports**
- Ms. Bisch advises that this rule change is to include a deadline for the submission of progress reports – shall be submitted within 30 days of the request.
- Council Approves

**Old Business**

**Return of Misdemeanor Offenders – Ms. Bisch**
- Ms. Bisch advises she has been contacted by the Clay County Sheriff’s Department – Lt. Bruce Fleury and they want to be put on the agenda to address the return of misdemeanor offenders.
  - Ms. Bisch indicates that Lt. Fleury in not a representative from the Sheriff’s Association but his Sheriff is part of the Sheriff’s Association.
  - Request that Mr. Merz put together some scenarios in regard to funding returns, any information on the actions and strategies that other states are using. Have the information available for the meeting of the Sheriff’s Association.
  - Mr. Merz indicates that the National Office conducted a survey in relation to the states that charge supervision fees. Specific legislation is required in order for Minnesota to charge a fee that can be used to reimburse sheriff’s departments for extradition.
  - Requests for legislative support/legislative advocacy for fees and what other options are available instead of fees.
  - Mr. Merz indicates direct appropriation from the legislature would be a solution to the collection of fees.
  - Mr. Merz reports that in the past Representative Mullery and Senator Mau have expressed concern over assessing new fees.
- **Juvenile Compact – Mr. Merz**
  - Proposed statutory language is handed out
  - Mr. Merz advises that 40 States have passed the new Juvenile Compact. The Juvenile Commission is patterning the new after the adult compact:
    - Executive committee
    - National fees
    - National Commission
• State Council
  o Ms. Bisch states that JJAC has been invited to the meeting due to the questions addressed at the last meeting in regard to the creation of another advisory council and if there needs to be additional members.
  o Article XI – Ms. Bisch questions:
    • State advisory council that they created was similar to the adult so we added a representative from DHS regarding the Interstate Compact for the Placement of Children (ICPC) and added other members as appointed by the Commissioner of Corrections. There may be others in ICPC that need to be involved.
    • Is Minnesota going to form another advisory council.
    • The concern is the juvenile remains under the adult umbrella that the juveniles will get pushed to the back of the agenda at council meetings.
    • JJAC has indicated concerns about having the same council because the adult issues will take priority and the juveniles will get pushed aside.
  o Mr. Merz advises that the question is to add the juvenile council to the adult or split into two separate councils.
  o Suggestions of creating a Juvenile Council as a sub-committee of the State Council and lengthen the meeting time of the State Council to accommodate the sub-committee.
  o Suggestions that the DOC administer the Juvenile Compact in order to keep the DOC involvement.
  o Request for a summarization of the articles in regard to what is being recommended since the council just got the statutory language. What are the advantages and disadvantages of becoming part of the Juvenile Compact?
  o Ms. Bisch indicates that the rules for the new juvenile compact are not clear and there are issues, but Minnesota will be at an extreme disadvantage not being present in Albuquerque for the National Meeting. All transfers go through the compact because the state signed into the agreement, not local agencies.
  o Mr. Merz advises that passing the legislation and becoming part of the Juvenile Compact would give us a vote on all the issues.
  o Ms. Bisch states the old juvenile compact and the new compact passed a rule that they would continue to do business for a period of time. The old compact does not have an expiration date set on the rule and the new compact meets in December and they will vote to continue that rule or not.
  o Ms. Bisch distributes a spreadsheet of all incoming and outgoing juvenile transfers. Transfers can include everything from sex offenders to minor consumption and truancy. Dues are $17,000 right now and the fees will only go up like the adult did – these predictions were done five years ago. If Minnesota does not join the new compact the 88 juveniles that Minnesota transfers out could be out of state without supervision.
  o Discussion in regards to the council members and appointments if the new juvenile compact is passed.
  o Mr. Merz confirms that what offenses are transferable is part of the rules and that is why it is important for Minnesota to be part of the decision making process.
  o Mr. Merz advises he is hoping to have the statute proposal in this session, in order to get them passed and effective by July 1, 2010. At this point this is merely informational for the Council. If passed this will be part of the normal budget.
process and there will be some things that will be required in going forward with the juvenile compact. The Governor has the final approval. The decision regarding one council or two will not need to be addressed until after it is passed.

- Discussion regarding the language of victim representative missing from the Juvenile Council Articles. Juvenile should be consistent with the adult compact.
- Request for update on level 3 sex offenders transportation.
- Mr. Merz advises that he will meet with Ms. Bray after the meeting.

**Open Forum**

- Ms. Davis-English asked if the decision was made regarding the juvenile compact council and the administration of the juvenile compact.
- Mr. Merz indicates no decision has been made at this meeting.
- Request that Mr. Merz send an e-mail to the Council after the National Meeting if there is anything notable.
- Ms. Bisch will advise Lt. Fleury of the next meeting.

**Motion to Adjourn**

- Ms. Elwell motioned.
- Mr. King seconded.
- Meeting adjourned.

The next meeting is scheduled for Monday, January 11, 2010, 10:00 am – 12:00 pm.