Mississippi State Council Meeting
For The Interstate Commission For Adult Offenders Supervision
October 14, 2004

Minutes

The first biannual meeting of the Mississippi State Council convened at 9:45 AM in the Mississippi Department of Corrections Central Administration Office, 723 North President Street, Jackson, Mississippi.

Present: Christopher B. Epps, Commissioner of Corrections and State Council Chair
Lora H. Cole, Deputy Commissioner of Community Corrections
Ivy D. Keys, Interstate Compact Division Director
Honorable Bennett Malone, Representative
Honorable Jannie Lewis, Circuit Court Judge for the 21st District
Jane Mapp, Special Assistant to Attorney General
Sandra Morrison, Attorney General Representative for Victim’s Compensation
Lee McTeer, Community Correction Director of Region I

Absent: Honorable Robert Huggins, Senator

Commissioner Epps began the meeting by thanking those in attendance for taking time out of their busy schedules to discuss issues concerning offender supervision. The State Council was designed to act in an advisory capacity and to assist in developing policy for the Compact at the state level.

Following the introduction of State Council members, Epps stated that a Powerpoint presentation would be used to point out several principle reasons for restructuring the Compact. Foundation, History and Legal issues on the old and new Compact would be covered. Epps started discussion on Interstate Compact Purpose by stating; seven (7) million people come under the supervision of corrections. Many of these individuals’ whereabouts were unknown. Statistics show that 21,300 offenders are incarcerated in Mississippi and nearly 26,000 are on probation and parole. Clearly, a better way is needed to control and enforce rules of supervision. The Council of State Governments (CSG) and National Institute of Corrections (NIC) assisted states in initiating legislation to establish the new Compact. On June 19, 2002, thirty-five states had enacted legislation to join the Interstate Commission for Adult Offender Supervision (ICAOS). In April 2004, Mississippi enacted legislation becoming the 49th state to join the new Compact.

Epps presented Deputy Commissioner Cole. Cole continued discussion by stating that Mississippi was the 49th state to adopt the Compact that at least the state was not dead last. Cole addressed the foundation of the Compact. She referenced the Crime Control Act of 1934, which allowed two or more states to enter into agreements for mutual assistance in monitoring offenders’ movement. With an offender population of 2.8 million, it is critical that tracking offenders’ movement should be done through corrections authorities. States will know the exact number of offenders in communities. The number of offenders is growing; the addition of misdemeanor offenders being enforced under the compact is a major point of contention for
corrections supervision. With the new Compact, positive changes are being made. The State is refining its policies and finalizing rules.

Cole presented Division Director Ivy Keys. Keys addressed the history of the Compact. She began by providing the State’s statistics, stating that there are approximately 1700 offenders from other states being supervised in Mississippi and nearly 1300 offenders from Mississippi being supervised in other states. The State’s Compact Office is responsible for monitoring the supervision of all individuals placed on community-based supervision from other states. Keys continued the discussion by referring to the Powerpoint presentation highlighting the history of the Compact.

The Interstate Compact for the supervision of probationers and parolees was born in 1937. Mississippi enacted legislation around the mid to late 1940’s. During that time, states entered into agreements between states to compact and supervise offenders. The first compact meeting for the supervision of probationers and parolees was held in Detroit, MI in 1946. The meeting was primarily for compact administrators of member states. Rules were established to enable states to better monitor offenders transferring between states. Prior to the Compact, when individuals were convicted of crimes, the courts or law enforcement officials would encourage offenders to leave town and take up residence elsewhere. Based on this premise, the Compact was born out of a need to control offender movements. In the early years, it was difficult for states to enforce rules or comply with rules. Completed transfers were often delayed and in some cases, responses were never received. There were conflicting state laws governing resident and family eligibility requirements. The new Compact establishes guidelines that are consistent, mechanisms for change, enforcement, compliance and administration.

Though some states were accused of being resistant to change, that was not necessarily true. Rules created in 1937, were antiquated and sometime difficult to interpret. In the 1980’s the National Institute of Corrections (NIC) met with Administrators to assist them in rewriting rules. A survey was sent to states’ administrators, judges and field supervisors soliciting input on Compact rules, compliance or noncompliance. Results of the survey showed states’ inability to enforce rules and administrate Compact activities effectively. In the late 1990’s, the National Institute of Corrections (NIC) along with the Council of State Governments (CSG) and Administrators began work to create a new Compact.

Keys presented Special Assistant to Attorney General Jane Mapp. Mapp covered legal issues of the compact. Mapp continued discussion by saying the new Compact allows for better enforcement, better control and more uniform supervision of offenders. Rules of the Compact have the effect of law passed by the US Congress.

Rules provide for the structure of the Compact as follows, the National Commission:

- responsible for overseeing that states abide by the Rules of Commission
- responsible for clarifying definitions
- act as “Advisory” Council by interpreting rules and monitoring compliance
- equipped with authority to enforce rules through the use of sanctions if needed
- work to establish a uniform system for reporting, collecting and exchanging data
Mapp furthered her discussion by referring to Powerpoint slides highlighting the National Structure and State Structure. She also referenced the steps for Dispute Resolution and the Dispute Resolution Flow Chart.

Keys added to the discussion by revisiting the National Structure Powerpoint slide clarifying that the National Commission is composed of one representative (Commissioner) from each state. The Executive Committee includes committee chairs who are officers of the Commission. The office of the Executive Director assists with administering Compact activities. Committee chairs are responsible for the budget, creating new rules, amendments, training, compliance, and disputes.

Keys was invited to provide more information on the day-to-day operations of State Compact Office. Keys explained that all communication regarding offenders under Compact supervision must occur through the Compact administrator or designee. Compact offices must review all acceptances, rejections, case closures, and violation reports prior to information being sent to receiving or sending states. Powerpoint presentation advanced to slide concerning eligibility requirements for Compact supervision.

- discretion of sending state
- offender has three months to an indefinite period of supervision remaining
- valid supervision plan
- in substantial compliance in sending state
- resident of receiving state
- has family in receiving state who is willing to assist, and has ability to assist

Cole pointed out that for offenders to be eligible for Compact services the offender must comply with eligibility criteria. Keys agreed and further stated offenders must comply with current supervision rules prior to offender making application to transfer. Cole stated that she really liked that point and added that if offenders were not already in compliance, states should not be dumping their worst cases on other states.

Question and Answers proceeded:

**Question:** Morrison, what about lax plans of supervision?

**Answer:** Keys, offender must be in substantial compliance. Offenders must be current with supervision fees, court ordered fines and restitutions payments and, meet resident and family eligibility requirements.

**Answer:** Lee McTeer, offender must abide by rules. If the offender fails to abide by rules, a request could be made to the sending state to issue a warrant and subsequent apprehension.

**Question:** Malone, what is the estimated cost for offenders and the Compact?

**Answer:** Epps, Cole, and Keys
• transfer application fee - $35.00 per application
• supervision fees - $40.00 per month; fee amount varies by state
• MS is assessed $25,000.00 per year; consistent with offender population
• preventing collection of double fees - receiving state charges supervision fee

Question: Morrison, who is responsible for victim notification and who provides assistance with collection of child support payments?

Answer: Mapp, the national commission mandates that a position on the State Council must be filled by a Victim’s Rights representative. States must abide by their own state’s victim notification laws; requests for information must be addressed within five (5) business days. When contacted by a victim, authorities may impose special conditions not on original order of supervision.

Question: Lewis, who enforces rules of the Compact and how can judges learn more about rules?

Answer: Mapp, the national office is putting together a bench book for judges and district attorneys.

Answer: Keys, judges can also visit the Compact website at www.adultcompact.gov.

The question and answer period were followed by an in-depth outline of Compact rules.

Mapp outlined Liability issues:

• Judicial Immunity
• Qualified Immunity
• 11th Amendment
• deliberate difference
• knowledge of special threat
• erosion of immunity in recent years
• executive agreement for extradition is another type of Compact

Epps ended the meeting after addressing the Corrections Department issues and concerns. He invited State Council members to visit the MDOC website, www.mdoc.state.ms.us for additional information. He opened the floor for additional questions and comments.

The meeting adjourned at 11:20 AM.

_________________________________________________________________

Beatrice Cornist, Statistical Clerk Senior
MDOC Interstate Compact