STATE COUNCIL MEETING AGENDA
INTERSTATE CORRECTIONS COMPACT
November 27, 2007
11:00 AM to NOON (CST)
TELECONFERENCE
(605-773- then 3571#)

The state council is made up of the following:

Chairman Jim Tucker, Judge, Third Circuit Court
Tim Reisch, Secretary of Corrections
Brian Zeeb, Division of Criminal Investigation
Representative Joni Cutler
Open Position, Victims Advocate
Ed Ligtenberg, Executive Director of the Board of Pardons and Paroles
Nancy Allard, Director of Trial Court Services.

Meeting Agenda

1. Review / Approve April 2007 minutes

2. September Annual Meeting update

3. Budget

4. Appointment (Victims Witness) and Re-appointments

5. 3-22-2007 / 11-8-2007 Regional Meeting updates

6. ICAOS Advisory Opinions
   a. Rule 2.105(a)(1) - Interpretation of “physical harm”. (March 6, 2007)
   c. Rule 4.101 - Clarification that a receiving state “shall supervise an offender... consistent with the supervision of other similar offenders sentenced in the receiving state”. (May 10, 2007)
   d. Rule 3.101 (b) - Offenders in Federal Housing. (May 10, 2007)
   e. Rule 3.103 (a)(2) - Denial of Reporting Instructions. (September 17, 2007)

6. Rule Committee update
INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION
STATE COUNCIL MEETING MINUTES
November 27, 2007
11:00 a.m. to 12 Noon (CST)
TELECONFERENCE

PRESENT: Chairman Tim Tucker, Judge, Third Circuit Court; Tim Reisch, Secretary of Corrections; Brian Zeeb, Division of Criminal Investigation; Ed Ligtenberg, Executive Director of the Board of Pardons and Paroles; Nancy Allard, Director of Trial Court Services.

ABSENT: Representative Joni Cutler.

OTHERS IN ATTENDANCE: David Geffre, Deputy Compact Administrator for Parole. Gloria Guericke, Recording Secretary.

Chairperson Judge Tucker called a quorum. He noted that Rep. Cutler may join the meeting later.

REVIEW / APPROVE APRIL 2007 MINUTES

Ed moved approval of the April minutes and Nancy seconded the motion. The motion passed by unanimous voice vote.

SEPTEMBER ANNUAL MEETING UPDATE

Ed informed the group that both he and Nancy attended this meeting. He felt it was an excellent meeting and that the training went well.

Nancy stated that the Deputy Compact Administrators training went well. She noted that this was a good networking opportunity for DCAs. The DCA Liaison committee is growing and this is a good opportunity for them.

BUDGET
Ed explained that when the dues were originally developed, it was unknown as to what it would cost to maintain the Commission. At that time, software development was not included in the cost estimates. Costs associated with the new This software development program is expensive. Up until now, there’s been enough money to cover the cost of the software development and other compact/commission expenses. An increase of 6% a year increase in dues is planned for the next 3 years in order to allow the Commission to purchase the database system.

Judge Tucker asked how we get this implemented through the legislature to approve the increase. Ed suggested putting it as line item in the budget or it could be absorbed into an existing budget. He explained that dues are based on state size, so since SD is not as large a user as CA or TX, so our increase is smaller.

Tim noted that we’re in the FY08 budget and that the FY09 budget has already been submitted. The first chance we have to incorporate the increase will be the FY10 budget. Nancy indicated that the UJS will handle the increase through the existing budget and incorporate the increase in future budget years.

Ed reminded the group that the increase will not go beyond 3 years. Judge Tucker commented that this is a fairly modest increase. Ed noted that this is the first significant increase to the dues. He felt the Commission is being very responsible regarding their money.

**APPOINTMENT (VICTIMS’ WITNESS ADVOCATE) AND RE-APPOINTMENTS**

Judge Tucker asked if he should write a letter to the Attorney General regarding the appointment for a Victims Advocate representative. Ed felt that this action was needed. He noted that Brian and Judge Tucker need to be reappointed. Judge Tucker stated that he’s been reappointed but that Brian needs to be reappointed. Brian said that his reappointment is underway and that he will need to go before the legislative committee for approval. Brian thought that someone has been recommended for the Victim Witness representative. Judge Tucker said that he would send an email to Attorney General Long to see if this is in progress.
3-22-2007 / 11-8-2007 REGIONAL MEETING UPDATES

Ed explained that the sex offender issue and its effect on the Compact is the most discussed topic at these meetings. He noted that this group had already received information as to what is going on in this area in other states.

Judge Tucker asked about the issue of lifetime GPS security for sex offenders. Ed explained that some states require GPS tracking on a sex offender for the rest of their life after they finish their sentence. In Nebraska, if an offender fails to keep their GPS on, it is a 2-year felony. Ed felt that life-long GPS is almost lifetime banishment since sex offenders will move to another state so they don’t have to wear GPS. SD doesn’t require GPS, so sex offenders may be interested in moving to SD.

Nancy discussed an article she read which discussed the difficult problem of determining who is tracking these offenders once they are released from supervision. Another problem the article mentioned is the cost.

ICAOS ADVISORY OPINIONS

Nancy provided updates regarding the following opinions.

A) RULE 2.105(A)(1) – INTERPRETATION OF “PHYSICAL HARM”. (MARCH 6, 2007)
B) CLARIFICATION OF RULES 5.108 AND 4.109-1. (MARCH 15, 2007)
C) RULE 4.101 – CLARIFICATION THAT A RECEIVING STATE “SHALL SUPERVISE AND OFFENDER...CONSISTENT WITH THE SUPERVISION OF OTHER SIMILAR OFFENDERS SENTENCED IN THE RECEIVING STATE”. (MAY 10, 2007)

David noted that this hasn’t been a big issue on the parole side of things as they’ve been able to work things out with the receiving states. Nancy explained that the biggest issue on the probation side is ensuring cases are properly transferred. If there is a condition placed on the person, they need to be formally transferred through the Compact. There is not an option for “unsupervised probation” if there are conditions to follow and the individual wishes to move to another state.
D) RULE 3.101 (B) – OFFENDERS IN FEDERAL HOUSING (MAY 10, 2007)
E) RULE 3.103 (A)(2) – DENIAL OF REPORTING INSTRUCTIONS (SEPTEMBER 17, 2007)

RULE COMMITTEE UPDATE

Ed discussed the following rule changes that passed.

Rule 1.101 – Sex Offender definition.
Rule 2.104 – Forms
Rule 2.109 – Adoption of Rules; amendments
Rule 3.101 – Mandatory transfer of supervision
Rule 3.101-1 – Mandatory transfers of military, families of military, and members employed
Rule 3.101-3 – Transfer of supervision if sex offenders
Rule 3.102 – Submission of transfer request to a receiving state
Rule 3.103 – Reporting instructions; offender living in the receiving state at the time of sentencing
Rule 3.106 – Request for expedited reporting instructions
Rule 3.107 – Application for transfer of supervision
Rule 4.104 – Offender registration or DNA testing in receiving or sending state.
Rule 4.109 – Violation reports
Rule 4.110 – Transfer to a subsequent receiving State of South Dakota
Rule 4.111 – Return to the sending State of South Dakota
Rule 4.112 – Closing of supervision by the receiving state
Rule 5.101 – Retaking by sending state
Rule 5.102 – Mandatory retaking for a new felony conviction
Rule 5.103 – Mandatory retaking for violations of conditions of supervision
Rule 5.108 – Probable cause hearing in receiving state
Rule 5.111 – Denial of bail or other release conditions to certain offenders

Ed discussed the following rule proposals that failed.

Rule 3.105-1 – Pre-Dispositional Transfer Requests
Rule 5.111 – Denial of bail to certain offenders (“or receiving” state not removed)
Rule 5.112 – Retaking an offender accepted under Rule 3.101-2
NEW BUSINESS

ICOD Database system:

Ed explained that he should have added this topic to agenda. The Commission is aggressively working to get this database implemented and its deployment is scheduled for June 2, 2008. Hopefully by summer we’ll be on a database system. Nancy added that this will help meet the compliance issues.

Ed noted that the system will be flexible to accommodate the needs of large and small states. Compact Transfer Requests will run through the chain of command from the sending state to the receiving state. The goal is to have a paperless system. Needed documents will be scanned. Nancy and Ed will receive status reports so they will be aware of areas where South Dakota is not in compliance. The system will be state of the art.

The Commission’s long-term goal is to have everyone on parole in the nation on this database. Ed felt that this would be an excellent resource for law enforcement. The Commission is pursuing grants on the national level and they are working with law enforcement and other agencies in obtaining funds. This could be a national database for everyone to share the information. Ed explained that his staff does not work weekends, but they get calls on weekends from law enforcement staff needing this information. He felt that it would be good if they had access to this information.

Ed moved and Nancy 2nd the motion to adjourn meeting. The motion passed by unanimous voice vote.

Next Meeting

Chairperson Judge Tucker noted that the next meeting would be held in the spring. He recommended it be done via conference call and requested a reminder as the time period draws near.

The meeting adjourned at 11:59 a.m.