Wyoming State Council
Interstate Compact for Adult Offender Supervision
Meeting/Teleconference
December 2, 2008

Introduction of Council Members
Representative Keith Gingery exp 03/01/2010
Honorable Norman Young exp 10/01/2010
Paul Rehurek exp 03/01/2010
Sue O’Brien
Shane Sconce
Bob Lampert exp 03/01/2010
Julie Tennant-Caine (absent) exp 03/01/2010
Les Pozsgi, Commissioner

Meeting began 9:00 am by Les Pozsgi.

Review of the Interstate Compact for Adult Offender Supervision:

ICAOS National Commission
Current annual dues this year 2008, $19,462. This is expected to increase for the next fiscal year to an estimated $21,000. These are the lowest paid dues in the nation.

ICAOS National Commission:
• serves as a national governing body
• has rule making authority which has the effect of law for all states
• has authority to enforce compliance by:
  1. require remedial training
  2. require mediation/arbitration of disputes
  3. impose monetary fines
  4. seek relief in federal court

Commission established a “uniform system” for reporting, collecting and exchanging data on a national basis and on a state by state basis, which is the ICOTS System.

Interstate Compact Commission’s Mission Statement:

_The Interstate Commission for Adult Offender Supervision will guide the transfer of offenders in a manner that promotes effective supervision strategies consistent with public safety, offender accountability and victim’s rights._
Purpose of Interstate Compact:
- promote public safety
- protect the rights of victims
- control movement of offenders across state lines
- provides effective tracking of offenders
- provides for the supervision of offenders who relocate and transfer to another state
- assist in the rehabilitation process of offenders

**Wyoming Compact Data as of September 2008:**

- Wyoming probationers supervised in other states: 545
- Wyoming parolees supervised in other states: 77
- Out-of-State probationers being supervised in WY: 430
- Out-of-State parolees being supervised in WY: 139

  - Wyoming agents submit a monthly average of 20 transfer requests to transfer Wyoming offenders (both probation & parole) to other states
  - Wyoming receives an average of 15-20 Transfer Requests per month from other states.

  The number of transfer requests is increasing due to Wyoming’s energy boom, the state’s economy and employment opportunities

**Wyoming State Council:**

Reflects statutory membership standards as outlined in W.S. 7-13-423, Article IV: one member from the legislature appointed by President of the Senate and Speaker of the House, one member appointed by the Board of Judicial Policy & Administration, two members appointed by the Governor from the executive branch, one member appointed by the Governor representing victim group, Governor appoints compact administrator (January 2004).

Council members should:
- be familiar with the Compact and its purpose
- be educated on our State Compact process
- be familiar with how our State appoints the Compact Administrator
• be familiar with the process if the Commissioner cannot attend a national meeting
• assist in determining if the Compact office has adequate staff
• become familiar with rules of the Commission and advocate for any desired additions
• assist the Compact Administrator in developing a network within the State to assist with the Compact process

Role of State Council:
• exercise oversight & advocacy
• recommend education/training of the compact rules and legal issues to other key criminal justice personnel, i.e., judges, prosecutors, public defenders, victim advocates, etc
• review proposed rule changes from the National Commission
• recommend changes to compact rules
• recommend legislative changes to compact rules or related laws
• develop course of action in dealing with violations of compact rules to include non-compliance by other state’s or criminal justice agencies within Wyoming

Proposed Legislation to Repeal Wyoming Compact Statutes as Superseded by Current Compact Statute:

Pat Anderson, Executive Dir. of Wyoming Board of Parole has initiated action to remove enabling State Statutes 7-13-414 to 7-13-417.

These statutes were eliminated by the new compact statute (WY § 7-13-423) but were never officially removed. During September 2008, Pat Anderson presented to the Joint Judiciary Interim Committee a proposal to sponsor a bill to officially remove WS 7-13-414 thru 417.

Removal of these statutes appeared to have some bearing on compact operations here in Wyoming. For example, pursuant to existing WY statute § 7-13-413, “Notification Under Interstate Compact of Retaking or Re-incarceration” requires our agents to conduct a preliminary hearing to determine probably cause before advising the sending state of a violation.

The current compact statute (WY § 7-13-423) does have a requirement that a receiving state shall conduct such a hearing to ensure the offender’s due process rights.

WY statute § 7-13-423 also gives our department authority for arrest powers and the power to detain an out-of-state offender who’s under the jurisdiction of interstate compact, for violating the terms and conditions of supervision and for the purpose of returning an offender to the sending state for revocation proceedings.
Proposed Rules/Rule Changes being considered by National Compact for the 2009 Annual Business Meeting (November):

Revision of the definition of the term Supervision:

1. Present language: means the authority or oversight exercised by supervising authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which the offender is required to report to or be monitored by supervising authorities, and includes any condition, qualification, special condition or requirement imposed on the offender at the time of the offender’s release to the community or during the period of supervision in the community.

2. A review of the current definition and rule on Deferred Prosecution
   The rules committee will review what is considered acceptable in terms of these non-convicted probation cases. At present, these cases are qualified for transfer under the compact.

3. Examine out-of-state travel by sex offenders. At present, each state has its own laws or department policy dealing with the temporary out-of-state travel for sex offenders. The Compact doesn’t dictate temporary out-of-state travel for offenders unless it violates the 45 Day Relocate Rule. The 45 Day Relocate Rule does not allow offenders to remain in another state for more than 45 consecutive days within a 12 month period.

   In a related matter, the Rules Committee has the power to review a rule as presented by its own members. The time period of 45 days may potentially be reviewed in 2009.

Compact Training for WY Judges, Prosecutors, Public Defenders and Providing Continuing Legal Education Credits:

Through the Wyoming Bar Association and in conjunction with the National Compact Commissioner’s Office, CLE’s can be obtained by viewing a video module entitled “Legal Issues.”

The material presented in the module provide an overview of the interstate compact for adult offender supervision; discuss sentencing and special consideration for judicial officials and attorneys; and provide liability and immunity considerations for judicial officials and employees

This training is accessible through the National Compact Web Site.
In 2009 the Department plans to send out the information on the Legal Issues Training Module and the process of obtaining CLE’s to judicial officials to include, district and circuit court judges, prosecutors, and public defenders.

We hope to solicit additional continuing legal education credits in 2009 for the viewing of other related compact training modules, to include segments on Compact Rules, Transfer Process, Re-taking of Offenders and etc.

It is also our goal to provide to judicial officials and attorneys all Compact Advisory Opinions and Dispute Resolution between states, from the National Commissioner’s Office. (See attached example - Advisory Opinion on Guidance of Sex Offender Travel 2008 and see attached Dispute Resolution between Alaska and Washington 2006).

**New Electronic System: Interstate Compact for Tracking Offenders (ICOTS)**

- System has been in effect nationally since October 2008.
- Will be more time effective and uniform tracking, transfer and data collecting system.
- Improve control of the movement of offenders from state to state. States are required to report the “departure” of their offender in route to another state, and the receiving state, is required to acknowledge the “arrival” of the offender to their state.
- More efficient reporting system for violations committed by the offender while under supervision in a receiving state.
- Improve tracking of offender’s supervision status thru reporting compliance to the terms and conditions of supervision

**Compact Issues and Goals for Wyoming in 2009**

- Provide compact training to judicial authorities and attorneys
- Continue to work through our prosecuting attorney offices when there are conditions in a court order that are in violation of compact rules.
- Continue to provide copies of Advisory Opinions and Dispute Resolutions from the National Compact Commissioner’s Office to our agents, district supervisors and to our compact staff.
- To begin sending copies to the judiciary, prosecutors and public defenders

**Schedule next State Council Meeting for 2009- Monday June 8th at 9:00am, and next meeting will be November 23rd at 9:00am**