

**Interstate Compact for
Adult Offender Supervision**

2008 Report to the Legislature



1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219
(651) 361-7200
TTY (800) 627-3529
February 2008

This information will be provided in alternative
format upon request.

The total cost of salaries, printing, and supplies
incurred in development and preparation of this
report was \$2,550 (reported as required by M.S. 3.195).

Printed on recycled paper with
at least 10 percent post-consumer waste.

BACKGROUND

Since 1937, the Interstate Compact for the Supervision of Parolees and Probationers has provided the sole statutory authority for regulating the transfer of adult parole and probation supervision across state boundaries. All 50 states were members of this interstate agreement as were the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. The Interstate Compact for the Supervision of Parolees and Probationers was enacted into Minnesota law on June 1, 1939 (M. S. §243.160).

In early 1997, the Probation and Parole Compact Administrators Association (PPCAA) identified several problems with the existing compact law. The problems identified included lack of enforcement capability, increased number of offenders, and recent legislation passed in several states affecting current compact policy.

In 1998 a new compact law was drafted. In order for the compact law to become effective, it required passage by 35 states. By June 2002, the threshold of 35 states had been reached, thereby making the compact active in just 30 months. Minnesota passed legislation in March 2002 (M. S. §243.1605). Currently, new compact legislation has been enacted into law in 50 states, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

The legislative language establishes a council in every state. M.S. §243.1606 directs the Minnesota State Council to report to the governor and the legislature by January 15 each year on its activities and the activities of the interstate commission and executive committee for the preceding year. This report must also include an assessment of how the interstate compact is functioning, both within and without the state.

ACTIVITIES OF THE ADVISORY COUNCIL

Per M. S. §243.1606, the Advisory Council shall consist of the following individuals or their designee: the governor; the chief justice of the supreme court; two senators, one from the majority and the other from the minority party, selected by the subcommittee on committees of the Senate Committee on Rules and Administration; two representatives, one from the majority and the other from the minority party, selected by the house speaker; the compact administrator, selected as provided in §243.1607; and the executive director of the Center for Crime Victim Services. As part of the 2005 crime bill, language was added that allows the commissioner of corrections to appoint additional members to the Advisory Council

Membership: The Honorable Gordon Shumaker, Minnesota Court of Appeals; Ken Merz, Interstate Commissioner, Department of Corrections (DOC); DOC Commissioner Joan Fabian; Suzanne Elwell, Victim's Representative; Harry Kennedy, State Sex Offender Policy Coordinator; James Early, Office of the Attorney General; Honorable Kurt Zellers, State Representative; Honorable Joe Mullery, State Representative; Honorable Julianne Ortman, Minnesota State Senate; Honorable Mee Moua, Minnesota State Senate; Steve King, Mower County Court

Services Director; Jill Carlson, DOC Director of Field Services; Harley Nelson, DOC Deputy Commissioner; Doug Johnson, Washington County Attorney; James Hankes, Chief Public Defender; and Tom Roy, Arrowhead Regional Corrections Director.

Advisory Council staff includes: Rose Ann Bisch, Deputy Compact Administrator (DCA); Randy Hartnett, Policy and Legal Services; and Margarita Rock, Information Technology.

The Advisory Council first met on August 21, 2002, and continues to meet on a quarterly basis unless there is no business for the council that quarter.

In calendar year 2007 the Interstate Advisory Council held three meetings. Tom Roy is the chair and Suzanne Elwell is the vice-chair.

Compact rules were the primary focus of the council in 2007. The National Commission presented proposed rules to be voted on at the Annual Interstate Council for Adult Offender Supervision (ICAOS) Business Meeting. At the first council meeting of 2007, the Advisory Council reviewed the proposed rules. The council made comments and suggestions on the proposed rules. The revised rule proposals from ICAOS included some of the suggestions from the Minnesota Advisory Council.

The council reviewed and discussed the revised rule amendments. These rules were in the final draft form as they would be presented and voted on at the national meeting. Ken Merz, the national commissioner, was given direction on how to vote on the proposed rules.

The council met to discuss the results of the National Commission vote on the proposed rules. Minnesota did not support all of the rule changes that passed. The council addressed concerns over some of these rule changes and assisted in developing a plan to address the rule changes effective January 1, 2008.

Members of the council assisted in the development and distribution of a letter to the courts as well as prosecuting and defense attorneys in Minnesota. The letter was designed to inform interested parties about significant rule changes to the compact and how they will be incorporated in Minnesota.

Through the council, the DOC was able to work with the Supreme Court on Continuing Education for the Judiciary. The interstate is part of a pilot project with the Supreme Court Continuing Education Department. Various interstate documents are available to the judiciary online. This should allow the courts to find the information they need quickly and keep updated on compact rule changes.

Technology was also discussed by the council. The new data system being developed by the National Commission is called the Interstate Compact Offender Tracking System (ICOTS). Minnesota cannot move forward with a new interstate tracking system until the national system is developed.

ACTIVITIES OF THE NATIONAL COMMISSION

The commission exercises day-to-day oversight of the compact between states. It promulgates rules to achieve the goals of the compact and ensures an opportunity for input and timely notice to victims and jurisdictions where defined offenders are authorized to travel or relocate across state lines. It will establish a system of uniform data collection; provide access to information on active cases by authorized criminal justice officials; and coordinate regular reporting of compact activities to heads of state councils, state executive/judicial/legislative branches, and criminal justice administrators. The commission will also monitor compliance with rules governing interstate movement of offenders, initiate interventions to address and correct non-compliance, and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

The sixth annual meeting of the National Commission took place September 24-26 in Orlando, Florida. Present at this meeting were 47 commissioners and six official designees, giving the commission a total of 53 votes. In addition to the voting members, also in attendance were ex-officio members, compact staff, attorneys, legislators, and 58 deputy compact administrators for a total of 167 in attendance. The commission considered and voted on several rule amendments to become effective January 1, 2008. Some of the rule changes that passed are significant and will affect how compact business is conducted across the country.

Prior to January 1, 2008, the commission had to bring proposed rule changes before the full commission at each annual meeting. This was a factor in non-compliance issues. By the time all the agents and interested parties were trained on the new rules, a new set of rules would be approved. As of January 1, 2008, the commission has the option of waiting until the next annual meeting falling in an odd-numbered year to bring proposed rule changes before the full commission. This will slow the process of rule changes when appropriate and continue to allow for rule changes during even-numbered years if necessary.

In addition to voting on proposed rule amendments, the meeting agenda included regional meetings, committee reports, and training for DCAs and commissioners.

Technology Committee: Reported that a new contract has been signed to have the technology company Appriss develop tracking system software. The goal is to have the new system in operation during 2008. WebEx is an online system that blends data and voice through a web browser and telephone. This allows meetings and training to be held on a national level without anyone having to travel to attend the meeting or training. WebEx has saved the commission a lot of money as it reduced the need for travel to conduct training or hold committee meetings. The ICAOS website was redesigned and updated during 2007.

Training Committee: Training is offered through the ICAOS website in three different formats. The first is through WebEx that allows anyone to attend a live training session from their personal computer. A total of 29 probation officer training sessions were held, with 1,500 attendees, through WebEx. ICAOS held four WebEx training sessions during December 2007 to train the compact offices across the country on the new compact rules. Minnesota's DCA, Rose

Ann Bisch, is one of the national trainers for ICAOS. The second format is the use of On-Demand training modules. The use of these modules has increased 110 percent over the past year. The third format is to view a previously-recorded session. The training committee updated the *Bench Book for Judges and Court Personnel* and created a *Quick Reference Guide* for court use. The On-Demand modules are updated yearly to reflect any rule changes that occurred that year.

DCA Liaison Committee: Established their goals in 2007, with the main goal to provide a link for communication between commissioners and DCAs. In Minnesota, this is not an issue as the interstate commissioner and DCA have good communication. Another goal is to have the DCAs provide training across the country. The final goal is to have expenses paid by the commission to have the DCAs attend the ICAOS annual business meeting each year for training and to assist the commissioners during the meeting.

Ad Hoc Sex Offender Committee: Proposed two significant rule changes regarding the definition and transfer of sex offenders. Both rules passed.

During 2007 there were four advisory opinions written and posted by ICAOS. No formal dispute resolutions were filed. This is significantly lower than the fifteen opinions and three dispute resolutions requested in 2006. This is an indication training is helping states understand the rules of the compact.

The National Commission is required to submit an annual report on the activities of the commission, to be available in early 2008.

ACTIVITIES OF THE EXECUTIVE COMMITTEE

The Executive Committee is responsible for guiding and overseeing the administration of all commission activities and for acting on behalf of the commission, as permitted by the compact, between commission meetings. The Executive Committee is comprised of a chair, treasurer, vice-chair, victim advocate, standing committee chairs, and the regional representative from each of the four regions. As the Regional Chair, Ken Merz, the Minnesota Compact Commissioner, is a member of the Executive Committee.

A long-range budget plan was developed by the Executive Committee and presented to the full commission at the annual meeting. The Executive Committee looked at ways to save the commission money and prioritize expenses. During 2007, the Executive Committee approved funding to have all DCAs attend the ICAOS annual business meeting. It was felt that having the DCAs present at the meeting is beneficial to the commissioners and the commission as a whole. A dues increase was approved by the full commission to account for inflation and rising business costs.

The executive director resigned during 2007, and the Executive Committee hired a new executive director. The new director was previously the commissioner for the State of Ohio.

ASSESSMENT OF HOW THE INTERSTATE COMPACT IS FUNCTIONING, BOTH WITHIN AND WITHOUT THE STATE

The new compact law has brought the issue of offender movement across state lines to the attention of courts, probation offices, corrections officials, victim advocates, policy-makers and law enforcement agencies. This attention has helped to increase overall compliance among compact members.

Some counties in Minnesota still struggle with compliance regarding timelines. This is generally due to resource issues. They do not have sufficient staff to comply with all of the timelines imposed by the compact law. Another area of non-compliance within Minnesota is the return of interstate offenders. Non-compliance is a result of county decision-makers not being aware of the law and the requirement to return certain interstate offenders. Counties also lack resources to return certain interstate offenders as they would not normally pay for the return of these offenders. The DOC continues to work on training county entities responsible for the return of offenders. Training continues to be a priority for the DOC. As a result, overall compliance within Minnesota has improved over the past year.

There are still several states significantly out of compliance with compact rules. Specifically, timelines are not being met. Once the national database is operational, non-compliance with timelines will be easier to identify and address by the National Commission. The fact that there were no formal disputes filed in 2007 is an indication that compliance is improving across the country.

Slowing down the rule-changing process should also assist in improving compliance. This will allow states to train on and implement rule changes before the rule is changed again.

OFFENDER MOVEMENT

	Probation	Parole
Number of offenders under supervision in Minnesota from other states 12/31/07	1,247	365
Number of Minnesota offenders under supervision in other states 12/31/07	2,205	241
Number of new interstate cases received by Minnesota in 2007	643	168
Number of new interstate cases sent to other states by Minnesota in 2007	995	211

SUMMARY

The National Commission continues to move forward with the rule-making process and development of a national database to facilitate the transfer of compact offenders. There continue to be compliance issues within Minnesota and across the country; however, compliance continues to improve with training and the passage of time in most areas. The Minnesota Advisory Council was very involved in the rule-making process during 2007. The council provided input and assistance before the rules were voted on and again after the rules were passed.

As this compact structure is still relatively new, it is still in the development stages and continues to grow and move forward. Overall, the new compact has brought an increased awareness of the interstate compact across the nation, which has been beneficial to public safety.