

Interstate Compact for
Adult Offender Supervision

2017 Report to the Legislature



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March 2017

This information will be provided in alternative format upon request.

The total cost of salaries and supplies
incurred in development and preparation of this
report was \$4230.80 (reported as required by M.S. 3.195).

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BACKGROUND

In March 2002, Minnesota passed statutes §243.1605, 243.1606 and 243.1607 regarding the Interstate Compact for Adult Offender Supervision (ICAOS). Minnesota statute §243.1606 establishes an Advisory Council on the ICAOS in Minnesota. This statute also directs the Advisory Council to report to the governor and the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy by March 1 each year on its activities, along with providing a copy of the ICAOS annual report which includes the activities of the interstate commission and executive committee.

ACTIVITIES OF THE ADVISORY COUNCIL ON THE ICAOS IN MINNESOTA

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; the executive director of the Center for Crime Victim Services; and additional members as appointed by the commissioner of corrections.

The 2016 membership included:

- ✓ Steve King, Chair, Mower County Court Services Director, representing county probation officers
- ✓ Suzanne Elwell, Vice-Chair, Victim's Representative;
- ✓ Honorable Michelle Larkin, Minnesota Court of Appeals;
- ✓ Allen Godfrey, Interstate Commissioner, Department of Corrections (DOC);
- ✓ Michael Downey, Office of Governor Mark Dayton;
- ✓ James Early, Office of the Attorney General;
- ✓ Honorable Joe Mullery, State Representative;
- ✓ Honorable Barb Goodwin, Minnesota State Senate;
- ✓ Honorable Bill Ingebrigtsen, Minnesota State Senate;
- ✓ Honorable Brian Johnson, State Representative
- ✓ Pete Orput, Washington County Attorney, representing county attorneys;
- ✓ Patrick Kittridge, Chief Public Defender, representing public defenders;
- ✓ Sheriff Bill Bergquist, Clay County Sheriff, representing the Minnesota Sheriffs' Association; and
- ✓ Nicole Kern, representing Community Corrections Act Counties.

Advisory Council staff from the DOC included:

- ✓ Randy Hartnett, Policy and Legal Services.

The Deputy Compact Administrator position within the Minnesota Department of Corrections was vacant for a significant period of time in 2016.

The Advisory Council first met on August 21, 2002, and continues to meet on a quarterly basis or as needed.

The Advisory Council met on November 3, 2016.

The primary focus of the Advisory Council in 2016 was the victim notification system, VINEWatch, and a new rule package regarding the violation process and progress reports that was voted upon at the annual business meeting on September 14, 2016.

The Advisory Council discussed the national VINEWatch system which provides registered victims with auto notifications of certain interstate compact activity. The system is underutilized nationally. The commission voted to make VINEWatch an open system at the annual business meeting on September 13, 2016, meaning individuals could self-register for notifications. No state can opt out of the system. The advisory council had concerns regarding Minnesota's Data Privacy Act in relation to the notifications. This will be looked at more closely in 2017 when more information and a timeline for implementation of an open system are known.

Also voted on at the 2016 annual business meeting was a rule package that restructured the reporting of violations within the Interstate Compact Offender Tracking System (ICOTS) and made changes to definitions within the compact. The current rules indicate that after three significant violations, the sending state is required to retake an offender. A significant violation is defined as an offender's failure to comply with the conditions of supervision that if occurred in the receiving state, would result in a request for revocation. The new rule allows the receiving state to request retaking based on an act or pattern of noncompliance that could not be successfully addressed through the use of documented corrective action or graduated responses and would lead to a request for revocation in the receiving state. Other behaviors are to be documented in progress reports. These changes will go into effect in 2017.

Finally, at the 2016 Interstate Compact Annual Business Meeting, Minnesota Advisory Council member and Commissioner Al Godfrey participated in a panel presentation to the national members on having an active State Council and offered ideas on how to increase membership and participation. Minnesota Advisory Council Vice Chair Suzanne Elwell attended the annual business meeting and also participated in a panel presentation to the national members on the ICOTS VINEWatch system.

ACTIVITIES OF THE NATIONAL COMMISSION

The ICAOS National Commission is comprised of one voting member from each state party to the compact. The role of the National Commission is to exercise 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 relocate across state lines. The Commission established a system of uniform data collection (ICOTS), which provides access to information on active cases by authorized criminal justice officials. It coordinates regular reporting of compact activities to heads of state

advisory councils, state executive/judicial/legislative branches, and criminal justice administrators. The Commission also monitors compliance with rules governing interstate movement of offenders, initiates interventions to address and correct noncompliance, and coordinates training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

The National Commission is required to submit an annual report on the activities of the Commission. The current annual report (FY 2016), as well as past reports and newsletters regarding the National Commission's activities, can be found on the ICAOS site.

OFFENDER MOVEMENT AS REPORTED IN ICOTS:

	Probation	Parole	Both
Number of offenders under supervision in Minnesota from other states on December 31, 2016	1640	470	39
Number of Minnesota offenders under supervision in other states on December 31, 2016	2786	528	2

SUMMARY

The Advisory Council has been in place for 13 years and continues to meet as needed to address issues that arise regarding the ICAOS. In 2015, the Advisory Council was very involved in reviewing and making recommendations regarding the numerous rule amendment proposals by the National Commission. Many of the comments made by the Advisory Council were taken into consideration by the Commission and impacted the final rule amendments voted on at the 2015 Annual Business Meeting.