

**Interstate Compact for
Adult Offender Supervision**

2016 Report to the Legislature



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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 a providing 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 2015 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 Jim Newberger, State Representative;
- ✓ Honorable Barb Goodwin, Minnesota State Senate;
- ✓ Honorable Bill Ingebrigtsen, Minnesota State Senate;
- ✓ 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
- ✓ Midge Christianson, 6W Community Corrections Director, representing Community Corrections Act Counties.

Advisory Council staff from the DOC included:

- ✓ Rose Ann Bisch, Deputy Compact Administrator (DCA); and
- ✓ Randy Hartnett, Policy and Legal Services.

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 two occasions in 2015, May 11 and September 28.

The primary focus of the Advisory Council in 2015 was the proposed rule amendments under consideration by the National Commission.

The Commission process requires all proposed rule amendments be posted for a 30 day comment period, after which the Commission reviews all comments, makes appropriate revisions, and submits the final proposed rule amendments for vote to the full Commission at the Annual Business Meeting.

During the 30 day comment period, the Advisory Council reviewed all 16 proposed rule amendments and submitted comments to the Commission on nine of the proposed rule amendments.

Three of the proposed rule amendments which the Advisory Council did not support were withdrawn and not presented to the full Commission for vote.

There were two proposed rule amendments the Advisory Council supported with minor suggested language changes. The suggested language changes were accepted by the Commission and incorporated into the final proposed rule amendments. These amendments were presented to the full Commission for vote and were approved.

The Advisory Council did make comments on two rule proposals, which they supported as written. Regarding the first proposed rule amendment, the Advisory Council was strongly in support of the amendment and wanted that support noted for the record. The comments by the Advisory Council on the second supported proposed rule amendment addressed the fact the justification in that proposed rule amendment was not consistent with the rules as they are currently written. Both of these proposed rule amendments were presented to the full Commission for vote and were approved.

Both of the final two proposed rule amendments on which the Advisory Council commented caused concern for the Advisory Council, and they were not in support of either proposed rule amendment. Despite the concerns expressed by the Minnesota Advisory Council and other states, both of these proposed rule amendments were presented to the full Commission for vote and both were approved.

All the proposed rule amendments that were passed at the 2015 ICAOS Annual Business Meeting have an effective date of March 1, 2016.

The chair of the ICAOS Rules Committee indicated the Rules Committee appreciated the comments made by the Minnesota Advisory Council and incorporated several of the suggestions into the final proposed rule amendments.

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 \(FY 2015\)](#), 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 December 31, 2015	1338	292	117
Number of Minnesota offenders under supervision in other states December 31, 2015	2249	306	89

SUMMARY

The Advisory Council has been in place for thirteen 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.