

ND INTERSTATE COMPACT STATE COUNCIL  
MEETING AGENDA  
May 8, 2018  
10 AM - DOCR Conference Room

1. Rule amendments effective March 1, 2018
2. Update on admin rule 52 relating to discretionary process for disposition of violation in sending state for new crime conviction
3. Absconder rule revision
4. Council memberships that expire September 30, 2018 are Leann Bertsch, Wade Enget and Judge Mattson
5. 2017 interstate compact compliance dashboard
6. 2018 ICOTS photo audit and quarterly performance review
7. Open discussion, roundtable

ND INTERSTATE COMPACT STATE COUNCIL  
MINUTES FROM MAY 8, 2018 MEETING

The Interstate Compact State Council convened at 10:02 a.m. on May 8, 2018 in the Department of Corrections conference room.

Members present:

Leann Bertsch, Director, DOCR  
Wade Enget (via phone)  
Representative Larry Klemin  
Judge Doug Mattson (via phone)  
Heidi Smith, Victim Representative  
Ken Sorenson, Special Assistant Attorney General  
Amy Vorachek, ND Commissioner, DOCR

Members absent:

Senator Jessica Unruh

Staff present:

Janice Young, ND Deputy Compact Administrator, DOCR

It was moved by Representative Klemin and seconded by Ken Sorenson to approve the previous meeting minutes.

8. Report from Amy Vorachek, ND Commissioner
  - a. Rule amendments effective March 1, 2018 were reviewed (see attachment 2017 approved rule amendments). There was brief discussion on invalid plan of supervision.
  - b. Old business/update on administrative rule 52 (AR52) relating to discretionary process for disposition of violation in sending state for new crime conviction. At the Joint Procedures Committee Meeting in January 2018, amendments to AR52 were passed with support. The Supreme Court will review the proposal this summer during the annual rule package and if approved, would go into effect March 1, 2019. Ken Sorenson stated that this process could eliminate potential challenges and delays on petition to revoke hearings. The council requested a copy of AR52 amendments and Commissioner Vorachek said a copy of the committee minutes would also be included.
  - c. Absconder rule. The Midwest Region tasked ND with drafting a revision to absconder definition and rule 4.109-2. Current language was reviewed. Commissioner Vorachek and Janice Young presented examples of other strategies when attempting to locate offender. Council members provided input to the following:
    - i. Consistent language between the definition and rule for the terms “be absent from”, “avoiding supervision” and “not located”
    - ii. 4.109-2(a) “reason to believe” could be more defined

- iii. Additional steps to deem absconder status
  - d. Council memberships that expire September 30, 2018 are Leann Bertsch, Wade Enget and Judge Mattson. Representative Klemin suggested contacting the Governor's office early on to initiate reappointments.
- 9. Statistics and audit results reviewed by Janice Young
  - a. 2017 Compliance dashboard (see attachment)
    - i. All areas were above national average
    - ii. Proud to announce that in March 2018, the dashboard categories all maintained 100% compliance. Leann Bertsch congratulated staff at achieving these numbers.
  - b. 2018 ICOTS photo audit and quarterly performance review
    - i. Photo audit – in 2017, ND's unacceptable photos were 22.7%; first quarter in 2018, this improved to 8.23%. This shows that steps taken to improve photo criteria were successful.
    - ii. Quarterly performance review – first quarter in 2018, all areas continue to be above the national average with 3 of the 6 categories passing at 100%. These were the same categories measured in the 2017 compliance dashboard reported above.
- 10. Open discussion, roundtable. Commissioner Vorachek announced that the 2018 annual business meeting is October 2-3 in Orlando, FL.

Meeting adjourned. The next meeting is October 9, 2018 in Bismarck.