

Advisory Council on Interstate Adult/Juvenile Compact

Thursday, November 14, 2024

10:00am-12:00pm

Department of Corrections
1450 Energy Park Drive, West Entrance
St. Paul, MN 55108
Afton Room, 1st Floor

Hybrid In-person and virtual via ZOOM

Those in attendance:

Members: Mr. Stephen King, Ms. Tracy Hudrlik, Ms. Rebecca Hillestead, Judge Richard Kyle, Mr. William Ward, Mr. Andrew Larson, Ms. Gina Evans, Ms. Marlena Hanson, Ms. Mical Peterson, Ms. Suzanne Elwell, Representative Kelly Moeller, Ms. Angela Brewer, Mr. Shane Baker

Guests: Ms. Kelly Mitchell, Ms. Kendra Sanders, Ms. Kelly Haff, Ms. Amanda Kohlbeck

Those not in attendance:

Ms. Callie Hargett, Representative Elliott Engen, Ms. Melissa Boone, Mr. James Stuart

Agenda:

- I. Introduction of members and guests**
- II. Approval of Minutes of the June 2024 Meeting – Minutes approved**
- III. Interstate Compact on Juveniles (ICJ) –**
 - a. Potential Midwest rule proposal around reporting instructions**
 - i. The proposal to add reporting instructions into the rules has been voted on by the states and voted down in the past.
 - ii. This council decided they wish to continue advocating to add request for reporting instructions to the juvenile compact rules.
 - iii. Request for the ICJ commission to pull data to either support/refute the rule proposal change. No amendment proposal at this time, awaiting further review by the national commission.

b. **Review of Annual Business Meeting**

- i. The Annual Business Meeting (ABM) was held in Mobile, AL this year. Nothing new to report out of Juvenile ABM.

c. **Review of Annual Report**

[FY2024AnnualReport.pdf \(juvenilecompact.org\)](#)

IV. Interstate Commission for Adult Offender Supervision (ICAOS) -

a. **Review of Annual Business Meeting**

i. **Re-write of Interstate Compact Offender Tracking System (ICOTS)-**

1. The funding for the re-write was voted on. Half of the re-write will be paid by the Commissions Vanguard account and the other half will be split amongst the states. MN will be responsible for approximately \$5,000/year for the next two years for the contribution of the re-write. The re-write will take 2 years before it is implemented.

ii. **Language change from “offender” to “supervised individual” – PASSED**

1. **Effective date 11-1-2024**

- a. As of 11/1/2024, the term offender was removed from ICAOS rules and was replaced with “supervised individual”. Some terminology has had to keep the term offender, such as ICAOS- Interstate Compact of Adult Offender Supervision due to statutory language.

b. **Review of annual report**

- i. [Interactive Annual Report 2024 - Home page | ICAOS \(interstatecompact.org\)](#)

c. **Retaken and Re-Transferred FY25 Assessment**

- i. This assessment was looking at cases where clients were returned to sending state on violation and immediately returned to the receiving state. Every state that had cases like these were sent a series of questions to answer. National Office is looking at trends to see what was tried before violating and asking for retaking, etc. Results from this assessment are still pending.
 1. MN had a total of 6 cases that fell into this scenario and were assessed.

d. **Midwest Rule Proposals**

- i. The reporting instruction rule for client residing in receiving state at the time of sentencing and returning after violation is interpreted differently between states.
 1. The problem: some states don’t feel that a client would meet requirements of resident at time of sentencing or disposition of violation if they relocated to the receiving state on warrant status.
 2. The rule proposal would change to allow cases where a client established a new residence in the receiving state while on

violation/warrant status to be considered as part of this rule and be eligible for reporting instructions.

3. Midwest region agreed of this rule change and it will be sent to a rule committee and voted on in May.
 - ii. Another proposal would be to allow credit for time served on cases where a receiving state is supervising and if the client picks up new charges in the receiving state and serves jail time. A rule change would allow credit for time served on the sending states file so that they are allowed to discharge instead of the sending state requiring to retake and bring them back just to discharge.
 - iii. The last proposal is to change the timeline for reporting instructions for clients residing in receiving state at the time of sentencing. The current rule dictates that the sending state has 7 business days to submit reporting instructions for a client residing in the receiving state at the time of sentencing. The change would allow 15 business days to submit reporting instructions in these situations.

V. Stakeholder Training–

- a. **Presented virtual training for Public Defender’s on Junes 28, 2024**
- b. **annual Judges Conference in September 2024**
- c. **will present to Winona District in December 2024**

VI. MRRA and interstate compact

244.49 INTERSTATE COMPACT.

(a) This section applies to a person serving a Minnesota sentence while being supervised in another state according to the Interstate Compact for Adult Supervision.

(b) As may be allowed under section [243.1605](#), a person may be eligible for supervision abatement status according to the act only if they meet eligibility criteria for earned compliance credit as established under section [244.46](#).

- a. MRRA does not apply for incoming ICOTS cases.
- b. Unsure of what outgoing cases will look like at this point, however, the other state (receiving state) decides how to supervise a client.

(c) Supervision abatement status; requirements.

- a. A person who is placed on supervision abatement status under this section must not be required to regularly report to a supervised release agent or pay a supervision fee but must continue to:
 - i. obey all laws;
 - ii. report any new criminal charges; and
 - iii. abide by section [243.1605](#) before seeking written authorization to relocate to another state.

VII. Potential Jail Sanction in MN?

- a. Should MN propose a legislative change to allow MN probation counties to sanction an incoming ICOTS case to a jail term as a way of holding a client accountable if the violation is not considered revokable.

- b. Other states, such as Nebraska and Wisconsin, have the ability to sanction incoming ICOTS cases for a jail term when they've exhausted all other efforts of addressing violations of supervision.
 - i. Current alternatives to jail sanctions include EHM, curfew, increased reporting; however, this is limited for incoming cases.
 - ii. Concerns from the council: MN probation is currently only allowed to authorize 72 hour holds without Judges approval on MN cases, how would case numbers be assigned, how would the courts get the complete file to make a determination, could be unpopular with the jail staff in already crowded jails.
 - iii. Council decided there were pros/cons to both sides of this argument. Tracy will reach out to Nebraska to figure out how their logistics currently work for applying jail sanctions before discussing further.

VIII. Council posed question:

- a. Is there a way to exclude the cases sentenced to administrative supervision from being eligible to be sent through the compact?
 - i. Many states, including MN, do some sort of unsupervised probation. The intent of the unsupervised probation is so that the client doesn't have to be supervised and just reports into the courts. However, if a client sentenced to unsupervised probation and has conditions to complete, it is likely they are compact eligible and would have to go through the compact. Which then defeats the purpose of unsupervised probation.
 - ii. Discussion to have an additional ICAOS rule that excludes clients sentenced to unsupervised probation?
 - iii. Council members believe a way to exclude these cases would be beneficial.

IX. Roundtable Issues – None

X. New Business – None

XI. Old Business – None

XII. Schedule Next Meeting – May 20, 2025

XIII. Adjourn

***Some members may participate by interactive technology pursuant to Minn.Stat. 13D.015, subd. 5*