

**Interstate Compact for Adult  
Offender Supervision**

**2004 Report to the Legislature**

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January 2004**

**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 \$10,000 (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, M.S. §243.16, was enacted into Minnesota law June 1, 1939.

In early 1997, the Probation and Parole Compact Administrators' Association (PPCAA) requested leadership from the National Institute of Corrections (NIC) in changing the current compact. The PPCAA identified several problems with the current compact, which has not been updated since enactment in 1937. 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, the NIC Advisory Board, following several public hearings, directed its staff to begin pursuing a revision of the compact. Through the development of an Advisory Group, the NIC facilitated a discussion among state officials and corrections policy experts and arrived at a list of recommendations for improvement and overhaul to the existing compact. Through a partnership with The Council of State Governments (CSG), the NIC and CSG developed and facilitated a drafting team of state officials to design a revised interstate compact – one that would include a modern administrative structure, provided for rule-making and rule-changing over time, required the development of a modern data collection and information-sharing system among the states, and was adequately funded to carry out its tasks.

Passage was required by 35 states for the law to become effective. Beginning in January 2000, the new Interstate Compact for Adult Offender Supervision saw acceptance in the states. By June 2002, the threshold of 35 states had been reached, thereby becoming active in just 30 months. Minnesota passed legislation in March 2002, M. S. §243.1605. Currently, legislation has been enacted into law in 47 states and the District of Columbia.

The revised compact language establishes a state council in every state. M.S. §243.1606 directs the Minnesota State Council to report to the governor and the legislature by January 15<sup>th</sup> 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. Since this is the first report, it will include any activity to date.

## **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. The commissioner of corrections has invited other interested agencies to send representatives.

Current membership: The Honorable Gordon Shumaker, Minnesota Court of Appeals; Ken Merz, Department of Corrections (DOC); Harley Nelson, DOC; Commissioner Joan Fabian, DOC; Jeff Davidman, Policy Manager the office of Governor Pawlenty; Mary Ellison, Executive Director of the Office of Justice Programs; Vacant, Deputy Attorney General; The Honorable Doug Meslow, State Representative; The Honorable Sheldon Johnson, State Representative; The Honorable Jane Ranum, Minnesota State Senate; and The Honorable Thomas Neuville, Minnesota State Senate.

Additional participants include Tom Neilon, Mower County Court Services Director; Bill Guelker, DOC; Bob Tepfer, Central Minnesota Community Corrections Director; Doug Johnson, Washington County Attorney; James Hankes, Chief Public Defender; Tom Roy, Arrowhead Regional Corrections Director; and Rose Ann Bisch, DOC (staff).

The advisory council first met on August 21, 2002, and meets on a quarterly basis.

### **August 21, 2002**

Members were given an overview of the old and new compacts. The mission/authority and role of the advisory council, the role of the state commissioner to the national commission, existing rules versus new rules, eligibility under the new compact, a dues structure, and the role of the national commission were discussed.

### **November 7, 2002**

The structure of the advisory council was discussed. It was decided that only members listed in the statute are voting members, but that the commissioner of corrections can appoint additional advisory, non-voting members to the council. It was also decided that the council shall meet quarterly unless there is a reason to meet more frequently. The council shall elect a chair and vice-chair to preside over the meetings, and these officers will serve a two-year term. Judge Shumaker was elected chair and Senator Neuville vice chair. The DOC will staff the council, with the deputy compact administrator and other appropriate individuals recording activities, scheduling meetings, and preparing necessary communications.

It was decided the council would vote on motions, but a quorum was not required. The council will serve in an advisory capacity to the compact administrator, giving policy advice and direction regarding statewide policy from the point of view of the organization they represent. The day-to-day activities of the interstate unit shall be left to the administrator and deputy compact administrator. The council appointed the compact administrator as the state's commissioner to the national commission, and the deputy compact administrator as the authorized representative if the commissioner is unable to attend commission meetings.

There was discussion regarding dues and other financial obligations. Due to the economy and status of budgets in most states, the council suggested the national commission be encouraged to scale back its original design for the commission and its needs.

### **February 5, 2003**

Rose Ann Bisch reported on the national commission meeting in Scottsdale, Arizona, in November 2002. Former DOC Commissioner Sheryl Ramstad represented Minnesota at this meeting and relayed the council's message, asking the commission to be conservative in light of the budget shortfall most states are experiencing.

Other issues discussed by the council included data privacy and drug testing on pending cases.

### **June 11, 2003**

Ken Merz announced that he was appointed designee of the new DOC Commissioner Joan Fabian to serve as the national commissioner for Minnesota. Rose Ann Bisch remains the deputy compact administrator.

Ken Merz gave an update on the activities of the national commission. The committees have been established and are meeting. Ken is waiting to be assigned to a committee.

The *2003 Minnesota Interstate Compact Report to the Legislature* was distributed and discussed. Ken Merz indicated that the DOC is looking at creating a new database for more accurate data collection and to prepare for the new compact requirements.

PPCAA rules are still in effect for members of both the old and new compacts. The PPCAA proposed some changes to the rules, and the council discussed those changes.

A lawsuit has been filed against South Carolina and the PPCAA regarding whether a state can deny a mandatory case because of the offender home plan. The decision of this case will not only impact the PPCAA and states involved but also future interstate business.

The council also discussed in-state only warrants as well as staffing of county offices and how that impacts the interstate process.

## **October 8, 2003**

The pending lawsuit against South Carolina and the PPCAA was discussed. The lawsuit was dismissed with prejudice but can still be appealed.

Rose Ann Bisch provided an overview of the annual business meeting of the PPCAA, held in August 2003.

In preparation for the national commission meeting scheduled for November 2003 in Little Rock, Arkansas, the council reviewed proposed rules. Areas of concern were identified for the national commissioner, Ken Merz, to present at the meeting.

## **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, and 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 noncompliance, and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

The first meeting of the new commission took place November 18-20, 2002, in Scottsdale, Arizona. More than 45 states attended, at which the newly formed commission conducted preliminary business.

The second meeting of the commission took place November 2-5, 2003, in Little Rock, Arkansas. Present at this meeting were 45 of the 48 member states in addition to a representative of the PPCAA, staff from member states, and legislators. The commission considered and adopted rules for administration of the compact as well as other business items, such as adoption of revised bylaws, an FY05 operating budget, and a revised transition rule for relations with non-member states. The final rules will be posted once edited and revised by the rules committee. The rules will go into effect August 1, 2004. The commission is developing a plan to provide training to states.

## **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, secretary, victim's advocate, standing committee chairs, and the regional representative from each of the four regions.

Executive committee officers were elected during the 2002 meeting and will serve a two-year term. During the past year, the executive committee established committees and hired a director. The following committees were established: Compliance, Finance, Information Technology, Rules and Training, Education, and Public Relations. Don Blackburn was hired as director on September 1, 2003.

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

The new compact is in effect; however, all members are still functioning under the old PPCAA rules and the enforcement piece has not been put into place. Therefore, the compact across the nation continues to function as it has in the past.

Within Minnesota, compliance by agents is improving as they receive training on the interstate compact.

### **SUMMARY**

Since the compact reached its 35-state threshold required for passage in June 2002, states continue to join with a current membership of 47 states and the District of Columbia. Rules have been approved, and the oversight structure has been established and continues to move forward.