

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISORIN
STATE COUNCIL MEETING MINUTES
September 19, 2017
2:04 TO 2:49 PM (CST)
TELECONFERENCE

PRESENT: Chairperson Representative Craig Tieszen; Denny Kaemingk, Secretary of SD Department of Corrections; Doug Clark, Executive Director of the Board of Pardons and Parole; Director of Trial Court Services, Brian Zeeb, Division of Criminal Investigation; Krista Heeren-Graber, Victims Advocate;

ABSENT: Honorable Mark Barnett, Circuit Judge, Sixth Circuit Court, Charles (Chuck) Frieberg.

OTHERS IN ATTENDANCE: Sarah Ball, Deputy Compact Administrator for Parole; Stacy Cole Senior Secretary South Dakota Board of Pardons and Paroles (Recorder).

REVIEW / APPROVE May 2017 MINUTES

Motion was made by Secretary Denny Kaemingk to approve the May 2017 minutes with no corrections or additions. Motion was seconded by Brian Zeeb, Division of Criminal Investigation. All members voting aye, the motion carried.

DCA REPORTS

Sarah Ball, Deputy Compact Administrator for Parole started with the DCA reports, they are at nearly 100% compliance for Parole and Probation. South Dakota Parole Services has multiple new agents in the field. We have implemented the updated Rule 5.102 Mandatory Retaking for a new felony or new violent crime conviction. (A) Upon a request from the receiving state, a sending state shall retake an offender from any state after the offenders conviction for a new felony offense or new violent crime and: (1) Completion of a term of incarceration for the conviction; or (2) Placement under supervision for that felony or violent crime offense. (B) When a sending state is required to retake an offender, the sending state shall issue a warrant and upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody. The intent of this proposal is to include retake from any state where an offender receives a new conviction for these types of offenses that occurred while under compact supervision. We have been seeing an increase in our outgoing ISC violations due to other states not being cooperative with the new retaking rule change. Other states are also seeing the same problems, and this issue will be addressed at the annual business meeting in October. The collection process for restitution payments has been significantly improved and is being streamlined with further improvements.

AUDIT RESULTS

Doug Clark, Director of South Dakota Board of Pardons and Paroles stated the ICAOS national office recently completed review of over 114,000 active offender case photos. The purpose of the initial audit of offender photo quality is to establish a starting point for future audit standards. South Dakota is above the rate of unacceptable photos at 18.8%, but both SD Probation and SD DOC/Parole Services are currently reviewing their respective processes. The established standards distributed by the ICAOS national office have been disseminated to field staff in both Probation and Parole. The national office will be auditing photo compliance in FY2018 and any state over 5% non-compliance will be audited for this issue again.

2017 RULE CHANGE AND RULE PROPOSALS

Doug Clark advised there are no significant rule change proposals and that this is a clean-up year. There is now a rules proposal guide that was published to help make decisions on proposals. Rule 2.104 (new proposal) will not require the sending state to retain an original form containing the offender's signature until the termination of the offender's term of compact supervision; it would, however, still require the sending state to retain an original copy of the transfer application. By moving forward with this change, it will allow for each state to retain electronic copies in an effort to move toward a paperless system. Rule 3.101 – 1 Mandatory reporting instructions and transfers of military, families of military, family members employed, employment transfer and veterans for medical or mental health services. Rule 3.104 – Time allowed for investigation by receiving state proposal change – if the receiving state determines that an offender's plan of supervision is invalid, the receiving state shall notify the sending state by rejecting the transfer request with specific reasoning for the rejection. If the receiving state determines there is an alternative plan that is acceptable for investigation, they would have to notify the sending state at the time the first plan is rejected. Rule 4. 111A – Offenders returning to the sending state will provide a process for the receiving state to continue supervision for an offender with granted reporting instructions after a rejection when it is determined that there is an alternative plan. Rule 4.111 B, C and D clarifies the responsibility that the sending state issues the reporting instructions and provides the date the offender is to return to the sending state. The proposal also clarifies that the receiving state is responsible to provide the instructions to the offender who has previously arrived pursuant to approved reporting instructions and to determine the intended departure date. If unable to provide the instructions or the offenders' location is determined unknown after arriving in the receiving state pursuant to initial approved reporting instructions; the receiving state shall follow steps in Rule 4.109-2 in an attempt to locate the offender. Rule 3 108-1 Victim's right to be heard and comment expands the required notice that is sent to the victim informing them of the potential interstate compact for an offender from 10 days to 15 days. Rule 4111 – E clarifies the sending state shall notify the receiving state of the offenders' arrival or failure to arrive as required by Rule 4.105. (B) prior to validating the case closure notice. Denny made motion to approve the changes, Krista seconded the motion. All members voting aye, the motion carried.

NEW BUSINESS

Doug announced the annual report for FY2017 has been distributed. The commission has a new website and has been updated and is much more user friendly than in the past. A link will be sent out to the website to the members of this meeting. A Victim notification system called VINE; (Victim Information and Notification Everyday) was discussed at one point to implement into South Dakota; however, we already use a very similar system called SAVIN. This allows victims to self-register in order to be notified of a Parole Hearing, Commutation Hearing, and other types of hearings that may be held and it will also notify the victim of the outcomes of such hearings.

GENERAL DISCUSSION

The next Annual Business Meeting is on October 9 – 11, 2017, Pittsburgh, PA.

Motion was made by Brian Zeeb, Division of Criminal Investigation to adjourn the meeting. Seconded by Doug Clark, Director SD Board of Pardons and Paroles.

The meeting was adjourned at 2:49 PM.

Respectfully submitted by Stacy Cole, Senior Secretary, South Dakota Board of Pardons and Paroles.