Council Members in Attendance:
Jenny Nimer, Commissioner/Chair; Senator Rob Bradley, 7th District; Honorable Raag Singhal, 17th Judicial Circuit Court Judge (Broward County); and Bonnie Rogers, Policy Coordinator for Public Safety at the Executive Office of the Governor

Council Members Not in Attendance:
Sheriff J. Harrell Reid, Hamilton County Sheriff’s Office and Pat Tuthill, Victim’s Representative

Council Guests in Attendance:
Secretary Mike Crews, Florida Department of Corrections; Mike Anderson, Community Corrections Northern Regional Director; Jason Welty, District Chief Legislative Assistant at the Florida Senate; Agnes Denson, Compact Administrator/Chair Department of Juvenile Justice State Council; Karen Tucker, Deputy Compact Administrator (DCA); and Shari Britton, Compact Administrator/Bureau Chief for Interstate Compact and Probation & Parole Field Services

Welcome and Introductions:
Commissioner/Chair Jenny Nimer and Secretary Mike Crews welcomed members and guests and thanked everyone for participating. Due to the members being recently appointed to the State Council, each member and guest provided some introductory information on themselves. Each member and guest was provided a booklet of reference materials for the meeting.

MEETING AGENDA (All New Business):
Overview of the ICAOS and State Council:
Due to the recent appointment of the State Council Members, Commissioner/Chair Nimer provided background information regarding the Interstate Compact for Adult Offender Supervision (ICAOS), the purpose of the Compact, the role of ICAOS, voting rights of the Commissioner, a brief explanation of the Compact Rules, and current Florida statistics for the Compact cases.

Commissioner/Chair Nimer reviewed the ICAOS State Council Presentation which prompted much discussion, especially in the legal section. Senator Bradley recommended that it would be beneficial to have a legal representative from the National Office available for questions during our next meeting. Florida laws regarding the Compact and State Council were reviewed briefly.

Members were asked to consider recommendations for a mission statement for our State Council which we will vote on during our next meeting.

Florida Transfers Out of State and Transfers Received From Other States:
DCA Karen Tucker provided statistics regarding transfers, including the top five (5) sender states and receiver states, reasons for transfers, types of offenses, and a breakdown of top five (5) sentencing counties for transfers out of state. Most of the transfers from Florida to other states are due to the offender visiting Florida (on vacation), getting arrested, and then requesting to return to their home state after sentencing to serve their probation. Most of the offenders transferring from other states to Florida are due to Florida residents visiting another state, getting arrested, and then requesting to return home to Florida after sentencing to serve their probation.

Interstate Compact Dues:
Shari Britton provided a brief explanation of the ICAOS State Dues Assessment, including the formula (located in Rule 2.103) and types of expenses the dues may fund, e.g. Interstate Compact Offender Tracking System (ICOTS) revisions, Annual Business Meeting and other committee members’ travel/accommodations, and National Office employees’ salaries.
ICAOS Rules:
Shari Britton and Karen Tucker reviewed ICAOS rules regarding criteria for Transfers in Chapter 3 (Mandatory and Discretionary), criteria for Mandatory Retaking in Chapter 5, and Dispute Resolutions in Chapter 6. Key points discussed include the following:

**Chapter 3 (Transfers)**
- If an offender meets mandatory transfer criteria in Rule 3.101, the receiving state must accept the offender for supervision.
- An offender is eligible for a **Mandatory Transfer** if he/she:
  - has more than ninety (90) days of supervision remaining at the time of the transfer request,
  - has a valid plan of supervision,
  - is in substantial compliance with conditions of supervision AND
  - the offender is a resident of the receiving state (lived there for at least one (1) year prior to the commission of the offense) OR the offender has resident family in the receiving state who is willing and able to assist the offender with their plan (resident family is defined in ICAOS rules as a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian or step-parent)
- Other types of mandatory transfers include military members deployed to another state (or offenders who live with the military member being deployed), employment transfers where the employer requires the offender (or a family member the offender lives with) to move to another state as a condition to maintain employment, or veterans who, due to medical or mental health issues, are referred by the Veteran’s Health Administration to a specific regional facility in the receiving state.
- If the offender doesn’t meet eligibility requirements for a mandatory transfer, the sending state may request a **Discretionary** transfer request if there is sufficient justification, e.g. Offender is sentenced in Georgia and doesn’t have family in Florida and never lived in Florida, but receives an academic or athletic scholarship to a Florida college. Florida is not required by rule to accept this offender since it is a discretionary transfer request; however, due to the circumstances of the offender receiving a scholarship, this would justify considering acceptance.

**Chapter 5 (Mandatory Retaking)**
The following ICAOS definitions were reviewed:
- “Warrant” per ICAOS Rules must be entered in NCIC with a nationwide pickup radius with no bond amount set. Courts can no longer issue “Florida arrest only” warrants or add geographic boundaries to avoid returning offenders.
- “Significant Violation” means the offender’s failure to comply with conditions of supervision that if occurring in the receiving state would result in a request for revocation of supervision. Violation reports or progress reports are submitted by the receiving state to notify of an offender’s violation.
- “Retaking” means the sending state physically removing the offender from a receiving state. Once the offender has been returned to the sending state, the sending state court can take action but dismissing warrants or terminating supervision in lieu of retaking is in violation of the compact rules.

As part of the retaking rules, if an offender is charged with a felony or violent crime in the receiving state, the sending state cannot retake the offender until criminal charges have been dismissed, sentence has been satisfied, or the offender released to supervision. There was discussion about waiting until charges have been resolved before issuing a warrant on a Florida offender being supervised out of state instead of issuing the warrant at the arrest stage. Unlike Florida, many other states do not report arrests as a violation to the sentencing court unless and until the offender is subsequently convicted of the new charge.
- Mandatory retaking rules apply to offenders who are convicted (not adjudication withheld) of a new felony or new violent crime which could be a felony or misdemeanor.
- Mandatory retaking also applies to offenders who commit three (3) or more significant violations arising from separate incidents showing a pattern of non-compliance. In these instances, a sending state can issue a warrant or order the offender to return to the sending state.
- The last mandatory retaking rule applies to offenders who have absconded from supervision.

**Extradition Costs and Transfer Application Fee**
Discussion followed among the participants regarding the mandatory retaking rule and cost of extradition. Participants agreed that there is generally no question that the offender should be brought back to face the sentencing court on the violation; it’s the extradition costs that counties are having a difficult time with due to limited budgets.
Commissioner/Chair Nimer told participants that one way 25 other states are addressing extradition costs is by imposing a transfer application fee, from $50 - $300 per transfer request received. Members recommended that we look at what the fiscal impact may be if Florida was to consider implementing an application fee. Members asked that the following be included in the research/review:

- What percentage of offenders transferring out of state have restitution and other monetary obligations ordered,
- Consider how the collected funds would be administered to counties requesting reimbursement of extradition fees,
- Consider statutory mandates for payment priorities and where this application fee would fit in, especially if it should be paid prior to allowing the offender to transfer,
- Consider whether a sliding scale should be used to determine the application fee for individual offenders, and
- Other challenges, best practices and feedback/impact provided by other states who have implemented this fee, e.g. have the number of transfer requests and transfers gone down since the application fee was implemented or has this led to an increase in offenders not being able to return to their home state and support system?

**Notices to Court of Violations Involving Mandatory Retaking**

In order to remind Probation Officers and Judges of the requirements in the ICAOS rules and available options when reporting violations, Shari Britton told Council Members that Florida is using the “Notification of other State Violation” form letter to reduce the chances of Florida issuing a warrant before the offender is available for retaking and to alert the judge that this is an offender who has transferred to another state where ICAOS rules apply. Copies of the form letter and Violation Report were provided to the participants.

**Chapter 6 (Dispute Resolution)**

- The vast majority of disputes are handled informally through communications between Compact Offices within each state. DCA Karen Tucker often successfully resolves Interstate Compact issues regarding transfers or mandatory retaking by communicating with other state’s Compact Offices or Florida officers and supervisors, state attorney’s offices and jail personnel.
- If needed, the Commission (National Office) can be contacted to consult in order to resolve rule interpretation issues between two (2) or more states.
- Disputes that are not resolved informally must be put in writing to the Executive Director (National Office) to resolve through mediation and arbitration, with fees/costs paid by the party that did not prevail.
- If the Commission determines that a state is not complying with the rules of the Compact, it may impose one or more of the following penalties:
  - Fines/fees,
  - Remedial training and technical assistance, and/or
  - Suspension/termination of membership in the Compact

Most of the issues/disputes are due to parties (State Attorneys, Judges, Jail Staff, Department staff in Florida and other states) not being familiar with the ICAOS rules and requirements. Judge Singhal offered to provide training and information regarding some of the ICAOS Rules at the next Judge’s Conference scheduled in June 2015.

**ICAOS Advisory Opinions and Legal Analysis:**

Commissioner/Chair Nimer, Shari Britton and DCA Karen Tucker briefly reviewed ICAOS Advisory Opinion 1-2014 regarding issuing a warrant before an offender is available for retaking when charged with a new criminal offense, the November 1, 2013 legal analysis regarding discharging sentences in lieu of retaking (Violation of the Compact and the ICAOS Rules), and the September 2, 2011 white paper titled “Why Your State Can Be Sanctioned Upon Violation of the Compact or the ICAOS Rules.”

**Florida’s Level of Compliance:**

DCA Karen Tucker reviewed the results of Florida’s ICAOS Compliance Audit Standards Overview (Dashboard) which prompted a discussion regarding the low level of Violation Responses (60.5%) for Florida compared to the nationwide percentage (81.1%). Members recommended that our Interstate Compact Unit research what other states are doing to perform well in this area and discuss ways Florida can improve in the response time for violations.

Shari Britton briefly discussed Florida’s compliance in transferring misdemeanor cases out of state. Survey responses received from county and private misdemeanor probation departments conducted last year indicated that they are following ICAOS Rule requirements (Rule 2.105) regarding transferring misdemeanor offenders through the Compact
when they meet the following criteria: The sentence must include one year of more of supervision and one (1) or more of the following:

- A person has incurred direct or threatened physical or psychological harm,
- The offense involved the use or possession of a firearm,
- The offense is a second or subsequent misdemeanor offense of DWI, and/or
- The offense is a sex offense that requires the offender to register as a sex offender

**Calendar - Next Meeting:**
Members agreed the next meeting should be scheduled in December 2014 via conference call. This will allow time for the Interstate Compact Unit to research the data/information requested during the meeting and allow time before the Legislative Session begins. Members asked that we invite the Executive Director and the attorney from the National Office to the next meeting.

**Adjournment:**
The meeting was adjourned at 2:00 P.M.

Minutes Submitted By: Shari Britton