Interstate Compact Council Meeting
July 1, 2003

Those present were Sen. Rip Gooch, Juliene Maska, Chris Mechler, Jerry Bauer, Robert Sanders, Chris Rieger, Marilyn Scafe. Camille Nohe attended for Tom Williams.

It was decided that there were insufficient members to constitute a quorum, therefore no voting took place.

Marilyn Scafe called the meeting to order. Marilyn asked Robert Sanders to provide a report to the Council regarding his Commission activities since the last meeting. Robert indicated that he forwarded the concerns and suggestions from the Kansas State Council to the Rules committee chairperson Cathy Wechler. Robert indicated that he attended the Compliance Committee meeting, June 4-6 in Lexington, KY. The Compliance Committee drafted procedures and strategies that will be used by the Executive Director of the Interstate Compact Commission and the Executive Committee to bring States into compliance with the Rules of the Compact. Mentoring and training with technical assistance were mentioned as a possible first step followed by mediation. Next would be the arbitration (to be determined when the rules are finalized), and the last step would be the sanctions, including fines, fees and litigation (to be determined when the rules are finalized). As indicated several of the procedures for the Compliance Committee will be developed when the rules are completed. The Chairperson of Rules Committee indicated that a draft would be sent to each Commissioner in late August. Robert will get the draft out to the Council members as soon as it is received.

The new rules are to be effective at the end of November, however that date can be extended.

Marilyn suggested that a Council meeting date be set for either Sept. 23 or 24. Time will be 1-4 pm. Members who have conflicts should contact Marilyn who will finalize dates.

Legal issues and training for judges - Robert suggested that this be postponed until after the rules are finalized. Robert asked Jerry to present to the Council some of the issues that Kansas is currently experiencing which he hopes will be covered by the new rules.

Jerry provided a summary of these issues. Sometimes the Interstate Compact is ambiguous. Previous Compact Administrators have provided interpretation of these situations as they came up. However, Jerry indicated that it is probably appropriate for the Council to address these kinds of issues in the future.

Eligibility for supervision is another issue. Currently, only convicted felons or misdemeanants are eligible for Compact transfer. Deferred cases are taken on a choice basis. States like MO provide many Suspended Imposition of Sentence (SIS) cases or Suspended Execution of Sentence (SES). SIS are all deferred cases and there are no convictions. We are not now obligated to supervise these cases but have decided to do so because of the volume of cases MO sends to KS. There are some very serious crimes that are on SIS and if committed in KS would have been on probation or under Community Corrections. As probation and parole caseloads continue to increase several States have made policy decisions not to accept these deferred cases. If Kansas continues to supervise them, our resources will continue to be stretched. As a state, we need to make a decision as to how we want to handle deferred cases. We are unsure as to how many of these cases we have at this point, but Jerry has started a tracking system. MO provides the largest number of offender referrals to KS. Marilyn suggested that we may need to look at it one state at a time due to unique sentencing laws in each state. This issue needs to be addressed by the Rules Committee.
Another example is offenders who meet no criteria but want to come to KS to attend college, seek special VA services, or have other special requests. Jerry has taken a pretty conservative approach to this issue.

**Training of the judges** – It was mentioned that the Judges have a conference in October. Chris Mechler suggested a mailing be sent to the judges informing them about the new compact and State Council. Jerry mentioned that many of the compact rules will not change. Chris will talk with Denise who organizes the conference. Marilyn suggested a press release to their association newsletter about the council citing actions taken to date.

Marilyn obtained an e-mail from Robert which originated with Don Blackburn of Utah. It cites frustration with the judiciary. They continue to have trouble intervening with judges. Their approach was to take compact training to each district; include a representative of the state prosecutor's office on the state Council; petition them to become part of training curriculum (for prosecutors); when a judge makes a contrary ruling, they will make a motion to the AGs office to intervene.

Camille mentioned that there is a conference for County/District Attorneys. The Kansas County and District Attorney's Association the Compact might be the better venue for dissemination of information regarding the Compact. Many of the judges don't even handle criminal cases. Ellen Mitchell and Chris Mechler can coordinate a connection with them for presenting at the conference or getting advice about how to reach the courts with the rule changes.

**Medical Bills** - KDOC made a determination not to pay medical bills for those Compact cases being held in county jails. Robert sent a message on cc net. He only received 7-8 responses, however, all of the respondents indicated that they don't pay. There was discussion whether we needed a policy to address this issue, however, the Council decided that Case law is probably sufficient to handle the issue.

**Meeting with MO in KC, 8-1-03** - MO State Council has requested to have a meeting with the KS State Council. It was agreed that the meeting would be held at their regional office near Crown Center in Kansas City. Robert and Marilyn will continue to work on arrangements. The agenda will focus on items of mutual concern. Mark your calendars for the date and final details will be sent soon.

**New Website** - www.adultcompact.org

**Bylaws**: Camille indicated that the Kansas State Council does not need bylaws. Statute pertaining to the KS Council does not give the Council the authority to develop Bylaws. It does indicate that the Council is to develop policies for operation of the Compact within the state and conduct meetings. The statute numbers for SB 9 and SB 95 are 22-4110; 2-4111 respectively. Discussion was held regarding what constitutes a quorum. It was decided that one more than half the Council member so it was determined that 7 members would constitute a quorum. Majority of quorum is 4 and requires an open meeting. There was discussion and clarification regarding the Opening Meeting Law. If anyone asks, you have to provide them notice as to when the meeting will occur. The Open meeting statute is KSA 75-4317 and following. DOC will modify their IMPP on operation of the interstate compact at such time as the new rules are adopted.

Sen. Gooch mentioned that the Council has never discussed replacement of officers or the Compact Administrator. These positions are addressed in the statues and reviewed.

We need to address meetings in policy. Robert will discuss compensation with Marilyn Scafe and
Dennis Williams in a separate meeting. KDOC agreed to pay the mileage, however issues exist such as subsistence.

Addition of a Vice-Chair and Secretary - Statute allows the addition of officers. This will be added to the agenda for the next meeting. Chris Mechler volunteered to be nominated for Vice-Chair.

Marilyn will make a list of issues that need to be addressed by policy.

Since there was not a quorum, there was no formal motion for adjournment. **The next meeting will be held in Kansas City on August 1, 2003. Marilyn will send more specific information regarding this meeting in the near future.**