Marilyn Scafe convened the meeting of the Kansas Council for Adult Offender Supervision at 1:05 PM on October 29, 2002 in the Main Conference Room of the KDOC Central Office. A motion was made and seconded to approve the minutes from the previous September 24, 2002 meeting. Marilyn Scafe informed the group that it was gathered today to generate items they wished Robert Sanders to look into at the National Commission meeting in November. The group was asked to send any additions or corrections to their contact information including phone numbers, fax numbers, addresses or e-mail addresses to Marilyn Scafe. She will ensure the updated roster list is distributed to council members.

Marilyn Scafe asked the group for any additions to the agenda that had been distributed to the group prior to the meeting. Chris Rieger added he would like to discuss who would be responsible for paying the annual dues to the National Commission, which are estimated to be between $25,000 to $32,000 and due by June 2003. Senator Schmidt advised there had not been any discussion of this issue while Bill 95 had been before the Legislature. Helen Pedigo informed the group that there is no language in the Bill outlining responsibility for payment of the fees or costs associated with the new compact. Senator Schmidt suggested that the Council approach Representative Kenny Wilk, Chairman of the House Appropriations, and Senator Steve Morris, Senate Ways and Means Committee, regarding their input on this issue since it would likely end up involving legislative action. Senator Schmidt agreed to speak to them for the council. This also led to discussion of who would be responsible for reimbursement to members of the council for travel and per diem expenses. As an interim solution, a agreement has been made for the KDOC to be responsible for public members expenses and the Legislative Coordinating Council will be responsible for Legislative members. A permanent solution for this issue will need to be decided by the legislature.

Robert Sanders suggested the group discuss agenda item II A. Sanctions for non-compliance, which could include fines, and who would be responsible for those payments if necessary. There was discussion regarding who could cause a violation which would result in a fine to which the agreed upon answer was anyone in the criminal justice system including supervising officers, prosecutors and Judges. Acting Secretary Roger Werholtz requested to know if there was a signed memorandum of agreement among Kansas’ agencies. Robert Sanders advised there was not one at this
time. Acting Secretary Werholtz expressed concern that KDOC would be financially responsible for sanctions resulting from the actions of local authorities.

Senator Schmidt advised he believed this issue and a list of other technical amendments should be prepared and presented to the legislature next session. The group surmised that Robert Sanders would need to obtain more information at the National Commission level regarding sanctions and fines.

Marilyn Scafe asked Jerry Bauer if he could pinpoint any problems with the way compact cases are currently supervised which would result in possible sanctions. Jerry advised incoming compact plans do not appear to be a problem because they are supervised at the same standards as any other Kansas case. Jerry then spoke to the issue of who was eligible for compact transfer and the working practice of the Kansas Interstate Compact unit in regards to what investigations are forwarded to the field. There was discussion as to how misdemeanors and diversions would affect the number of offenders, which is the basis of the annual fee Kansas will be required to pay. Other financial concerns raised were the responsibility of jail cost for compact cases when a timely response to violation reports are not received and the collection of DNA for compact offenders. Chris Rieger advised KS does not currently collect DNA from compact offenders.

Robert Sanders then turned the discussion to agenda item II. C National information and data sharing system which he informed the group Carlos Usera, KDOC Director of Information Management, had expressed interest in assisting in the development of this system.

Regarding Agenda item I. A Extraditions, Jerry Bauer advised the group that SB 95 did not have any technical language in it that covered waivers of extradition and could result in difficulty when returning offenders from out of state. Roberts Sanders said he had e-mailed Kermit Humphries, NIC, regarding this issue and his response had been that it would be dealt with in the transition rules. Jerry Bauer said his concern is that it will not be recognized by local Judges if not written clearly into statute. It was agreed that if the issue of extradition is not addressed at the National Commission meeting it would be added to the list of technical corrections.

Agenda Item I. B. Dealing with non-member states was discussed next and it was agreed that the decision on how to proceed with this issue would have to be voted on at the National Commission meeting. Helen Pedigo stated that non-members should be persuaded to join.

Robert Sanders then asked the group for guidance on his involvement in committee work at the National Commission meeting because he had received the draft agenda for the meeting and several subcommittees will be established during the Commission meeting. He also advised the National Commission had budgeted funds for committee meetings. The council agreed Robert should become actively involved so Kansas would have a voice in the direction of the new compact.
The final item of the Agenda discussed was item III. Summary of our state experience to date. Robert Sanders told the group that it had been requested he bring some remarks to the National Commission meeting regarding Kansas’ summary of experience with the state council. Marilyn Scafe expressed the difficulty in dealing with the unknown. Chris Mechler brought up the issue facing Kansas due to having supervision divided among different agencies but the future looked promising. Acting Secretary requested Robert find out from other states what budget constraint problems they are facing and how they are being dealt with.

Marilyn Scafe asked the group for any other issues they would like to discuss. Both Chris Melcher and Ellen Mitchell wanted to know how offenders either in Kansas or out of state without an approved compact would be dealt with during the transition. Jerry Bauer advised that Rule 3-101 clearly states “Any parolee or probationer residing outside the jurisdiction of the sentencing state must be referred for a transfer investigation decision by the state in which he/she resides.” The final issue discussed was reporting instructions, which Jerry Bauer defined and outlined the criteria for emergency reporting instructions, which include resident returning after sentencing, death or illness in the family or loss of compelling employment. He also advised that an offender even if residing in KS on reporting instructions is still the responsibility of the sending state until formally accepted for supervision.

The decision was made that the next meeting will be set after Robert Sanders returns from the National Commission meeting. The meeting adjourned at 2:20 PM.