Interstate Council Committee Meeting
Date: Thursday, March 05, 2015
Time: 10:00 a.m.
Location: P&P Central Office, Large Conference Room

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Key Points:

Council Members in Attendance:
Ellis McSwain, Commissioner/Chair; Honorable Michael Bradley, 13th Judicial Circuit Court; Chief Darryl Forte, Kansas City Police Department; and Kathleen Tofall, St. Louis Circuit Attorney's Victim's Representative.

Council Members Not in Attendance:
Andrew Juden, Chief of Public Safety (Sikeston); Julie Kempker, Chief State Supervisor, MO DOC; and Kimberly Gardner, State Representative, District 77

Council Guests in Attendance:
Lori Zuroweste, MO Deputy Compact Administrator; Traci Hanafusa, Administrative Assistant to MO DCA; Deanna Duff, Unit Supervisor MO Interstate Compact; Kathy Adams, Clerical Supervisor MO Interstate Compact; and Kelly Dills, Director of Board Operations MO DOC.

Welcome and Introductions:
Commissioner/Chair Ellis McSwain welcomed members and guests and thanked everyone for participating. Due to the recent appointment of the State Council members, introductions were made. Each member and guest was provided a booklet of reference materials for the meeting.

ICAOS Slideshow Presentation/Handout Review:
DCA Zuroweste 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 MO statistics for the Compact cases. Additionally the ICAOS State Council presentation was shown. We also reviewed the reference materials that had been provided to each member.
Chapter 5, Mandatory Retake:
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 shall not issue “MO 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 is released to supervision.

- Mandatory retaking rules apply to offenders who are convicted of a new felony or new violent crime, which could be a felony or misdemeanor offense.

- 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.

Transfer Application Fee:
About half of the member states charge a transfer application fee, from $50 - $300 per transfer request received. Discussion was held regarding whether MO may want to look at this as an option, which could assist with the cost of retaking our offenders. Of course there are several factors to consider:

- How are the funds collected and disbursed,

- Are there statutory mandates for payment priorities and where would this application fee would fit in, especially if it should be paid prior to allowing the offender to transfer,

- Who manages this fund, and

- Other challenges, best practices and feedback/impact provided by other states who have implemented this fee.

Chief Darryl Forte made a motion to research feasibility of MO charging a Transfer Application Fee and the associated issues. Motion Seconded by Judge Michael Bradley.

Action Item: DCA Zuroweste will begin researching this issue and provide information to the Council members at the next meeting.

ICAOS Advisory Opinions and Legal Analysis
General discussion was held about the ICAOS Advisory Opinion 1-2014 regarding issuing a warrant before an offender is available for retaking when charged with a new criminal offense. Members were also provided handouts of 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.”
Chapter 6, Dispute Resolution:
The vast majority of disputes are handled informally through communications between Compact Offices within each state. DCA or other Compact staff often successfully resolves Interstate Compact issues regarding transfers or mandatory retaking by communicating with other state’s Compact Offices or our own MO officers and supervisors.

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 MO and other states) not being familiar with the ICAOS rules and requirements.

ICAOS Audit:
Members were provided a copy of the ICAOS Compliance Audit Standards Overview (Dashboard). Audits are conducted every other year and MO was recently audited in October 2014. To meet compliance standards, all targeted areas must receive a score of 80% or above. We are pleased to report Missouri had an overall successful audit.

Miscellaneous:
Kathy Tofall inquired as to whether victim’s can be notified of offender transfers in/out of state. ICAOS has a VINEWATCH system, which member states can voluntarily enroll in; however, MO is not currently enrolled. MO does currently provide victim notifications on offenders who are incarcerated, but not after they are paroled. Victim notifications are also not provided on probation offenders.

Kathy Tofall made a motion to follow-up on protocols for victim notification of offender transfers in and out of state. Motion Seconded by Judge Bradley.

Action Item: Kelly Dills and Kathy Tofall to meet with Victim Services Director, Kim Evans. DCA Zuroweste and US Duff will research participation in VINEWATCH and gather data on criminal offenses of offenders transferring out of state.

Next Meeting:
TBA - August 2015. Possible dates will be sent to Council Members on a separate email.