Members in attendance:
1. Scott McCaffery  ME, Chair
2. Karl Hines  DE
3. Mike McAlister  NH
4. James Plousis  NJ
5. Andrea Evans  NY
6. Michael Potteiger  PA
7. A.T. Wall  RI

Members not in attendance:
1. Leo Arnone  CT
2. Josh Wall  MA
3. Raquel Colon  PR
4. Warrington Chapman  VI
5. Dale Crook  VT

Guests:
1. Margaret Thompson
2. Craig Schindewolf
3. Caitlin Casey
4. John Gusz
5. Tami Ford
6. Jeanne Stewart
7. Kevin Dunphy
8. Carlo Pini

Staff:
1. Harry Hageman
2. Sam Razor
3. Kevin Terry
4. Barno Saturday
5. Xavier Donnelly
6. Mindy Spring

Call to Order
Commissioner S. McCaffery (ME) called the meeting to order at 11:00 am EDT. Seven out of twelve members were present, a quorum was established.

Approval of Agenda
Commissioner S. McCaffery (ME) requested adding Rule Proposal by PA under the New Business.

Commissioner J. Plousis (NJ) moved to approve the agenda as amended. Commissioner M. Potteiger (PA) seconded. Motion passed.

Approval of Minutes

Discussion
Executive Committee Update: Executive Director H. Hageman gave the Executive Committee update:

- The Executive Committee met face-to-face on April 17, 2012 in Lexington, KY

- The Committee discussed the upcoming annual business meeting agenda. It decided to concentrate on retaking and include the judges’ panel and regions’ discussion. Executive Director H. Hageman encouraged the Region members to email their ideas on Commission’s anniversary to the National Office.

- The Commission will hold officers election this year.

- The Commission is operating 9.5% under budget for this fiscal year.

- The Committee discussed different retaking issues.

- The Executive Committee voted for Boston, Massachusetts as 2013 ABM site selection

Sex Offender Ad Hoc Committee Update: M. Thompson (PA) decided not to pursue the Sex Offenders proposal due to lack of support from the other Region members. K. Dunphy (RI) stated that Rhode Island did not want to be involved in this matter due to the liability aspect.

PA Proposals: M. Thompson (PA) introduced the following amendments to the Region.

Definitions

“Violent Crime” means any felony crime involving the exertion of physical force with the intent to cause injury.....

“Violent Offender” means an offender under supervision for a violent crime, as defined by this compact, that was committed in the sending state. (This would mean that only felony offenders could be considered “Violent Offenders” based on the above definition.)

OR

Rule 5.103-2 Mandatory retaking for violent offenders and violent crimes

The changes to this rule would not be necessary if the definitions of Violent Crime and Violent Offender are modified to refer to felony offenses only.

Approved on 8/29/2012. B.S.
(a) Upon request from the receiving state, a sending state shall retake a violent felony offender who has committed a significant violation.

(b) Upon request from a receiving state, a sending state shall retake an offender who is convicted of a violent felony offense.

**Justification:** Probation departments place limitations on the extradition of most misdemeanor offenders. Extradition is determined in many instances by the District Attorney’s Offices or Sheriff Departments, not Probation Departments. Although Interstate Offices are not promoting early termination for cases requiring warrants, judges in many states are closing cases to avoid the cost of extradition. This is contrary the mission of the Interstate Commission which is to promote public safety. The Commission could add language to this rule that a case cannot be terminated prior to the maximum expiration dated in situations where a fully extraditable warrant and retaking are required. Instead of extending the reach of the Interstate Compact rules, the scope of the mandatory retaking rules could be narrowed to create fewer scenarios where counties are forced to retake misdemeanor offenders.

**Rule 2.105 (a) Misdemeanor Rule**

**CURRENT LANGUAGE:** A misdemeanor offender whose sentence includes one year or more of supervision shall be eligible for transfer...

**PROPOSED Language:** A misdemeanor offender who received a sentence of 1 year or more OR whose original sentence was one year or more shall be eligible for transfer...

**Justification #1:** The current language creates situations where more serious offenders who need supervision are not eligible for transfer and less serious offenders are. Example:

**Offender #1:**
Offense: Simple Assault (M-2)
Prior Record: Previous Simple Assault and DUI
Sentence: 3-12 months
Time remaining on supervision: 9 months

**Offender #2:**
Offense: Simple Assault (M-2)
Prior Record: NONE
Sentence: 12 months probation
Time remaining on supervision: 12 months

**End Result:** Offender #1 is not an eligible misdemeanor per rule 2.105 since there are only 9 months remaining on supervision. This more serious offender can live in the receiving state and report via mail-in or phone-in. Offender #2, the less serious offender, must be transferred through the compact and supervised by the receiving state because they are eligible per rule 2.105.

**Justification #2:** Officers tend to get confuse this rule with the eligibility criteria under 3.101 (a) which states a case is eligible for transfer if there are 90 days or more remaining on supervision.

**Rule 3.106: Request for expedited reporting instructions**

Eliminate rule or change it to ‘Request for discretionary reporting instructions’ and rework the language to that effect. This rule may have made sense when everything was done via US Postal Service, but it seems antiquated and unnecessary with ICOTS.

As written, there is no distinction in:

- 2 business day response time
- Signature on Application form

Approved on 8/29/2012. B.S.
• NOD/NOA
• Assumption of responsibility by the receiving state
• Order to return if TR is denied/warrant for failure to return

The only real difference is the 7 calendar day timeframe for the submission of the TR. All of these requests are discretionary, with or without an emergency, so the receiving state can request any information they need or want before considering the request. There is no great benefit to receiving a TR a week earlier.

This would require a change of the reason for the RFRI from ‘expedited’ to ‘discretionary’ in ICOTS or a change could be made to add ‘discretionary’ as a separate reason #8 for RFRI.

Rule 4.112 Closing of supervision by the receiving state

Under (a)

New: (6) An offender receiving an extension of supervision beyond the original maximum expiration date for the sole purpose of monitoring outstanding costs/fines/restitution.

Justification: Offenders subject to conditions and regulations that are monetary only are not subject to transfer through the compact. If the only reason an offender is extended beyond the original maximum expiration date is to continue to make payments, the offender would no longer meet the definition of supervision.

New: (c)

The receiving state shall submit a CCN within 10 business days of the maximum expiration date that shall include the offender's last known address and employment information.

Justification: There should be a timeframe for submitting the case closure notice as there is for replying to one. If an offender is on supervision until the end of the last day of supervision, it is unreasonable to expect that the CCN would be provided that same day. Not all agents are in the office everyday to review cases for closure.

New: (d)

If a receiving state closes supervision for any reason other than maximum expiration, a case closure notice should be submitted to the sending state within 2 business days.

Justification: If a case is being closed for a reason other than maximum expiration, there is ongoing activity regarding that offender that would make notification of closure a more urgent matter.

(e): Previously (d)

Justification: Lettering needs to be adjusted accordingly.

Definition

I am not sure what to propose, but this definition is confusing to most officers and should be simplified. Part ‘c’ seems to contradict part ‘a’. Simplifying it somehow could make it easier for officers to understand and apply. Any ideas?

Current Language:

“Resident”

Means a person who---

(a) Has continuously inhabited a state for at least 1 year prior to the commission of the offense for which the offender is under supervision; and

(b) Intends that such state shall be the person’s principal place of residence; and
(c) Has not, unless incarcerated or under active military deployment (orders?), remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.

**Justification (change of deployment to orders):** I am not real familiar with military jargon, but to me ‘deployment’ suggests that the military member is stationed overseas. When I hear ‘military orders’ I think of someone who is stationed somewhere in the US.

After reviewing the submitted proposals, the East Region decided to postpone the voting until its next meeting in Madison, WI.

**State Council Compliance Update:** Commissioner S. McCaffery (ME) stated that four states received a letter from the Commission informing of their non-compliant status with the ICAOS State Council Policy. Maine, as one of the non-compliant states, plans to complete its State Council appointments by the mid of July.

**States Update**

**New Jersey:** Probation stragglers with the mandatory retaking. The Judiciary meets with the Attorney General’s office on Wednesday to discuss this issue.

Commissioner S. McCaffery (ME) stated that the mandatory retaking is the major discussion topic at the upcoming Annual Business Meeting.

**Pennsylvania:** The State Council met on April 30, 2012.

**Delaware:** The State Council will meet in November 2012.

**Adjourn**

Commissioner J. Plousis (NJ) made a motion to adjourn. Commissioner A. Evans (NY) seconded. Meeting adjourned at 11:41 am EDT.