Interstate Commission for Adult Offender Supervision
East Region Meeting Minutes

August 6, 2009
11:00 am EDT

WebEx

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Members in attendance:
1. Wayne Theriault Chair, ME
2. A. T. Wall RI
3. Ben Martinez PA
4. Jacqueline Kotkin VT
5. Tracy Johnson CT
6. Mike McAlister NH

Members not in attendance:
1. Yolette Ross NJ
2. Arline Swan VI
3. Rebecca Martinez PR
4. Carl Danberg DE
5. Mark Conrad MA
6. [Vacant] NY

Guests:
1. Ed McDermott
2. Patty Malone
3. Tami Ford
4. Sandy Layton
5. Semona Childs
6. Linda Valenti
7. Jeanne Stewart
8. Mike McFarland
9. Wendi Caple
10. Dale Crook
11. Rich Katzenberg
12. John Gusz
13. Kevin Dunphy
14. Margret Thompson

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15. Darwin Bliss
16. Carmen Ayala
17. Debra Alt

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

Call to Order
Commissioner W. Theriault called the meeting to order at 11:01 am EDT. Six out of twelve members were present. Quorum was not established.

Discussion
Rules Amendments: The Region discussed the proposed rules amendments and comments posted on the Commission’s website.

Rule 1.101 – Definitions, Business Day
S. Layton suggested adding “…when a state is required by law or rule, to act…” The Region agreed with the suggested change.

Rule 1.101- Definitions, Supervision
S. Layton preferred to leave the language as it is.

M. Thompson agreed with A. Hegewald’s comment on the website forum.

Commissioner M. McAlister agreed with the need to exclude collection only cases from supervision in the rule language.

The Region took an informal vote on the proposed amendment position. Maine, Pennsylvania and New Hampshire support the proposed change. Vermont and Rhode Island did not support the proposed change.

Rule 2.104- Forms
The Region agreed with the proposed changes.

Rules 2.106-Offender Subject to deferred sentences
L. Valenti stated that the proposed amendment could create more issues. L. Valenti mentioned that the issues would be discussed with their director to determine their position.

E. McDermott informed the Region that MA practiced pretrial probation. E. McDermott inquired if this amendment would affect the pretrial probation cases. These cases are currently excluded

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from Interstate Compact transfers. Commissioner A. T. Wall disagreed with interpretation of the amendment.

Rule 2.110 Transfer of offenders under this compact
Commissioner W. Theriault informed the Region that based on the comments many people had concerns about the sentence “an offender who absconds from the sending state is not subject to this rule”. The Region discussed the interpretation of the proposed amendment.

K. Dunphy expressed his concerns with the proposed language whether it was any offender or an offender who tried to transfer through compact and was rejected.

The Region concluded that the rule language was problematic and unclear as to what it was addressing.

Rule 3.101 Mandatory transfer of supervision
The Region does not support the proposed rule amendment.

Rule 3.101-1 Mandatory transfer of military, families of military, family members employed, and employment transfer.
K. Dunphy supported the rule amendment.

P. Malone listed following concerns: section (c) - the requirement of “involuntarily [transfers]”. and section (d) – the possibility of creating an issue when an offender loses his job shortly after his employment.

The Region does not support the proposed rule language.

Rule 3.101-3 (c) Reporting instructions for sex offenders living in the receiving state at the time of sentencing.

S. Layton pointed to the rule language inconsistency – the interchange of words state and local laws and policies. She also mentioned the proposed change in terms of residency and problems with the local policies.

Rule 3.102 Submission of transfer request to a receiving state
J. Gusz does not support the rule amendment based on the inability to supervise an offender after business hours.

Commissioner M. McAlister supports the idea of maintaining employment. Commissioner W. Theriault supported the amendment with the exception of section (2).

E. McDermott inquired how it would influence the sex-offenders and Rule 3.103-3.

T. Johnson mentioned the importance of whether an offender had a job prior to their placement on supervision.

Rule 3.104 Time allowed for investigation by receiving state

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The Region had no comments on this rule amendment.

**Rule 3.104-1 Acceptance of offender; issuance of reporting instructions.**
T. Johnson agreed with M. Thompson’s suggestion to add “…shall issue a travel permit and notice of departure …”

**Rule 3.107- Transfer request**
The Region favored the proposed amendment.

**Rule 4.105 Arrival and Departure notifications, withdrawal of reporting instructions.**
The Region had no comments on this rule amendment.

**Rule 4.106- Progress reports**
The Region agreed with the proposed amendment.

**Old Business**
R. Katzenberg informed Commissioner B. Martinez that New York was working on their commissioner’s appointment.

**New Business**
Commissioner J. Kotkin will be retiring on August 31, 2009. A Designee will be appointed to represent Vermont at the Annual Business Meeting.

S. Layton inquired about creating a new rule or a mechanism for ICAOS warrants to be listed in the NCIC as the ICAOS warrants.

Executive Director H. Hageman informed the Region that the National Office had sent a request to NCIC, with no response.

Commissioner W. Theriault suggested inviting a NCIC representative to the Annual Business Meeting to explain the necessity of this request. The issues will be discussed at the Executive Committee meeting.

**Adjourn**
Meeting adjourned at 12:29 pm EDT.