INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

EAST REGION
WEB CONFERENCE MEETING

August 24, 2006
10:00 am EST

Members In Attendance

1. Michael DePietro (NY)
2. A. T. Wall (RI)
3. Ben Martinez (PA)
4. Jacqueline Kotkin (VT)
5. John D’Amico (NJ)
6. Maureen Walsh (MA) (arrived late)
7. Karl Hines (DE)
8. Theresa Lantz (CT)

Members Not In Attendance

1. Alexis Bird (PR)
2. Arline Swan (VI)
3. Wayne Theriault (ME)

Guests

1. Margaret Thompson (PA)
2. David Guntharp (Executive Committee Chair)
3. Don La Fratta (MA)
4. Pam Mason (CT)
5. Kevin Dunphy (RI)
6. Jeanne Stewart

Staff

1. Ashley Kenoyer
2. Mindy Spring
3. Kelli Price
4. Whitney Hall
The meeting was called to order by M. DePietro at 10:00 am EST. A roll call was taken establishing Commissioners 8 out of 11. A quorum was established.

**Opening Comments**  *Michael DePietro*

- J. Kotkin moved and seconded by A.T. Wall to approve the minutes from June 2006 meeting.
- Motion passed.
- M. DePietro nominated Maureen Walsh for the East Region seconded by J. D’Amico.
- The East Region voted unanimously to approve Maureen Walsh as the East Region Chair for the remaining term to be effective September 22, 2006.

**National Office Update**  *A. Kenoyer*

- A. Kenoyer stated that the National Office is working on final arrangements for the 2006 Annual Business Meeting. She added that every state from the East Region with the exception of New Hampshire has someone registered for the Annual Business Meeting.
- J. Kotkin said that DCA Lisa Menard from Vermont has been promoted, so she may not be in attendance at the 2006 ABM.
- A. Kenoyer said that the National Office is finalizing logistics with Softscape for the NACIS system. It is our hope that we will have final integration documents to bring to the 2006 Annual Business Meeting.
- A. Kenoyer announced that D. Blackburn is currently in Orlando, Florida presenting at the NOVA Conference with Pat Tuthill, and he is presenting at the Florida State Council Meeting, Friday, August 25, 2006.

**New Business**

- D. La Fratta asked for R. Masters to explain a portion of Advisory Opinion 11-2006. He asked about the second to the last paragraph of that opinion and whether it presents a new position relative to waivers for offenders who abscond to a third party state. D. LaFratta said that looking at Rule 2.109 and Rule 5.107 and the actual waiver that is signed by the offender indicating that he is waiving his rights; he is confused as to whether the uniform extradition act would apply in such circumstances..
- R. Masters said that he was not informed in advance of the East Region Meeting that this issue was going to be addressed, nor had he received any of the communications.
circulated by and between several eastern region state compact offices, and thus, was not prepared to fully discuss this issue during this East Region meeting. He added that he would be happy to address this question, but suggested that it be done at a later date.

- M. DePietro asked if R. Masters could discuss this topic at the East Region at the Annual Business Meeting 2006.
- R. Masters stated that while this issue could be discussed at the annual meeting of the Commission, the East Region might want to discuss this issue in advance in case the East Region would like to send this issue to the Rules Committee.
- B. Martinez stated that he was hoping that the East Region could discuss this topic and come to a consensus, and present it as an issue from the East Region.
- B. Martinez said that it seemed that this opinion is contrary to the Rules.
- D. La Fratta said that historically he believes that compact administrators have viewed the compact waivers as being an alternative means of returning compact offenders who have absconded instead of the Uniform Extradition Act. He added that his concern about the opinion is that it might be construed to mean that compact offenders are entitled to these rights. He said that the effect of a requirement to use the extradition act would mean that offenders might have to be incarcerated for up to 90 days if they challenge extradition.
- R. Masters said that both Article IV, Section 2 of the Constitution and the Uniform Extradition Act apply to fugitives who have fled from the jurisdiction in which they were charged although certainly those rights can be waived, as is the case with offenders who are initially transferred under the compact. He added that the law is not completely clear as to the status of such an offender once the offender absconds from the state from which the offender was transferred under the compact.
- R. Masters also stated that if the advisory opinion can be clarified further as long as it does not contradict existing law.
- D. Guntharp stated that if the Rules are not clear on this issue, then an amendment may be necessary in this regard; Or, perhaps, this issue might have to go to litigation before it can be clarified absolutely.

- B. Martinez moved that the National Office reconsider Advisory Opinion 11-2006 NC, and J. Kotkin seconded.
- Motion passed.
- R. Masters stated that he would like to have some further discussion concerning this issue with M. DePietro, D. LaFratta and B. Martinez to accurately address the concerns on which this request for reconsideration is based.
- J. D’Amico added that he would also like to add some input on said reconsideration.
- B. Martinez asked R. Masters if there has been any movement on a States’ Attorney’s legal advisory group.
- R. Masters said that the Executive Committee has discussed the issue several times since the national legal advisor training in 2004 and that concerns over the costs to the Commission of bringing together such a large group has been a factor which has impeded another such meeting. He added that he has, from time to time, informally consulted with a number of those counsel who attended the prior national meeting about various compact issues and would continue to do so.
• D. La Fratta updated the region on the ICAOS- PPCAA MOU. He added that a joint statement will be sent to the Commission soon.

• In closing M. DePietro thanked the East Region for their cooperation through the last year. He said that Frank Herman will be replacing him as Commissioner of NY and Rich Bitel will be the DCA for NY.

Adjourn

• B. Martinez moved and T. Lantz seconded the motion to adjourn.
• Motion passed.
• The next meeting will be scheduled for some time in May. The meeting adjourned at 10:33 am.