



INTERSTATE COMMISSION FOR JUVENILES

EXECUTIVE COMMITTEE MEETING

Minutes

Thursday, August 23, 2012

Committee Members in Attendance:

1. Terry Clark (PA) Chair
2. Summer Foxworth (CO) Vice Chair
3. Phil Cox (OR) Treasurer
4. Judy Miller (AR) Designee
5. Mark Boger (ME) Commissioner
6. Rose Ann Bisch (MN) Commissioner
7. Dale Dodd (NM) Commissioner
8. Traci Marchand (NC) Commissioner
9. Lisa Bjergaard (ND) Commissioner
10. Gary Hartman (WY) Commissioner
11. Trudy Gregorie (DC) Victims Ex-Officio
12. Rick Masters, Legal Counsel

Committee Members Not in Attendance:

1. Jean Hall (FL) Commissioner

Guests in Attendance:

None

Staff in Attendance:

1. Ashley Lippert, ICJ Executive Director
 2. Jack Branum, MIS Project Manager
 3. Emma Goode, Administrative and Logistics Coordinator
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Call to Order

Chair Clark called the meeting to order at 11:03 a.m. EDT.

Roll Call

A. Lippert called the roll. Twelve of the thirteen members were present; ten of the eleven voting members were present, establishing a quorum.

Agenda

S. Foxworth (CO) made a motion to approve the agenda, P. Cox (OR) seconded. The motion passed to approve the agenda.

Minutes

J. Miller (AR) made a motion to approve the July 26, 2012 meeting minutes, M. Boger (ME) seconded. The motion passed to approve the minutes as clerically amended.

Executive Director Report (presented by Ashley Lippert)

Commissioner Vacancies

- A. Lippert reported the District of Columbia has appointed a new Commissioner (Wendy Smeltzer).
- A. Lippert updated on the vacancies in Texas and Oklahoma.

2012 Annual Report

- A. Lippert reported that all states submitted their annual statistical information for the 2012 Annual Report and the contents were forwarded to the report designer. A. Lippert anticipates forwarding a draft to the Executive Committee next week prior to going to print.

2012 Annual Business Meeting

- A. Lippert updated on the registrations received for the ICJ Annual Business Meeting. With over 70 rooms being reserved, the entire contracted block is full. The National Office has contracted with a nearby hotel for the overflow of room reservations.
- A. Lippert updated that a working luncheon is scheduled on Tuesday, October 16 with Tracy Masters, Legal Director for the Georgia Juvenile Justice Department, Rick Masters, and the Commission's Officers.

2013 Dues

- A. Lippert updated that to date eight states that operate on a July 1 - June 30 fiscal year have not paid their FY13 dues. In accordance with the ICJ Policy for Dues Enforcement, a 60-day notice and 90-day compliance notice will be issued September 1 and October 1 respectfully for dues non-payment.

NCJFCJ Legal Training

- A. Lippert reported NCJFCJ announced the ICJ legal training module via their e-newsletter which goes to 5,000 recipients.

NPJS Annual Symposium

- A. Lippert reported that ICJ annually presents at the National Partnership for Juvenile Services (NPJS) Symposium. This year the symposium coincides with the 2012 Annual Business Meeting in October. Upon request by Commission Chair Clark and Training Chair Hall, Donna Bonner agreed to present on behalf of ICJ at the Symposium in Las Vegas, Nevada.

Legal Clarification Request (DC) re: Use of Form II

- A. Lippert updated that R. Masters responded to an informal request from the District of Columbia on the use of the Form II. A. Lippert reported that R. Masters responded to the request in a memorandum.

Legal Opinion(s)

Advisory Opinion #03-2012 (OH)

- R. Masters presented an amended Advisory Opinion #03-2012 as requested by the Executive Committee. He reported the term "picked up" in the request from Ohio referred to a parole/probation absconder from MI apprehended in OH and being returned due to a warrant.

- R. Masters advised the circumstances described triggers an exception to Rule 4-104(6) and recommended approval of the modified Advisory Opinion #03-2012.
- The Executive Committee debated the opinion presented and agreed to include language “under juvenile probation or parole supervision” for clarity. R. Masters concurred with the recommendation.
- **R. Bisch (MN) made a motion to approve the ICJ Advisory Opinion #03-2012 subject to the clarification that the juvenile was under juvenile probation or parole supervision. D. Dodd (NM) seconded. The motion passed.**

Legal Clarification Request (DC) re: Use of Form II

- R. Masters added that the informal request from the District of Columbia on the use of the Form II to be an isolated issue relating to the Bureau of Prisons and an advisory opinion was not warranted.

AAICPC / ICJ MOU Work Group Requests

- R. Masters updated on his attendance at the August AAICPC/ICJ MOU Work Group meeting. He reported a better understanding of the Work Group’s legal requests and will prepare a response prior to the next meeting.

Committee Reports

Executive Committee (presented by Terry Clark)

Rule issue: confining juveniles to out-of-state detention facilities and whether runaways, escapees, and absconders receive due process

- Chair Clark presented an issue among some states who work with bordering states to temporarily confine juveniles in detention facilities. This raises the question whether these juveniles should be going through the Compact and whether they are receiving due process.
- R. Masters referenced a prior legal opinion he issued under the AJCA noting the ICJ Compact does not explicitly allow such an agreement.
- Chair Clark proposed the development of an ad hoc committee to review the issues presented. The Executive Committee discussed and supported the development of an ad hoc committee.
- A. Lippert referenced a white paper issued by R. Masters for the Interstate Commission for Adult Offenders on the authority and liability of the adult Compact. The Executive Committee discussed and agreed R. Masters and A. Lippert would modify said white paper for ICJ and circulate it to the Executive Committee.

Finance Committee (presented by Lisa Bjergaard)

- Chair Bjergaard reported that the Finance Committee met August 21 and reviewed the FY12 Budget final year-end figures and the FY13 Budget first month expenditures.
- A. Lippert highlighted the FY12 Budget finished under budget primarily in three areas: ICJ National Office staff position, 2011 Annual Business Meeting, and JIDS.

Training, Education & Public Relations Committee (presented by Ashley Lippert)

- In Chair Hall’s absence, A. Lippert reported that the National Office is working with the Training Committee to draft curriculums for the training sessions at the 2012 Annual Business Meeting. The Training Committee will meet next week to approve the curriculums.

- A. Lippert thanked Trudy Gregorie for her recommendation to include a member of the SMART office to participate on the juvenile sex offender training panel.
- T. Gregorie, Victim's Representative, reported on the SMART office offerings and benefits to ICJ.

Rules Committee (presented by Gary Hartman)

- Chair Hartman reported that the Rules Committee met face to face on August 2 in Louisville, Kentucky to review 118 comments to the 13 proposed rule amendments.
- The Rules Committee held a telephonic follow up meeting on August 6 resulting in two additional rule amendments which are posted for comments until Monday, August 27.
- The Rules Committee will hold a final teleconference meeting on September 5 to review comments to the proposed amendments to Rules 6-102 and 6-103.

Compliance Committee (presented by Dale Dodd)

- Chair Dodd reported the Compliance Committee met August 14. The Compliance Committee agreed to issue letters to: Illinois, Massachusetts, Oklahoma, and Vermont requesting notification of progress in the development of a state council.
- The Compliance Committee agreed to issue a letter to Oklahoma requesting notification by September 17, 2012 on the appointment of a Commissioner.

Technology Committee (presented by Traci Marchand)

- Chair Marchand reported the Technology Committee will meet August 28 and updated on the following items to date:
 - Recently published JIDS newsletter highlighting User Acceptance Testing.
 - Chair Marchand outlined tentative dates for training, legacy load, user load, and JIDS launch. A. Lippert emphasized that a firm time would be published at the completion of User Acceptance Testing.
 - A. Lippert reported on the successful testing of JIDS ad hoc routing, file/document security, password requirements, and compliance reports. Chair Marchand reported that User Acceptance Testing is scheduled for 2-days in Lexington, Kentucky, September 13-14, 2012.

Region Reports

Region Representatives (presented by Judy Miller)

- Representative Miller reported the Region Representatives met on August 21. Discussions included nominations for officers, regional representatives' elections, disseminating the annual report, and regional updates.

South Region (presented by Judy Miller)

- Representative Miller reported the South Region met in February and June. The South Region will seek officer nominations via email in preparation for the October meeting.

East Region (presented by Mark Boger)

- Representative Boger reported the East Region has not met since the last Executive Committee meeting and will meet mid-September to solicit officer nominations.

Midwest Region and AAICPC/ICJ Work Group (presented by Rose Ann Bisch)

Midwest Region

- Representative Bisch reported the Midwest Region has not met since the last Executive Committee meeting and will meet in September to discuss officer nominations and rule amendments.

AAICPC/ICJ MOU Work Group

- Co-Chair Bisch reported the AAICPC/ICJ MOU Work Group met on August 9. She summarized the two legal requests submitted to R. Masters. The Work Group agreed to submit an additional request to both Rick Masters and Carla Fults (AAICPC) regarding the applicability and legitimacy of both compacts being in place simultaneously on the same juvenile.

APPA

- R. Bisch (MN) reported positive feedback to the ICJ presentation at the APPA Summer Institute.

West Region (presented by Summer Foxworth)

- Representative Foxworth reported the West Region will meet September 18, 2012.

Old Business

There was no old business.

New Business

There was no new business.

Adjourn

P. Cox (OR) made a motion to adjourn. R. Bisch (MN) seconded. The motion passed, Chair Clark adjourned the meeting at 12:23 p.m. EDT.