



INTERSTATE COMMISSION FOR JUVENILES

EXECUTIVE COMMITTEE MEETING

Minutes

Thursday, May 26, 2011

11:00 a.m. EDT

Committee Members in Attendance:

1. Terry Clark (PA) Chair
2. Judy Miller (AR) Designee
3. Jean Hall (FL) Commissioner
4. Mark Boger (ME) Commissioner
5. Rose Ann Bisch (MN) Commissioner
6. Clarence Powell (MS) Designee
7. Lisa Bjergaard (ND) Commissioner
8. Dale Dodd (NM) Commissioner
9. Donna Bonner (TX) Past Chair Ex Officio
10. Rick Masters, Legal Counsel

Committee Members Not in Attendance:

1. Summer Foxworth (CO) Vice Chair
2. Dennis Casarona (KS) Treasurer
3. Gary Hartman (WY) Commissioner
4. Trudy Gregorie (DC) Victims Ex-Officio

Staff in Attendance:

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

Chair Clark called the meeting to order at 11:02 a.m. EDT.

Roll Call

A. Lippert called the roll. Ten of the fourteen members were present. Eight of the eleven voting members were present, establishing a quorum.

Agenda

Chair Clark asked for a motion to approve the agenda. **J. Hall (FL) moved to approve the agenda as presented, M. Boger (ME) seconded. The motion passed.**

Minutes

Chair Clark asked for a motion to approve the minutes from the previous meeting.

J. Hall (FL) moved to approve the minutes of the April 28, 2011 meeting, J. Miller (AR) seconded. The motion passed to approve the minutes as corrected.

Executive Director Report (presented by Ashley Lippert)

Interactive Map

- A. Lippert reported the Commission website was updated to include an interactive map for state directory information.
- J. Miller (AR) suggested categorizing bifurcated states by probation and parole if economically feasible.
- A. Lippert summarized the requirements to employ an outside contractor to recode current format.
- The Committee agreed that additional costs should not be incurred and that any further modifications should be limited to in-house resources.
- At the request of the Committee, the National Office will research requirements and costs to add the following modifications to the website directory:
 - group “parole” contacts
 - group “probation” contacts
 - insert additional language such as “direct correspondence to”
- A. Lippert noted that the directory information reflected on the Commission website reflects the information as provided by each state.

Sex Offender Matrix

- A. Lippert reported the sex offender matrix was issued to update state’s information, all but three member states have provided data.

2011 Annual Report

- A. Lippert reported the national office requested committee/region reports to begin compiling data for the FY 2011 Annual Report. The National Office offered assistance to the Committee members to accomplish the request by June 13.

Training Bulletin for Technical and Training Assistance

- A. Lippert reported a training bulletin for technical and training assistance was created by J. Branum and announced on the website.
- At the request of Training Chair Hall, the bulletin will be inserted into the 2011 Annual Business Meeting docket book.

KY v MD Dispute Resolution

- A. Lippert reported Kentucky requested assistance in a dispute with Maryland which has now been resolved.

East Region Request

- A. Lippert reported the East Region requested the National Office to research airline travel regulations relative to unarmed escorts. The East Region has experienced undue expenses as a result of juveniles being denied access to board planes without an armed escort. She updated the Committee of recent communications with TSA and the discovery that federal regulations apply only to the transport of prisoners and armed

escorts. The ever changing policy regarding the transport of juveniles with unarmed escorts resides at the discretion of the airlines and ultimately the flight's air crew.

- A. Lippert suggested the National Office assist in educating and training on the issue.
- East Region Chair Boger and the Committee agreed with the recommendation.

Rule Infraction Report

- A. Lippert presented the new "rule infraction report". The online reporting mechanism was presented as an informal non-mandatory option for states to resolve issues.
- The Committee discussed and agreed with the rule infraction report which can be used by states at their discretion.
- **J. Hall (FL) made the motion to accept and implement the rule infraction report form as presented. C. Powell (MS) seconded. The motion passed.**

Advisory Opinions

A. Lippert presented the following two advisory opinions for review:

Advisory Opinion #02-2011 – determining which juveniles the new ICJ applies (HI)

- R. Masters, Legal Counsel, clarified that the revised advisory opinion was prompted by a specific case in Hawaii. He advised that the Compact does not require nor prevent ICJ from taking jurisdiction in an adjudicated case wherein public safety is at risk.
- The Committee discussed the Advisory Opinion #02-2011 language; the issue of statutory language opposing dual supervision; and the ICJ/AAICPC Memorandum of Understanding currently under review to collaborate efforts and protocol between the two Compacts.
- D. Bonner commented on the intent of ICJ Article I language and the authority of the Commission to amend. She expressed concern to supervision becoming *either or* rather than *dual*.
- D. Dodd (NM) commented that ICJ approves the supervision not the placement.
- J. Miller (AR) noted editorial recommendations for consideration in the Advisory Opinion.
- The Committee agreed to approve the opinion upon editorial correction.
- **D. Dodd (NM) made the motion to approve the Advisory Opinion #02-2011 with the understanding there will be editorial revisions. J. Miller (AR) seconded. The motion passed.**

Advisory Opinion #03-2011 – Pleas and Abeyance Cases for Non-Adjudicated Juveniles (West Region/UT)

- R. Masters, Legal Counsel, summarized the Advisory Opinion #03-2011 – Pleas and Abeyance Cases for Non-Adjudicated Juveniles as requested by the West Region/UT. The case referred to in the advisory opinion was subject to ICJ supervision due to the juvenile's required conditions.
- J. Miller (AR) questioned the language "reporting to an attorney general's office".
- D. Dodd (NM) clarified the Utah plea and abeyance case assigned to the attorney general's office stipulated additional conditions without a probation officer assigned.
- R. Masters agreed to attach the Utah Order as an example.
- The Committee discussed the synopsis and agreed with the intent.
- **M. Boger (ME) made the motion to approve the Advisory Opinion #03-2011 Pleas and Abeyance Cases for Non-Adjudicated Juveniles and accept the language clarification. R. Bisch (MN) seconded. The motion passed.**

Committee Reports

Executive Committee (presented by Terry Clark)

New Member States Update

- Chair Clark reported Indiana and New York are the two newest members of the Interstate Commission for Juveniles.
- A. Lippert reported communication with Ohio and New Hampshire. R. Masters reported communication with the District of Columbia. All three states are actively pursuing passage.

Georgia

- Chair Clark spoke about a circulated email from Tina Piper, Legal Director - Georgia Department of Juvenile Justice.
- J. Hall (FL) updated the Committee on the status of a Memorandum of Understanding proposed to Florida from Georgia.
- Chair Clark recommended that the Committee move into closed session. R. Masters advised the action to be appropriate according to the ICJ statutes for the discussion of items that could involve potential litigation.
- **M. Boger (ME) made the motion to move into Executive Session. R. Bisch (MN) seconded. The motion passed.**
{ Closed Session }
- **D. Dodd (NM) made the motion to move out of Executive Session. M. Boger (ME) seconded. The motion passed.**

ICJ/AAICPC Work Group Meeting

- Chair Clark updated the Executive Committee with the history and formation of the ICJ/AAICPC Work Group.
- R. Bisch (MN) currently serves as the co-chair to the work group. She provided an update from the first meeting.

Finance Committee (presented by Lisa Bjergaard)

- Chair Bjergaard reported the Finance Committee met on May 24, 2011. She reported that the current fiscal year total expenditures to be 80 percent of the budget with 83 percent of the year completed. A conservative projection estimates a year end completion of six percent under budget, allotting approximately \$200,000 into reserves.
- A. Lippert presented an updated FY '12 Budget to reflect the addition of Indiana and New York.

Training, Education & Public Relations Committee (presented by Jean Hall)

- Chair Hall reported that the training committee has not met since that last Executive Committee meeting.
- The next Training Committee is scheduled for June 9, 2011 at 2:00 p.m. EDT.

Rules Committee (presented by Ashley Lippert)

- A. Lippert updated the Committee on behalf of Chair Hartman. The Rules Committee finalized all Rule Amendments. The proposed amendments will be posted for comment for 30 days beginning June 1, 2011.

- The Rules Committee will meet face to face on August 4, 2011 in Lexington, Kentucky to review comments and prepare final amendments for consideration at the 2011 Annual Business Meeting.

Compliance Committee (presented by Dale Dodd)

- Chair Dodd reiterated the KY vs. MD dispute was resolved. The Compliance Committee currently has no issues for consideration.

Technology Committee (presented by Clarence Powell)

- Chair Powell updated the Committee on the Florida paperless system demo. J. Hall (FL) noted the demo presentation was recorded should anyone like to receive a copy.
- A. Lippert reported that the SEARCH, Inc. report is under review by their leadership and receipt is anticipated within the next couple of weeks.
- Chair Powell reported that Technology Committee will reconvene to review the report and recommend next steps.

Region Reports

Region Representatives

- In the absence of Region Representative S. Foxworth (CO) there was no report.

West Region (presented by Summer Foxworth)

- In the absence of West Region Representative S. Foxworth (CO) there was no report.

East Region (presented by Mark Boger)

- Representative M. Boger (ME) reported the East Region conducted an informal meeting on May 10, 2011. The discussions focused on the ICJ/AAICPC Memorandum of Understanding and included the bench book distribution and state council updates.
- The region welcomes the news that New York has joined and New Hampshire is in progress. He reiterated the unarmed escort discussions.
- The East Region will meet again in August.

Midwest Region (presented by Rose Ann Bisch)

- Region Representative R. Bisch (MN) reported the Midwest Region has not met since the last Executive Committee meeting. The next meeting is scheduled for June 14 to review the rule proposals during the comment period. The region welcomes the news that Indiana has joined and Ohio is in progress.
- Representatives from Indiana and Ohio will be invited to attend the June 14 meeting.

South Region (presented by Judy Miller)

- Region Representative J. Miller (AR) reported the concerns of the South Region regarding the impact of doing business with Georgia. The South Region has not met since the last Executive Committee meeting and plans to meet again prior to the 2011 Annual Business Meeting.

Victim's Representative

- In the absence of T. Gregorie, Victims Ex-Officio there was no report.

Legal Counsel Report (presented by Rick Masters)

- R. Masters, Legal Counsel, reiterated earlier discussions and agreements around the two advisory opinions presented.
- He informed the Committee that the ICAOS Executive Committee included in their long range planning goals to enhance and strengthen their relationship with ICJ.

Old Business

There was no old business.

New Business

- R. Bisch (MN) informed the Committee of Minnesota's current budgetary restraints.

Adjourn

- The next meeting of the Executive Committee is June 23, 2011 at 11:00 a.m. EDT.
- **J. Miller (AR) made the motion to adjourn the meeting. J. Hall (FL) seconded. The meeting adjourned at 12:51 p.m. EDT.**