



## INTERSTATE COMMISSION FOR JUVENILES

### EXECUTIVE COMMITTEE MEETING

#### *Minutes*

**Thursday, July 22, 2010**

**11:00 a.m. EST**

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#### **Committee Members in Attendance:**

1. Donna Bonner (TX) Commissioner, Chair
2. Dennis Casarona (KS) Commissioner, Treasurer
3. Judy Miller (AR) Designee
4. Summer Foxworth (CO) Commissioner
5. Jean Hall (FL) Commissioner
6. Clarence Powell (MS) Designee
7. Mike Reddish (NE) Commissioner
8. Dale Dodd (NM) Commissioner
9. Lisa Bjergaard (ND) Commissioner
10. Terry Clark (PA) Commissioner

#### **Committee Members Not in Attendance:**

1. Ray Wahl (UT) Commissioner, Vice Chair
2. Gary Hartman (WY) Commissioner
3. Mary McGhee, Victims Ex-Officio

#### **Guests in Attendance**

None

#### **ICJ Staff in Attendance:**

1. Ashley Lippert, Executive Director
  2. Jack Branum, Project Manager
  3. Emma Davis, Administrative and Logistics Coordinator
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#### **Call to Order**

Chair D. Bonner called the meeting to order at 11:12 a.m. EST.

#### **Roll Call**

A. Lippert called the roll. Ten of the thirteen members were present. Ten of the twelve *voting* members were present. A quorum was established.

## Agenda

Chair Bonner asked for a motion to approve the agenda. **J. Hall (FL) moved to approve the agenda. S. Foxworth (CO) seconded. The agenda was approved as presented.**

## Minutes

Chair Bonner asked for a motion to approve the minutes from the previous meeting. **J. Miller (AR) moved to approve the minutes of June 1, 2010. M. Reddish (NE) seconded. The minutes were approved as amended.**

## Executive Director Report (presented by Ashley Lippert)

A. Lippert, ICJ Executive Director, updated the Executive Committee on the following:

### *Directors and Officers Insurance Renewal*

- The Committee discussed the current coverage and agreed the current aggregate insurance coverage to be sufficient.
- **D. Casarona made the motion to renew the ICJ Directors and Officers Insurance policy for one year at the same aggregate and premium. S. Foxworth (CO) seconded. The motion passed.**

### *OJJDP – Meeting - August 17*

- R. Wahl (UT) and A. Lippert are attending the American Probation and Parole Association's (APPA) August meeting in Washington DC. Ex-Officio, Carl Wicklund of APPA, assisted in arranging a meeting with R. Wahl (UT), A. Lippert and the acting director of OJJDP, Jeff Slowikowski, on August 17. This introductory meeting will provide an opportunity to discuss current Commission initiatives and future ventures.

### *Ex-Officio Update*

- Invitations to become Ex Officio members have been re-issued to both OJJDP and NGA.

### *Draft Advisory Opinion 4-2010*

- In accordance with Rule 8-101.3 A. Lippert presented an advisory opinion to the ICJ Executive Committee for approval. The advisory opinion was prepared at the request of Montana in seeking clarification on the applicability and enforceability of the rules of the Interstate Compact for Juveniles with sovereign tribal nations and reservation lands.
- **S. Foxworth (CO) made the motion to approve advisory opinion 4-2010 as submitted. J. Hall (FL) seconded. The motion passed.**

### *Two Surveys Launched*

- The deadline for Data Collection has been extended to July 31. Discussion of the data collection report will be addressed later in the meeting by Chair Bonner.
- At the request of the Region Representatives, the National Office issued a State Council informational survey which is scheduled to close on July 23.

### *Dues Collection*

- To date, the National Office has yet to receive dues from 22 states with a fiscal year ending June 30.

### *Outreach Update*

- New York – Legislation has passed both houses and awaits the Governor’s signature.
- Ohio – Legislation will move forward after the summer recess, passage is anticipated.
- District of Columbia – Legislation is introduced and passage is anticipated.
- Georgia, New Hampshire, and Indiana have yet to introduce legislation.
- Commissioner Appointments:
  - Minnesota: Rose Ann Bisch
  - Massachusetts: Jane Tewksbury
  - Virgin Islands: Patricia Welcome
  - Virginia: Sam Abed
  - Iowa: not yet appointed
  - Vermont : Appointment letter is in progress

### *Bench Book Project*

- A. Lippert updated the Committee with regard to the Bench Book Project. The case law research is complete and organized by topic. Later this week, A. Lippert, R. Masters, J. Branum, M. Spring and the law student will meet to discuss the case law organization and the drafting of the final document.

### *Annual Report*

- A. Lippert thanked everyone for submitting their respective committee and region reports for inclusion into the Annual Report. Data collection and final budget figures are the only items remaining to be included.

### *Annual Meeting*

- A total of 23 attendees have registered, including 14 state commissioners, to attend the 2010 Annual Business Meeting. Training Committee Chair J. Hall and J. Branum have finalized the training session’s presenters and materials. E. Davis continues to coordinate the logistics. The deadline for registration is August 9, 2010.

### *Functional Requirements Document*

- The review and integration of comments into the Appriss functional requirements document is complete and will be forwarded to Appriss.
- The Technology Committee plans to have a summary of the document in the Annual Meeting Docket Book.

### *Federal Fund Research*

- The National Office recently received a request by the West Region to research federal funding for juvenile victims of sex trafficking. At the pleasure of the Committee, A. Lippert will complete the suggested research upon return from the annual business meeting.

### *National Office during the World Equestrian Games: Sept. 25 – Oct. 10*

- A. Lippert updated the Committee with the attendance statistics and options afforded the employees working in the CSG building during the World Equestrian Games (WEG). The event will take place directly across the road from CSG headquarters. The WEG officials estimate up to 30,000 people will attend the daily events causing major traffic in and around the ICJ National Office.

- A. Lippert proposed that the ICJ National Office staff to work remotely during the World Equestrian Games as the best option with the least interruption.
- The 2010 Annual Business Meeting will have concluded, generating administrative work in the areas of committee realignments and implementation of rule amendments by the effective date; therefore, the demand for WebEx teleconference calls during this time should be minimal.
- Chair Bonner offered her support to do whatever is necessary.

#### *Youth Today*

- A. Lippert informed the Committee that the editor's last response indicated the ICJ article is scheduled to be published in the July/August edition of Youth Today; however, she has yet to be afforded the opportunity to review a draft article.

### **Committee Reports**

#### **Executive Committee** (presented by Donna Bonner)

- Chair Bonner updated the Committee with regard to the following:
  - A. Bridgewater, (LA) Commissioner and Chair Bonner communicated regarding the formation of a State Council in Louisiana.
  - Chair Bonner responded to several state ICJ issues and requests for how to file dispute resolutions.
  - Chair Bonner responded favorably to advise that she had completed her review of the ICJ/ICPC MOU and the Appriss functional requirements document. She would comment further on the MOU during Mike's report on the subject.
  - Chair Bonner has requested R. Wahl (UT) to represent the Commission during the National Council of Juvenile and Family Court Judges (NCJFCJ) National Conference in Reno, NV in March 2011.
  - Annual Meeting Update - As this year's host state, Chair Bonner has secured Texas Compact Administrator, Cherie Townsend, as the opening speaker and is working to have a local color guard for presentation of the flags during the opening session. Additionally, the Executive Committee officers have agreed to participate in the Commissioner Training.
- D. Casarona (KS) questioned CJCA's attendance at the Annual Business Meeting in an Ex-Officio capacity. A. Lippert clarified Debra Prichard (NM) is the CJCA designated Ex-Officio member and has been invited to attend the Annual Business Meeting.
- D. Dodd (NM) volunteered to follow up with Debra Prichard.
- The Committee agreed Chair Bonner would ask Cherie Townsend of her availability to attend the 2010 Annual Business Meeting should Debra Prichard (NM) not be able to attend.

#### **Finance Committee** (presented by Lisa Bjergaard)

- Chair Bjergaard updated the Executive Committee on the FY 2010 Budget. The Committee will meet the last week in July to discuss the fiscal year-end figures. To date, with the preliminary figures submitted, the FY 2010 Budget appears to be on target to meet budget and anticipated reserves.

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

- Chair Hall announced the Training Committee met on June 2 and approved the Annual Business Meeting training curriculums and selected presenters, moderators, and panelists for the three training sessions: Commissioner, ICPC, and State Council.
- Two Rules training sessions were conducted since the last meeting and training records report that 181 people completed training during the month of June.
- The next Training Committee meeting is scheduled for August 19.

### **Rules Committee** (presented by Ashley Lippert)

- In Chair Hartman's absence, A. Lippert updated the Committee on the Rules Committee face-to-face meeting on July 12-13 in Lexington. All comments received during the 30-day comment period were reviewed and the Rules Committee has scheduled a final meeting on August 10. The final Rule amendments will be posted (September 13) 30-days prior to the Annual Business Meeting. A. Lippert commended the Rules Committee for their hard work.

### **Compliance Committee** (presented by Summer Foxworth)

- Chair Foxworth announced the Compliance Committee met on July 21. In lieu of a quorum, the Committee discussed Maryland's submission of the training report forms which reported the completion of 39 training sessions and 195 people trained. The Committee agreed that Maryland fulfilled their requirement under the default and recommended that the Executive Committee accept their report and cures the default.
- **S. Foxworth (CO) made the motion to forward a letter to Maryland to acknowledge they have met their training obligations and "cured their default". J. Hall (FL) seconded. The motion passed.**
- The next meeting is scheduled for August 18, 2010.

### **Technology Committee** (presented by Clarence Powell)

#### *Appriss Functional Requirements Document*

- Chair Powell reported the Technology Committee and JAD members have completed their review of the Functional Requirements Document. The National Office collected the comments and A. Lippert will incorporate them before forwarding to Appriss this week.
- Chair Powell reiterated the 245-page document is an extremely technical read.
- Chair Powell and the National Office intend to prepare a condensed summary depicting the amalgamation of the functional requirements document, a national data base system, and the new age of data reporting.
- A copy of the functional requirements document will be available upon request at the Annual Business Meeting.
- The next steps will be to continue working with Appriss to finalize a document and seek vendors for estimates.

#### *Data Collection*

- Chair Powell reported that eleven states have responded to the data collection report.
- Chair Bonner reported the Data Collection Survey and the proposed Rule previously endorsed by the Executive Committee do not include all of the juveniles processed in the categories of runaways, absconders, escapees, and juveniles charged as delinquent. While the AJCA form used the term 'Returned,' there were definitions on the back of the form that defined the term 'Total Number' to equal all of those juveniles 'processed'

through the reporting ICJ Office. The Data Collection Survey does not contain those definitions.

- Chair Bonner was able to survey nine of the responding eleven states to determine if they counted only those returned or those processed as was done with AJCA. Five states reported that the data submitted was for all juveniles processed as normally counted, two states reported they returned all of the juveniles brought to their attention, and two states reported that they did not include those juveniles that were not returned..
- The Committee discussed the numerous juveniles processed that are not specifically denoted in the data collection report.
- Chair Bonner and other Committee members believed it was not the intent of the Rules Committee or the Technology Committee to omit any previously reported data in the development of the Data Collection Rule proposals.
- Chair Bonner questioned the differences between the two proposed data collection rules to be presented during the Annual Business Meeting.
- A. Lippert verified the Rules Committee proposal recommends the collection of data annually and the report of a total number of requisitions received and sent; the Technology Committee proposal recommends the collection of the data quarterly.
- Chair Bonner suggested that all data be reported for fiscal year 2010 as reported in the past under AJCA.
- **J. Miller (AR) made the motion that the collections of data relative to Fiscal Year 2010 include all data previously collected under AJCA. M. Reddish (NE) seconded. The motion passed.**
- At the request of the Committee, the National Office will revise the data collection report to include the AJCA definitions and criteria, and re-submit the data collection report to the Commission with an August 6 deadline.
- J. Miller (AR) agreed to present to the Rules Committee during their August 10 meeting the Executive Committee's recommended revisions to the Rules Committee's proposal for Rule 2-101.
- The National Office will assist in preparing a proposal revision.
- Chair Powell noted the next Technology Committee meeting is scheduled for August 4.

## **Region Reports**

### **Regional Representatives** (presented by Ashley Lippert)

- A. Lippert informed the Committee Chair Clark had to exit the meeting early and reported on his behalf that the State Council survey results are due July 23.

### **East Region**

- A. Lippert noted Chair Clark had nothing new to report.

### **South Region** (presented by Judy Miller)

- J. Miller (AR) had nothing new to report.

### **Midwest Region / ICPC Ad Hoc Committee**

#### *Midwest Region*

- M. Reddish (NE) reported the Mid-West Region met on June 22 to discuss the proposed rule amendments and collectively submit comments.

#### *ICPC Ad Hoc Committee*

- Chair Reddish explained the ICPC survey concluded there is mutually a lack of communication and understanding within both compacts.
- Chair Reddish reported the ICPC Ad Hoc Committee decided to develop a Memorandum of Understanding between ICJ and ICPC. With the assistance of R. Masters, Legal Counsel, Carla Fults, ICPC, and A. Lippert, the ad hoc committee is presenting a draft MOU to the Executive Committee. Chair Reddish noted the MOU is a starting point in developing a basic understanding and communication between the organizations that can evolve going forward.
- **D. Casarona (KS) made the motion to accept the ICJ/ICPC Memorandum of Understanding. D. Dodd (NM) seconded. The motion was withdrawn.**
- After much discussion, the Committee concluded it was not feasible to approve and forward the MOU as drafted.
- **D. Dodd (NM) made the motion to table further discussion of the ICJ/ICPC Memorandum of Understanding until the next Executive Committee meeting. D. Casarona (KS) seconded. The motion passed.**
- **D. Dodd (NM) made the motion to extend the Executive Committee document review and comment period until August 1. C. Powell (MS) seconded. The motion passed.**
- The National Office will collect suggested changes and comments by the Executive Committee members and prepare for presentation and discussion at the next Executive Committee meeting.

#### **West Region / Sex Offender Ad Hoc Committee** (presented by Dale Dodd)

##### *West Region*

- Chair Dodd reported the West Region conducted their first meeting via WebEx on July 20 to update Region members and receive input.

##### *Sex Offender Ad Hoc Committee*

- Chair Dodd reported the Sex Offender Ad Hoc Committee's proposed rule amendment has been received by the Rules Committee and will be voted upon at the Annual Business Meeting.

#### **Victims Representative Report**

- M. McGhee was absent and no report was given.

#### **Litigation Report**

- R. Masters, Legal Counsel, was absent and no report was given.

#### **Old Business**

There was no old business.

#### **New Business**

- Chair Bonner questioned the expiration date of the transition rule.
- A. Lippert previously addressed the issue with R. Masters, Legal Counsel, and clarified the transition rule is effective *for a period of twelve (12) months from the adjournment of the 2<sup>nd</sup> Annual Meeting of the Interstate Commission for Juveniles*. No further action will need to be taken by the Commission in order for the Rule to expire.
- The Committee discussed the disadvantages of working or not working with non-member states and the incentives to join the compact.

- The Committee discussed options to invoke movement by the non-member states.
- **S. Foxworth (CO) made the motion to send another letter to the Governors, Attorney Generals, Speakers of the House, Senate Presidents, Compact Administrators, and other interested parties to the states of Georgia, Indiana, and New Hampshire stating points of interest relative to non-member states after December 3, 2010. D. Casarona (KS) seconded. The motion passed.**
- D. Casarona (KS) questioned the legality of publishing an open letter in the newspapers of the non-member states.
- A. Lippert will confer with R. Masters, Legal Counsel.

### **Adjourn**

- The next meeting is scheduled August 26 at 11:00 a.m. EST.
- Chair Bonner adjourned the meeting at 1:50 p.m. EST.