



## INTERSTATE COMMISSION FOR JUVENILES

### EXECUTIVE COMMITTEE MEETING

#### *Minutes*

Thursday, December 9, 2010

11:00 a.m. EST

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

1. Terry Clark (PA) Designee, Chair
2. Ray Wahl (UT) Commissioner, Vice Chair
3. Judy Miller (AR) Designee
4. Summer Foxworth (CO) Commissioner
5. Jean Hall (FL) Commissioner
6. Rose Ann Bisch (MN) Commissioner
7. Clarence Powell (MS) Designee
8. Dale Dodd (NM) Commissioner
9. Lisa Bjergaard (ND) Commissioner
10. Gary Hartman (WY) Commissioner
11. Donna Bonner (TX) Commissioner, Past Chair Ex Officio
12. Trudy Gregorie (DC) Victims Ex-Officio

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

1. Dennis Casarona (KS) Commissioner, Treasurer
2. Mark Boger (ME) Commissioner

#### **Guests in Attendance:**

1. Cheryl Sullivan-Colglazier (WA) Victims Ad Hoc Committee Chair

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

1. Harry Hageman, ICJ Acting Executive Director
  2. Jack Branum, Project Manager
  3. Jimmy Frazier, MIS Project Manager
  4. Emma Goode, Administrative and Logistics Coordinator
  5. Rick Masters, Legal Counsel
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#### **Call to Order**

Chair T. Clark called the meeting to order at 11:04 a.m. EST.

#### **Roll Call**

H. Hageman called the roll. Twelve of the fourteen members were present. Ten of the twelve *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. R. Bisch (MN) seconded. The motion passed.**
- Chair Clark, at his discretion, modified the agenda to accommodate R. Masters and moved the Legal Counsel Report ahead of the Executive Director Report.

## Minutes

Chair Clark asked for a motion to approve the minutes from the previous meeting. **S. Foxworth (CO) moved to approve the minutes of the October 28, 2010 meeting. G. Hartman (WY) seconded. The Committee approved the minutes as clerically amended.**

## Legal Counsel Report (presented by Rick Masters)

R. Masters, Legal Counsel, requested that Chair Dodd report the Compliance Committee's recommendations prior to his report due to the direct correlation.

## Compliance Committee (presented by Dale Dodd)

- Chair Dodd reported that the Compliance Committee met on November 10, 2010, and approved the following recommendations:

### *Delinquent Dues*

- The Compliance Committee found the states of California, Illinois, Massachusetts, and Oklahoma in default of their obligation under the Compact for the non-payment of dues.
- The Compliance Committee approved Legal Counsel to prepare a letter on behalf of the Commission to notify each state of their non-compliance and the Commission's enforcement options, including legal action, should the states not pay within 30 days of receipt of the letter.
- Additionally, the Compliance Committee approved the recommendation to enforce legal action should the states not comply.

### *Dispute Resolution - California and Oklahoma*

- The Compliance Committee acknowledged that Oklahoma did not respond to California's request to provide documentation of the case in question.
- The Compliance Committee approved Legal Counsel to prepare a letter to the Oklahoma Commissioner on behalf of the Commission to allow an additional ten days upon receipt of the letter to provide the requested information.

## Legal Counsel Report (presented by Rick Masters) continued

### *Delinquent Dues*

- R. Masters advised that the states received notification and the Compliance Committee authorized one final opportunity to pay dues. The Committee recommended that R. Masters, Legal Counsel, proceed with legal action should payment or an acceptable explanation not be received.
- The Executive Committee questioned how to proceed with regard to the Compliance Committee's recommendations.
- R. Masters advised that the Compliance Committee found the states in default and the Executive Committee could authorize enforcement by legal action.

- H. Hageman clarified that all four states received notification and the extended period of 30 days upon receipt has not yet passed.
- **G. Hartman (WY) made the motion to accept the Compliance Committee's recommendation that if the Commission does not receive dues or a plausible explanation within the extended 30-day time frame, to authorize Legal Counsel to file litigation in the Federal District Court for the collection of dues, plus expenses, court costs, and legal fees. C. Powell (MS) seconded. The motion passed.**

*Dispute Resolution - California and Oklahoma*

- R. Masters reported that the National Office sent a letter to the Oklahoma Commissioner requiring a response within 10 days of receipt. The deadline date passed and Oklahoma has not responded.
- The Committee discussed Oklahoma's lack of response and the communication disconnect within the state.
- Chair D. Dodd reported calls from two additional states regarding communication issues with Oklahoma.
- R. Masters advised that in accordance with the ICJ Statutes a non-response merits compact enforcement and sanctions.
- R. Wahl (UT) questioned the Committee's options other than legal action.
- R. Masters advised other options include technical assistance, training, fines, suspension, and termination of the compact.
- The Committee recommended copying the Oklahoma Compact Office on all future correspondence to their Commissioner.
- **G. Hartman (WY) made the motion to give adequate notification again to the Oklahoma Commissioner and include copies of the letter to the Governor, Attorney General, Deputy Compact Administrator, and DCA Supervisor and further that the Commission pursue legal sanctions if there is no response. J. Hall (FL) seconded. The motion passed.**
- At the request of the Committee, the National Office will resend the information request letter dated November 10, 2010 with a cover letter to the Governor, Attorney General, Deputy Compact Administrator, and DCA supervisor.

*ICJ/ICPC MOU*

- R. Masters reported reviewing the latest version of the Memorandum of Understanding as amended by ICPC. He acknowledged the document is ready for acceptance at the Executive Committee's discretion and advised there to be no legal issues.

*Bench Book*

- R. Masters reported positive feedback to the Bench Book from Judge David Stucki, NCJFCJ Ex-Officio, and other reviewers. R. Master had to exit the meeting early and recommended to defer suggestions submitted by D. Bonner, Past President Ex Officio, in another meeting. The Executive Committee concurred.

*Transition of Non-Members States*

- At the request of the Commission, R. Masters wrote letters to the remaining six non-member states to request proof of legislation and/or a bill number as good faith evidence of the compact legislation by December 3, 2010. He reported four of the six states responded.
- The Committee discussed the options and next steps with regard to the remaining two non-member states and agreed to allow an extension of consideration.

- **R Wahl (UT) made the motion to authorize R. Masters to write a letter to Georgia and the District of Columbia under the signatures of R. Masters and H. Hageman to notify these states that should they fail to produce legislation and/or a bill number by January 31, 2011, the Commission considers the transition period terminated. D. Dodd (NM) seconded. The motion passed.**

**Executive Director Report** (presented by Harry Hageman)

*ICPC MOU Update*

- The Committee reviewed the amended ICJ/ICPC Memorandum of Understanding and discussed the grammar inconsistencies and clerical corrections. H. Hageman affirmed ICPC to be amenable to the corrections.
- J. Miller (AR) and R. Bisch (MN) questioned the clarity throughout the MOU with regard to dual supervision and the direct conflict with Compact statutes.
- At the request of the Committee, R. Bisch (MN) agreed to formalize the questions to R. Masters for a written response.
- The Committee tentatively accepted the proposed MOU and agreed to postpone the approval date contingent on the written legal clarification.
- **G. Hartman (WY) made the motion to approve and execute the ICJ/ICPC Memorandum of Understanding on January 15, 2011 contingent upon receipt of a written response by Legal Counsel that clarifies the conflict and concerns as requested. R. Wahl (UT) seconded. The motion passed.**
- Chair Clark clarified it is understood that should the response not meet the expectations, the MOU would be revisited in the January 2011 Executive Committee meeting.

*Bench Book*

- H. Hageman confirmed the National Office would schedule a meeting with R. Masters, Legal Counsel, and D. Bonner, Past President Ex Officio, to take up the Bench Book suggestions in detail as previously mentioned.

*Commissioner Vacancies*

- H. Hageman reported currently the Commissioner positions in Virginia and Montana are vacant and the Hawaii position will become vacant on December 31, 2010.

*Airline Matrix Resource*

- J. Branum reported that the airline and not the FAA determine the travel policies, fees, and restrictions for unaccompanied minors. J. Branum presented an online matrix created from the acquired airline information. Upon approval, the airline matrix will be a resource readily available to the Commission on the website.
- The Committee complimented J. Branum for the professional appearance of the user-friendly matrix and the wealth of information provided.
- The Committee discussed the matrix details and agreed to include photo identification disclaimers and have the information updated semi-annually.
- At the request of the Committee, J. Branum will add photo identification disclaimers immediately and update the information semi-annually.
- The Executive Committee approved the airline matrix to go live on the website with the addition of photo identification disclaimers.

### *New Ex Officio Members*

- H. Hageman presented two new ICJ Ex-Officios:
  - Chris Newlin - National Children's Advocacy Center (NCAC)
  - Wayne Theriault (ME) - ICAOS

### *Translated Forms Available on ICJ Website*

- H. Hageman reported the Forms: IA/VI, III, VII, and Juvenile Rights are now in both English/Spanish and Spanish only translation formats.
- The Committee agreed to post the forms on the website December 17, 2010 (two weeks prior to the effective date: January 1, 2011).

### *2012 Annual Meeting Site*

- E. Goode proposed the following dates for the 2012 Annual Business Meeting:
  - October 15, 16, 17
  - October 22, 23, 24
  - October 29, 30, 31
- The Committee discussed weather conditions and agreed to go with the earliest possible date.
- **G. Hartman (WY) made the motion to approve the date of October 15-17 for the 2012 Annual Business Meeting. R. Bisch (MN) seconded. The motion passed.**
- E. Goode presented the following locations for consideration for the 2012 Annual Business Meeting site:
  1. Denver, Colorado
  2. Boise, Idaho
  3. Kansas City, Missouri
  4. Lincoln, Nebraska
  5. Portland Oregon
  6. Salt Lake City (Midway), Utah
  7. Seattle (Vancouver), Washington
- The Committee discussed the proposed sites with regard to local attractions, restaurants, air/ground transportation, previous meeting sites, and estimated costs.
- **G. Hartman (WY) made the motion to narrow the search for the 2012 Annual Business Meeting site to Kansas City, MO, Midway, UT, and Boise, ID.**
  - S. Foxworth (CO) reminded the Committee that Boise, Idaho hosted the Annual Business Meeting a few years ago.
  - **S. Foxworth (CO) suggested to substitute Boise ID with Vancouver, WA as a friendly amendment, G. Hartman (WY) and R. Wahl (UT) accepted the friendly amendment.**

**The motion passed.**

## **Committee Reports**

### **Executive Committee**

- Chair Clark reported that the ICAOS national office is pursuing new office space due to maintenance issues with the current CSG office space. A. Lippert has been a part of the search for new space as ICJ shares resources with ICAOS.
- H. Hageman reported the move does not disturb the CSG relationships or Memorandums of Understanding. ICAOS is submitting a lease application for space in the Chevy Chase area of Lexington.
- The Committee questioned the costs, benefits, and details of the move.

- H. Hageman clarified the increase in lease rental space will be offset by the decrease in phone and technical support. ICAOS is currently gathering costs and negotiating with the property owner. The anticipated move would occur in February or March 2011 with a 30-day notice to CSG.

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

- Chair Bjergaard reported FY '11 Budget through October 3, 2010 and indicated the budget is in excellent condition.
- The Finance Committee met on December 7 and discussed the FY '11 budget, the impact of a national database system, and membership dues.
- Chair Bjergaard reported the IRS approved ICJ's Form 990.
- The next meeting scheduled for January 25, 2011.

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

- Chair Hall reported the Training Committee met on October 27, 2011.
- The Committee developed and held training sessions on November 9 and November 17, 2010 for Compact Office personnel to highlight the new rule amendments.
- The Committee updated the full rules training (four hours/two day sessions) and held the first session on December 8 - 9, 2010. The next training session is on December 15-16, 2010.
- B. Greer (IL) will represent ICJ at the APPA's Summer Institute in Chicago, IL in July 2011.
- Idaho successfully completed their approved Training and Technical Assistance Session on December 6, 2010.
- The updated Quick Reference tri-fold brochure is available online and by request.
- To date, 1,586 individuals have completed ICJ training.
- The next meeting scheduled for January 13, 2011.
- J. Branum updated the Committee that additional rules training session dates have been included for January, February, and March 2011 to accommodate the demand.

**Rules Committee** (presented by Gary Hartman)

- Chair Hartman reported the Rules Committee met November 3, 2010. The Committee approved the 2011 calendar and identified March 1, 2011 as the deadline for rule amendment proposals.
- On December 10, 2010, Chair Hartman, R. Masters, and J. Branum will discuss various rules as they correlate to the bench book.
- Chair Hartman intends to contact the National Office on January 3, 2011 to make grammatical corrections to the approved amended rules effective January 1, 2011.
- J. Branum affirmed that the national office plans to announce the rules on January 3, 2011.
- Wayne Theriault, ICAOS Ex-Officio, will serve on the ICJ Rules Committee. The Committee welcomes his willingness and expertise.

**Compliance Committee** (presented by Dale Dodd) continued

- Chair Dodd continued his report of the November 10, 2010 meeting with regard to the discussion on state councils.
- Chair Dodd opened the floor to discuss a timeline for member states to establish a state council. He offered the suggestions to set a deadline and issue a friendly reminder letter.
- The Committee debated multiple strategies and the level of involvement necessary to establish a state council. Upon joining the Compact, the state's statutes require the

establishment of a state council. The Committee agreed it is in the best interest of the Compact to allow each state to determine the procedures and time line to establish their state council.

- The Regional Representatives will continue to promote the benefits and offer assistance to states within their region for the development of a state council.
- Chair Dodd reported a potential dispute resolution between Oklahoma and Missouri with regard to processing a transfer packet.
- The Committee discussed and agreed there appears to be training issues within Oklahoma.

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

- Chair Powell reported action items from the collaboration meeting with H. Hageman (ICAOS), S. Razor (ICOAS), and Chair Clark to review the one bid received from Appriss, Inc. for the development and maintenance of a National Database Application.
- Chair Clark updated the Executive Committee with the background information leading up to the proposed recommendations including the ICOAS / Appriss contract under review.
- H. Hageman shared that ICAOS contracted with SEARCH, Inc. to advise them with regard to the future of ICOTS. He defined SEARCH, Inc. as a consulting group whose business is law enforcement and corrections technology and offers free federal grant funded services to qualifying organizations.
- H. Hageman introduced the ICJ National System project to SEARCH for similar grant funding consideration and they agreed ICJ qualifies. Due to other projects, the SEARCH response time proposed is March - April 2011. The Committee agreed that prolonging the start up to perform front-end due diligence is essential to avoid back-end costs.
- The Technology Committee met on December 1, 2010 and agreed to recommend contracting with SEARCH, Inc., and to table the RFP.
- Chair Powell presented a letter for Chair Clark's signature on behalf of the Commission for ICJ to contract (at no cost) the consulting services of SEARCH, Inc. The letter stipulated the following services:
  - Review and recommend revisions to the functional requirement document, if needed
  - Identify the technology(s) or solutions most likely to meet the Commission's needs
  - Identify vendors who have a record of successfully delivering the technology(s) or solutions identified above
  - Assist the Commission in the preparation of bid documents and vendor selection
  - Assist the Commission with the development of a project schedule and a budget
- **R. Wahl (UT) made the motion to approve the letter from Chair Clark on behalf of the Commission to contract (at no cost) with SEARCH, Inc. S. Foxworth seconded. The motion passed.**
- At the request of the Committee, the National Office will initiate the letter.

#### **Victim's Notification Ad Hoc Committee** (presented by Cheryl Sullivan-Colglazier)

- Chair Sullivan-Colglazier reported the Victim's Notification Ad Hoc Committee met for the first time on December 2, 2010. She complimented the members and reported the Committee is off to a great start with the approval of a charter, development of a survey, and proposed consideration to amend rules and/or forms.
- Chair Sullivan-Colglazier requested a confirmation of the timeline for the Committee.

- Chair Clark clarified March 1, 2011 is the deadline to submit rule amendments to the Rules Committee. A recommendation to the Commission is open until the next annual business meeting.
- The Committee will meet again January 10, 2011.

## **Region Reports**

### **Region Representatives** (presented by Summer Foxworth)

- Representative S. Foxworth reported the region representatives met on November 17. The representatives discussed the following methods to enhance the visibility of ICJ:
  - presentations to ex-officio and affiliate organizations;
  - articles in associated publications; and
  - technical assistance to establish state councils.
- The regional representatives will work with the Commissioners in each region to ensure that the ICJ Annual Report to be distributed as required by the statutes. She thanked Chair Clark and R. Bisch (MN) for sharing their methods of distribution.
- The Region Representatives agreed to meet quarterly and will meet again on February 17, 2011.

### **West Region** (presented by Summer Foxworth)

West Region Representative S. Foxworth (CO) reported the West Region will meet for the first time on January 11, 2011.

### **East Region**

East Region Representative M. Boger (ME) was not present. There was no report.

### **Midwest Region** (presented by Rose Ann Bisch)

Midwest Region Representative R. Bisch (MN) reported the Midwest Region meets quarterly beginning on January 12, 2011. The focus of the first meeting will be rule amendment proposals.

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

South Region Representative Miller reported the South Region has not held a meeting.

### **Victim's Representative** (presented by Trudy Gregorie)

- Chair Clark welcomed Victim's Representative T. Gregorie to her first meeting.
- T. Gregorie expressed her enthusiasm and offered affiliated assistance to the Compact in her role on the Executive Committee and the Victim's Notification Ad Hoc Committee.
- She reported plans to meet with Pat Tuthill, ICAOS Victim's Representative, to discuss crossover opportunities.

## **Old Business**

- J. Miller (AR) questioned correcting Form IV/VI wherein an extra blank line appears.
- The Committee discussed the inadvertent formatting error and agreed to correct it.
- H. Hageman advised the Committee has the authority to act on behalf of the Commission when the Commission is not in session.
- **S. Foxworth (CO) made the motion to correct the formatting error to Form IV/VI. R. Bisch (MN) seconded. The motion passed.**

### **New Business**

There was no new business.

### **Adjourn**

- The Committee set the next meeting date for January 27, 2011.
- **J. Miller (AR) made the motion to adjourn the meeting. S. Foxworth (CO) seconded. The meeting adjourned.**