



**INTERSTATE COMMISSION FOR JUVENILES**  
**EXECUTIVE COMMITTEE**

*Minutes*  
**March 26, 2015**  
**11:15 a.m. EDT**

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**Committee Members in Attendance:**

1. Patrick J. Pendergast (AL) Chair
2. Anne Connor (NV) Vice Chair
3. Phil Cox (OR) Treasurer
4. Dale Dodd (NM) West Region Representative
5. Traci Marchand (NC) Training Committee Chair
6. Nina Belli (OH) Midwest Region Representative
7. Patricia Welcome (VI) East Region Representative
8. Michael Lacy (WV) Compliance Committee Chair
9. Shelley Hagan (WI) Technology Committee Chair
10. Trudy Gregorie, Victims Representative
11. Rick Masters, Legal Counsel

**Committee Members Not in Attendance:**

1. Rose Ann Bisch (MN) Rules Committee Chair, AAICPC/ICJ Work Group Co-Chair

**Guests in Attendance:**

None

**ICJ National Office Staff in Attendance:**

1. Ashley Lippert, Executive Director
  2. Jenny Adkins, Project Manager
  3. Morgan Rhodes, Training and Administrative Coordinator
  4. Emma Goode, Administrative and Logistics Coordinator
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**Call to Order**

Chair Pendergast called the meeting to order at 11:16 p.m. EDT.

**Roll Call**

A. Lippert called the roll and a quorum was established.

**Agenda**

**P. Welcome (VI) made a motion to approve the agenda. M. Lacy (WV) seconded. The motion passed.**

**Minutes**

**M. Lacy (WV) made a motion to approve the February 24, 2015 meeting minutes. S. Hagan (WI) seconded. The motion passed.**

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## **Executive Director Report** (presented by Ashley Lippert)

### Commissioner Update

- A. Lippert announced Commissioner vacancies in Arizona and Pennsylvania. Both states are working to select replacements.

### Real ID Update

- A. Lippert updated on the Real ID requirements, after speaking with a representative from the Department of Homeland Security. The Real ID Act establishes standards and requirements for states in the production and issuance of driver's licenses and identification cards. TSA requirements for travel will not change, and the 18 and under population will still be able to travel as they have been. The issue will be whether TSA chooses to enforce the Real ID requirements on adults who accompany a juvenile on a flight from a state that is not compliant with Real ID. TSA will start enforcing Real ID on commercial flights effective January 2016. Additionally, if there is a state not in compliance by January 2016, TSA will allow the use of secondary identification. The TSA requirement should not impact the ICJ population.
- P. Welcome (VI) questioned the states not in compliance. A. Lippert responded that those states are: AZ, ID, LA, ME, MN, NH and NY. D. Dodd (NM) reported New Mexico is non-compliant due to issuing licenses to undocumented persons. A. Lippert clarified NM was not included in the list furnished by Homeland Security.

### 2015 Annual Report

- A. Lippert reported the collection of data and material for the 2015 Annual Report will commence soon. The National Office requested direction on the collection and reporting of airport surveillance.
- P. Welcome (VI) recommended deferring discussion to the next meeting to allow members time to prepare for discussion. The Executive Committee concurred.

### Second Quarter Performance Measurement

- A. Lippert reported that the second quarter performance measurement letters would be issued Friday.

### State Council Report Update

- A. Lippert updated that three states have not provided their 2014 State Council Report. In accordance with the ICJ State Council Policy, states that do not report by March 30 will be referred to the Compliance Committee.

## **Committee Reports**

### **Executive Committee** (presented by Patrick Pendergast)

#### *Finance Chair Appointment*

- Chair Pendergast reported Terry Clark stepped down as Finance Committee Chair and Treasurer Phil Cox (OR) has agreed to complete the term and preside over the remaining two meetings.

#### *Oklahoma Request*

- Chair Pendergast presented a letter from Oklahoma Commissioner, Keith Wilson. The Oklahoma State Council requests that the Administrative Policy 01-2014 - Forms

Responsibility be amended to allow the full Commission, particularly the practitioners, to weigh in on the creation and adoption of forms. Chair Pendergast proposed a response letter and requested input from the Executive Committee.

- The Executive Committee discussed the concerns and agreed the intent of the policy was not to limit input, but rather re-direct responsibility for efficiency.
- Technology Committee Chair Hagan commented that the policy stemmed from the decision to segregate e-forms from the two-year rule making cycle and to position the Technology Committee to take the lead on modifications, as all forms are now housed in JIDS. The new policy broadens the opportunity for input from Commissioners, Designees, DCAs, and practitioners by allowing modification requests to be made more frequently and implemented more expeditiously.
- M. Lacy (WV) suggested that the response letter also state that the membership of the standing committees are composed of both Commissioners/Designees and practitioners.
- The Executive Committee reached a consensus that Chair Pendergast issue a response letter with the content as discussed.

#### *Diversity*

- P. Welcome (VI) spoke to the departure of Summer Foxworth and Terry Clark on the Executive Committee and recommended consideration be given to diversity in the composition of the Executive Committee membership.

#### *South Region Representative*

- Chair Pendergast updated that Judy Miller (AR) resigned from the position of South Region Representative. M. Lacy (WV) suggested the meeting move to Executive Session as it involves personnel matters. R. Masters advised the Statute limits discussion for personnel to those employed by the Commission and this position is an uncompensated position.
- Chair Pendergast outlined the order of events leading up to the resignation, which stemmed from a conversation between Judy Miller (AR) and Maxine Baggett (MS). A conversation between J. Miller (AR) and M. Baggett (MS) was inadvertently captured on Jenny Adkins' voice mail after they attempted to conference her into their call and J. Adkins was not available. The recorded conversation involved a directive to disregard the new records check advisory opinion approved by the Executive Committee unanimously in February. J. Adkins reported the recording to Executive Director Lippert who then informed Chair Pendergast. After careful consideration, Chair Pendergast met with the Commission officers to determine a best course of action. J. Miller (AR) was heard saying "*just keep doing what you have been doing, and I am going to keep doing what I have been doing.*" The officers determined that the Commission was misrepresented by encouraging members to go against a decision by the Executive Committee. As a result, Chair Pendergast called J. Miller and asked her to step down as South Region Representative and assist the South Region with the election of a new representative. Chair Pendergast emphasized the officers' intent to offer J. Miller discretion.
- Chair Pendergast clarified he felt obligated to share with the Executive Committee the details of the events after hearing from Phil Cox (OR) of the misrepresentation of the facts being presented. P. Cox (OR) characterized the update as a transparent explanation of happenings. The incorrect information being shared was that a conversation had occurred with J. Adkins, and their private conversation was deliberately recorded upon her hanging up. P. Cox (OR) voiced his disapproval of the misrepresented facts and characterization of J. Adkins.

- P. Welcome (VI) agreed with the leadership's actions and voiced her concerns that no one in a leadership position should go against voted actions of the organization that have been lawfully voted and vetted. P. Welcome (VI) further noted that if an appointed Commissioner of a state is telling members to disregard lawfully voted and vetted decisions by the organization, they should no longer be the Commissioner. P. Welcome (VI) also believed the entire Executive Committee should have been advised and involved in the decision.
- Chair Pendergast emphasized his respect for J. Miller and her years of dedicated service asserting that the request for resignation was about cohesiveness not a personal vendetta. The resignation involves the South Region Representative position and Judy will continue as Designee for the State of Arkansas.
- T. Marchand (NC) commended the professionalism of the officers and the National Office in the handling of a difficult situation.
- D. Dodd (NM) revisited closing the meeting to restrict the minutes of this discussion. Chair Pendergast responded that the purpose of keeping the meeting open was to preserve transparency and document the incident. R. Masters reiterated his earlier statements regarding the limits for closing Commission meetings.
- Chair Pendergast announced the South Region would hold a special meeting next month to elect a new representative.

**Finance Committee** (presented by Phil Cox)

- Chair Cox updated that the Finance Committee has not met since the last Executive Committee meeting noting the next meeting is April 28. The Finance Committee will present to the Executive Committee a draft 2017 fiscal year budget for consideration prior to the Annual Business Meeting.

**Training, Education & Public Relations Committee** (presented by Traci Marchand)

- Chair Marchand reported the Training Committee met March 25, 2015 and updated on the numerous completed and planned rules trainings for March and April for field and Compact office staff. The new one-day training style for returns and transfers was well received.
- A. Connor (NV) updated that the Human Trafficking Work Group held their first meeting in March and agreed to meet the second Thursday of every month. The next meeting is April 9. The membership has increased to include at least three members from each of the four regions. A task of the Work Group is to determine current processes/tools used by states to identify human trafficking victims at intake and assessment. A survey was issued to gather information for each state's current processes and the goal is to develop of matrix of that information.
- P. Welcome (VI) updated that she will attend a State Courts Association Meeting in October in New York on a human trafficking collaborative and inquired if ICJ was invited. A. Lippert confirmed ICJ has not received any information. P. Welcome (VI) agreed to contact the organization to make a connection.
- Chair Marchand updated the approved 2015 ABM Training II Topic is LGBTQ Youth (Lesbians, Gays, Bisexual, Transgender and Questioning). The Training Committee will work to develop a training curriculum regarding the detention and confinement of this diverse population.
- The next meeting is April 22.

### **Compliance Committee** (presented by Mike Lacy)

- Chair Lacy reported the Compliance Committee met March 19 to review the ongoing issues with Illinois Parole at the directive of the Executive Committee. The Compliance Committee agreed that Illinois Parole has failed to comply with the Compact and recommended a reinstatement of the 2014 non-compliance detailing the following areas of action:
  - Staffing*
    - employ a permanent full-time ICJ staff and back-up staff
  - ICJ Cases*
    - make all ICJ cases current
    - respond to all cases in a timely manner
  - Deadline Date*
    - implement a plan of action by May 1, 2015
  - Penalty*
    - recommend the Executive Committee levy a \$25,000 penalty if Illinois fails to implement its plan of action by May 1, 2015
  - Authority*
    - authorize Richard Masters, Legal Counsel, to draft a letter to Illinois on behalf of ICJ outlining the above requirements
- R. Masters advised the recommendation of the Compliance Committee to be in order.
- Chair Pendergast questioned the May 1 deadline to implement a plan of action. Chair Lacy explained the assessment by the Committee and added that Illinois' problems are creating problems for other states with regard to fulfilling the Compact.
- The Executive Committee discussed the history of the 2014 action plan and concurred with the recommendation proposed.
- **M. Lacy (WV) made a motion in the matter of the Illinois Parole as identified above to approve the recommendation of the Compliance Committee. A. Connor (NV) seconded. The motion passed.**

### **Technology Committee** (presented by Shelley Hagan)

- Chair Hagan updated on the JIDS Trainings completed and planned for both the on-demand and live training sessions. The revised Form IA/VI will go live in JIDS on March 26; the FileBound and Sandbox upgrade are projected to begin April 1; and the Custom Reports interface will require an InStream rebuild.
- Chair Hagan reported the Technology Committee met March 24 and updated on the following actions:
  - Form VIII – Home Evaluation Report
    - Recommended a delay in changing the language from placement to supervision until the associated rule amendments go into effect. Chair Hagan will discuss with the West Region Representative as the West Region proposed the change.
  - Form X- Case Closure Notification
    - Approved modifications. The amended form has now gone to the Executive and Rules Committees for a 30-day comment period and to InStream for a quote.
  - Juvenile Rights Form for Consent for Voluntary Return
    - Approved modifications. The amended form has now gone to the Executive and Rules Committees for a 30-day comment period and to InStream for a quote.

- Final Travel Plan
  - Continue to draft changes to the optional final travel plan to be more user friendly and adaptable to both ground and air transportation.
- Workflow Discussion
  - Began discussions to modify the communication request workflow whereby email notifications would go to a group rather than one specific person. To date, the responses have been positive and discussion will continue at the next meeting.

### **Rules Committee and AAICPC/ICJ Work Group**

- In Chair Bisch's absence, Chair Pendergast updated that the Rules Committee continues to work on the 2015 rule proposals and there was nothing new to report for the AAICPC/ICJ Work Group.

### **Region Reports**

#### **East Region** (presented by Patricia Welcome)

- Representative Welcome reported the East Region has not met since the last Executive Committee meeting. The East Region will meet again in May during the comment period to discuss the rule proposals.

#### **Midwest Region** (presented by Nina Belli)

- Representative Belli reported the Midwest Region has not met since the last Executive Committee meeting. The Midwest Region will meet again in May during the comment period to discuss the rule proposals.

#### **South Region** (presented by Patrick Pendergast)

- Chair Pendergast updated that the South Region will meet in early April to elect a new region representative. A May meeting will then be scheduled.

#### **West Region** (presented by Dale Dodd)

- Representative Dodd reported the West Region has not met since the last Executive Committee meeting. The West Region will meet May 27 during the comment period to discuss the rule proposals and possibly the item mentioned earlier by the Technology Committee Chair.

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

- R. Masters commented that the intent of the Advisory Opinion #01-2015 on records checks was to provide clarity on information that can and cannot be disclosed and not to inhibit in any way the law enforcement process of a state. He clarified that the legal advisory opinion cannot address every possible situation.
- Chair Pendergast recommended that he and the National Office issue a letter of clarification regarding the advisory opinion. The Executive Committee concurred with the recommendation.
- T. Marchand (NC) suggested that Rick Masters attend the region meetings to address concerns.

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

- T. Gregorie commended the Training Committee for choosing the LGBTQ Youth as a training topic during the 2015 Annual Business Meeting noting the topic to be timely.

### **Old Business**

There was no old business.

### **New Business**

There was no new business.

### **Adjourn**

- **P. Cox (OR) made a motion to adjourn. P. Welcome (VI) seconded. Chair Pendergast adjourned the meeting by acclamation at 12:36 p.m. EDT.**