



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

*Minutes*  
**May 26, 2016**  
**11:30 a.m. EDT**

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**Committee Members in Attendance:**

1. Traci Marchand (NC) Chair
2. Michael Lacy (WV) Vice Chair
3. Jeff Cowger (KS) Treasurer
4. Patrick J. Pendergast (AL) Past Chair
5. Michael Farmer (CA) Compliance Committee Chair
6. Julie Hawkins (MO) Rules Committee Chair
7. Anne Connor (NV) Training Committee Chair
8. Dale Dodd (NM) West Region Representative
9. Lea Quam (ND) Technology Committee Chair
10. Patricia Welcome (VI) East Region Representative
11. Nina Belli (OH) Midwest Region Representative
12. Mia Pressley (SC) South Region Representative
13. Trudy Gregorie, Victims Ex officio
14. Rick Masters, Legal Counsel

**Committee Members Not in Attendance:**

1. Avery Niles (GA) Finance Committee Chair

**Guests in Attendance:**

None

**ICJ National Office Staff in Attendance:**

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

Chair Marchand called the meeting to order at 11:31 a.m. EDT.

**Roll Call**

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

**Agenda**

**A. Connor (NV) made a motion to approve the agenda. N. Belli (OH) seconded. The motion passed.**

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## Minutes

**A. Connor (NV) made a motion to approve the April 28, 2016 meeting minutes. L. Quam (ND) seconded. The motion passed.**

## Executive Director Report (presented by Ashley Lippert)

### 2016 Annual Business Meeting

- A. Lippert updated that registration for the 2016 Annual Business Meeting in Boston, Massachusetts will open June 1, 2016. The 30-day nomination period starts today for the second annual Leadership Award. The Executive Committee will receive a ballot of the nominees next month. The member receiving the most votes will be presented the award during the general session at the 2016 Annual Business Meeting in Boston.

### Coalition for Juvenile Justice (CJJ) White Paper

- A. Lippert updated on discussions with Marie Williams, Executive Director, and Naomi Smooth, Senior Policy Associate, for the Coalition for Juvenile Justice (CJJ) regarding the whitepaper being developed. Upon completion of the white paper, the documents will be distributed by both organizations and collaboration continued by developing a series of webinars.

### National Sheriff's Association (NSA) Update

- A. Lippert updated on her communication with Fred Wilson, Director of Operations and Support for the National Sheriff's Association (NSA), regarding an ICJ Ex officio appointment. Mr. Wilson was amenable and suggested Sheriff Larry Amerson in Calhoun County, Alabama, the NSA Court Security, Transportation of Prisoners, Detention, and Corrections Committee Chair, to be an ideal candidate. Executive Director Lippert is following up with Sheriff Amerson and looking at possibly attending their annual conference.

### Rules Committee Advisory Opinion Request

- A. Lippert reported that the Rules Committee requested a legal advisory opinion regarding pre-adjudicated home evaluations. Rules Committee Chair Hawkins updated that the Rules Committee did not reach a consensus to propose a rule, which resulted in the request for an advisory opinion.
- R. Masters highlighted his draft advisory opinion with the Executive Committee for their initial review. In summary, based upon the provisions of the ICJ rules and legal analysis, while a sending state is not explicitly prohibited from requesting a home evaluation for a juvenile pending adjudication on charges in the sending state, a receiving state is not required to conduct such a home evaluation or report.
- The Executive Committee discussed the advisory opinion, the intent of the rules regarding home evaluations, and the issue of entering pre-adjudication into JIDS without reaching a consensus.
- P. Welcome (VI) made a motion to send the matter back to the Rules Committee, but withdrew her motion and recommended issuing the advisory opinion. A. Lippert recapped that a rule was voted down last year and there is currently no support for a rule. The determination now is whether or not to issue an advisory opinion on the subject matter.

- The Executive Committee agreed to defer discussion of the advisory opinion until the next meeting.

### Council of State Governments (CSG) Affiliation

- A. Lippert clarified ICJ's affiliation to the Council of State Governments to be administrative, outlined services currently provided by CSG, and highlighted the historical legislative support and assistance provided by CSG during the initial establishment of ICJ. Currently all CSG affiliates are required to participate in the Kentucky Employee Retirement System (KERS). Kentucky passed a bill to allow state organizations, such as CSG to withdraw from KERS due to the rising costs to support participation. KERS performed an actuarial analysis and determined CSG's total cost to withdraw from the retirement system around \$13 million without any explanation as to how the amount was derived. Due to the exorbitant actuarial costs, CSG has suspended their efforts to withdraw from KERS. Consequently, ICJ's contributions have increased from 38.8 to 48.59 percent of salaries effective in fiscal year 2017. A. Lippert presented the line item increases to the approved FY 17 Budget and to the proposed FY 18 Budget. Should ICJ withdraw from CSG, the national office staff would no longer qualify to participate in KERS and ICJ would avoid the long term increasing costs. A. Lippert briefed that last year consideration was given to alternative vendors.
- P. Pendergast (AL) recalled that the past presentation to the Executive Committee revealed a cost savings. A. Lippert affirmed there was a cost savings, however ICJ elected to stay with CSG due to their lowering ICJ's indirect rate and their efforts to withdraw from KERS.
- D. Dodd (NM) questioned the plans by CSG's other affiliates. A. Lippert clarified that other affiliates like the adult compact, were making the same considerations.
- J. Cowger (KS) clarified that the increased costs to the retirement system is necessitated by the Kentucky legislature and immediately impacts budgets for fiscal years 2017 and 2018.
- The Executive Committee discussed and agreed that Executive Director Lippert should research alternative vendors to CSG and approved the KERS cost increases to the FY17 and FY18 Budgets.
- **J. Cowger (KS) made a motion to approve the increased costs as presented due to KERS in the appropriate line items of the approved Fiscal Year 2017 Budget and the proposed Fiscal Year 2018 Budget. D. Dodd (NM) seconded. The motion passed.**
- **D. Dodd (NM) made a motion to approve Executive Director Lippert to explore alternative vendors to provide services currently provided by the Council of State Governments. P. Pendergast (AL) seconded. The motion passed.**
- A. Lippert clarified that a recommendation would be presented by the Executive Committee to the full Commission for vote during the annual business meeting and there would be timeline restrictions should ICJ choose to withdraw from the Council of State Governments.

### Committee Reports

**Compliance Committee** (presented by Michael Farmer)

- Compliance Committee Chair Farmer reported that the Compliance Committee met May 19 and modified the *Non-Compliance Matrix* to incorporate suggestions by the Executive Committee in April. He presented a modified policy entitled Sanctions Guidelines and highlighted each section emphasizing that the policy would be used as a tool and reference as part of the Compliance process.
- P. Pendergast (AL) suggested that *retaking failed cases* be included under the Type II violations; and questioned whether or not travel permits would be included under Type III.
- J. Hawkins (MO) voiced concern to the interpretation of the policy by states impacting the Compact’s work by shifting away from services and focusing on time frames to avoid the Type II minor violations.
- M. Lacy (WV) proposed amending some of the language under *III. Determining Factors*. The Executive Committee discussed and agreed to amend the chart to read as follows:

<b>Factors to consider in determining appropriate sanction within range</b>	
Whether the violation resulted in serious physical injury or death	
The state’s history of non-compliance	
Whether the state accepted responsibility prior to detection and intervention and employed corrective measures	
Whether the state was cooperative with ICJ in its examination and/or investigation of the underlying misconduct	
Whether the state engaged in the violation over an extended period of time	
Whether the state engaged in numerous acts and/or a pattern of non-compliance	
Whether the state’s violation was the result of an intentional act or negligent failure to comply	

- The Executive Committee debated the Sanctioning Guidelines Policy #01-2016 as presented without reaching a consensus. The Sanctioning Guidelines Policy #01-2016 failed to move forward for the lack of a motion.
- Chair Farmer updated that the Compliance Committee will meet June 13 to finalize the 2017 Performance Measurement Assessment.

**Finance Committee** (presented by Jeff Cowger)

- Treasurer Cowger reported the fiscal year 2016 budget to be in good standing through April and the next Finance Committee meeting is July 26.

**Technology Committee** (presented by Lea Quam)

- Technology Committee Chair Quam reported the Technology Committee met informally on May 9 to discuss the last items on the JIDS enhancement list. The enhancements were approved via email by the Technology Committee and will be included in the “summer bundle”. Upon completion of the FileBound upgrade testing and implementation, the Technology Committee will develop materials to assist users with the new features.

## Rules Committee (presented by Julie Hawkins)

- Rules Committee Chair Hawkins reported the Rules Committee met May 4 and continued to address items on their working list. A new rule was proposed and recommended for adoption #2-106: Request for Juvenile Information. The new proposed rule is a result of the South Region's 2015 rejected proposal and their request to reconsider the proposal in a new location of the rules. The Rules Committee (by a 5-3 vote) requests that the Executive Committee consider allowing the Commission to vote on the proposal in 2016 rather than waiting until 2017.
- R. Masters shared his recommendation during the Rules Committee meeting to bring to the Executive Committee and advised that according to the Roberts Rules of Order the Commission may suspend the rule making procedure by a 2/3 vote to allow this rule proposal to go forward. He clarified that the new rule proposal does not address an imminent threat to public health, safety, or grant funding opportunity and therefore does not qualify as an emergency.
- The Executive Committee discussed the urgency of bringing the rule forward in 2016. Chair Marchand questioned the language to be similar to the 2015 advisory opinion and commented to the approved amendments in 2015 and the effort to move away from using the term *may*. Chair Hawkins commented that states are interpreting the advisory opinion with reluctance to share information. D. Dodd (NM) supported voting on the proposal in 2016. L. Quam (ND) commented that currently states share information for ICJ qualifying juveniles. M. Pressley (SC) noted the difference between the rule and the advisory opinion to be the limitations of the information shared.
- R. Masters explained that the new proposed rule is not being considered as an emergency rule and the Executive Committee understands that it is permissible to consider a rule in an off year if it is sufficiently important to justify.
- **L. Quam (ND) made a motion that the Executive Committee recommends that the proposed new Rule #2-106: Request for Juvenile Information does not qualify to the level of urgency to move forward in a non-rule making year and recommends not suspending the Robert's Rules of Order during the 2016 ABM to vote on the proposal. M. Pressley (SC) seconded. D. Dodd (NM) and P. Pendergast (AL) opposed. J. Hawkins (MO) abstained. The motion passed by an 8-2-1 vote.**
- The next Rules Committee meeting is July 13.

## Training, Education & Public Relations Committee and Human Trafficking Ad Hoc Committee (presented by Anne Connor)

### *Training Committee*

- Training Committee Chair Connor reported that the *return of the month* scenarios are being submitted and will be included in the newsletters. The following new on-demand modules training resources are now available on the Commission's website:
  - Introduction to ICJ Rules and Eligibility for Compact Services
  - Transfer of Supervision
  - Supervision in the Receiving State
  - Returning Juveniles

- There are two remaining training dates for the ICJ Rules for Compact offices and field staff: June 7-8 and June 21-22. To date a total of 935 participants have completed the ICJ Rules trainings in 2016.
- Chair Connor updated on the training session titles, presenters, and curriculum planned for Tuesday and Wednesday during the 2016 Annual Business Meeting.

#### *Public Relations*

- Training Committee Chair Connor confirmed that ICJ will not present at the NCJFCJ Annual Conference in July in Monterey, California. ICJ has been invited to attend the following:
  - **NSA (National Sheriff's Association) Annual Conference and Exhibition**  
June 24-29 – Hilton/Hyatt Regency/Millennium – Minneapolis, MN
  - **Mississippi Juvenile Justice Symposium**  
August 3 – 5 - Four Points Sheraton - Biloxi, MS

#### *Human Trafficking Ad Hoc Committee*

- Human Trafficking Ad Hoc Committee Chair Connor reported the human trafficking matrix is anticipated to be completed and approved at the June meeting and posted to the Commission's website.

### **Regional Updates**

#### **East Region**

- In the absence of Representative Welcome, A. Lippert provided highlights from the East Region's May 10 meeting.
- The East Region will meet on June 14 for the sole purpose of electing an East Region Representative since Representative Welcome will not attend the 2016 ABM in Boston. R. Masters affirmed that upon completion of the June 14 election, the newly elected East Region Representative's term will commence and they will become a part of the Executive Committee.

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

- Representative Belli reported the Midwest Region met May 12, 2016. Several states are providing ICJ Rules and JIDS training within their state and planning state council meetings. South Dakota updated on the Juvenile Justice Reinvestment Initiative legislation that passed in 2015 became effective January 1, 2016. Key components include a four months maximum probation, emphasis on community supervision, limitations to committing juveniles to the Department of Corrections, modification to offenses qualifying as juvenile citations, and probation no longer being an option for juvenile citations.
- The next meeting will be August 23 during the 2016 ABM in Boston.

#### **South Region** (presented by Mia Pressley)

- Representative Pressley reported the South Region met May 18, 2016. Updates were heard from the Rules Committee, Executive Committee and the Human Trafficking Ad Hoc Committee. The new Mississippi Commissioner, John Davis attended and Maxine Baggett has been appointed the part time Designee. The Arkansas Commissioner and Division Director resigned. South Carolina has legislation on the books impacting the age of majority and the maximum date of probation and parole. Additionally, the general consensus of the South Region

was to process all travel permits in JIDS that are completed by locals even when they are not required.

- The next meeting will be August 23 during the 2016 ABM in Boston.

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

- Representative Dodd reported the West Region met May 24, 2016. The Human Trafficking Ad Hoc Committee provided an update. States updated on state council meetings and personnel changes. In California Mike Farmer is transitioning from DCA to another department position however will remain Designee. In Arizona, Dona Marie Markley was appointed the new Commissioner and John Crabtree will continue as the part time Designee.
- The next meeting will be August 23 during the 2016 ABM in Boston.

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

- R. Masters attended the AAICPC Annual Meeting in White Plains, New York. He updated on the status of their new ICPC data system and AAICPC's proactive outreach plan to increase state membership into the new ICPC.

#### **Victims Report** (presented by Trudy Gregorie)

- T. Gregorie, Ex officio, had nothing new to report.

#### **Old Business**

There was no old business.

#### **New Business**

- Technology Committee Chair Quam presented inconsistencies in the process of transferring supervision in JIDS when states create a new file for each Order for one juvenile resulting in multiple case files for the one juvenile and consequently inconsistent data is captured and reported.
- J. Hawkins (MO) shared the issue occurs when counties are transferring files to the state rather than restricting state to state. The Executive Committee discussed and agreed that the JIDS reported data should representative the number of juveniles transferred to another state.
- Chair Quam will take the information back to the Technology Committee to develop a best practice to address the issue.

#### **Adjourn**

- The next meeting is June 23 11:30 a.m. EDT.
- **Chair Marchand adjourned the meeting by unanimous consent at 1:39 p.m. EDT.**