



## INTERSTATE COMMISSION FOR JUVENILES

### EXECUTIVE COMMITTEE

#### *Minutes*

July 23, 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. Rose Ann Bisch (MN) Rules Committee Chair, AAICPC/ICJ Work Group Co-Chair
5. Traci Marchand (NC) Training Committee Chair
6. Nina Belli (OH) Midwest Region Representative
7. Mia Pressley (SC) South Region Representative
8. Patricia Welcome (VI) East Region Representative
9. Michael Lacy (WV) Compliance Committee Chair
10. Shelley Hagan (WI) Technology Committee Chair
11. Rick Masters, Legal Counsel
12. Trudy Gregorie, Victims Representative

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

1. Dale Dodd (NM) West Region Representative

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

None

#### **ICJ National Office Staff in Attendance:**

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

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

#### **Roll Call**

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

#### **Agenda**

**S. Hagan (WI) made a motion to approve the agenda. M. Lacy (WV) seconded. The motion passed.**

#### **Minutes**

**M. Pressley (SC) made a motion to approve the May 28, 2015 meeting minutes. N. Belli (OH) seconded. The motion passed.**

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## Executive Director Report (presented by Ashley Lippert)

### Commissioner Update

- A. Lippert updated on the Pennsylvania Commissioner vacancy. Jason McCrea plans to attend the annual business meeting and anticipates his appointment by that time.
- A. Lippert recommended the Executive Committee consider establishing a time line guide for the appointment of Commissioners. R. Masters advised that failure to appoint a Commissioner is a default under the Compact and noted that states without an appointed official would not be allowed to vote during the annual meeting.
- **M. Lacy (WV) made a motion to approve Rick Masters, Legal Counsel, to prepare a letter notifying Pennsylvania they are in default should a Commissioner not be appointed and note that a Designee may be appointed as a voting representative for the annual meeting. P. Welcome (VI) seconded. The motion passed.**
- P. Welcome (VI) suggested implementing a 30-day timeline to appoint a new state Commissioner when there is a vacancy noting they can ask for an extension of time if necessary. P. Cox (OR) commented to the short time frame and suggested 90 days. The Executive Committee agreed to draft a policy and did not reach a consensus on the time frame.
- **P. Welcome (VI) made a motion to require states to appoint the Commissioner or Designee within 30 days of the vacancy. M. Lacy (WV) seconded.**
- **M. Lacy (WV) made a motion to table the earlier motion until the August meeting. P. Welcome (VI) seconded. The motion passed.**
- A. Lippert will draft a policy similar to the dues enforcement policy for consideration at the next meeting

### Third Quarter Performance Measurement Reports

- A. Lippert updated that the 3<sup>rd</sup> Quarter Performance Measurement Reports will be mailed August 3. An overall results report from the first three quarters will be prepared to assist the Compliance Committee with a recommendation and direction for the performance standards to be measured in 2016.

### FY 2016 Dues

- A. Lippert reported that some states have paid their FY 16 dues. New York, the only state operating on an April 1 – March 31 fiscal year, is nearing 120 days outstanding for the payment of dues. Should dues not be received by August 1, New York will be referred to the Compliance Committee. A. Lippert has contacted New York in an effort to avoid the referral.
- R. Bisch (MN) questioned the ability for a state whose dues are outstanding to vote at the annual business meeting. R. Masters clarified only states that have been suspended from the Compact would be denied the opportunity to vote.

### 2015 Annual Report

- A. Lippert updated the annual report content has gone to the designer. A draft 2015 Annual Report will be emailed to the Executive Committee for review and approval and a printed copy will be provided at the annual meeting.

### CSG Affiliation

- A. Lippert presented an overview of the findings from the research conducted for alternatives for vendors to provide human resources and accounting services currently acquired through CSG. The proposal presented by the local company had some unknowns such as costs to contract an outside auditing firm. After obtaining a viable

proposal from a local vendor, ICJ and ICAOS met with the Council of State Governments to discuss the services, costs, and future benefits. CSG agreed to a thirty five percent indirect costs reduction prorated over the next two years for ICJ.

- A. Lippert recommended that ICJ continue its relationship with CSG and updated that D. Dodd (NM) concurred with the recommendation via email since he could not attend the meeting. P. Cox (OR) concurred with the recommendation noting the intangible benefits of the CSG brand for states in the legislative arena and participation in the long term investment plan. The Executive Committee discussed and agreed that the value of being a CSG affiliate outweighs the savings.
- **P. Cox (OR) made a motion to approve that ICJ reaffirm its existing relationship with CSG under the ICJ/CSG Memorandum of Understanding. S. Hagan (WI) seconded. The motion passed.**

#### Advisory Opinion #02-2015

- A. Lippert presented a draft Advisory Opinion #02-2015 in response to the request by Minnesota regarding the signatures required on the Form IA/VI Application for Services and Waiver.
- R. Masters defended his summary that was based on the literal language of ICJ Rule 4-102, regardless of the point at which the signature of a judge or compact official is obtained, the sending state is required to obtain it in order to comply with this rule. The rules do not explicitly state that you cannot transfer without a signature on the form, but it does state that an incomplete form is a violation. Further, he cautioned against governing the transfer process through an advisory opinion.
- R. Bisch (MN) commented that the advisory opinion does not answer the question of how supervision can be provided to a juvenile without a signed document. She stressed the importance of a required signature and questioned its value if it is not required prior to the transfer.
- S. Hagan (WI) shared the process whereby a receiving state conducts a home evaluation and notifies the sending state it is available in JIDS. The sending state takes the information to the requesting judge with the Form IA/VI for signature. At that point, the receiving state can accept supervision and route the home evaluation in JIDS.
- The Executive Committee proposed the following additional language: *The receiving state has no authority to accept or supervise a case until permission is given by the court of jurisdiction or Compact official through this form.* R. Masters agreed to modify the advisory opinion and present for review at the next Executive Committee meeting.

#### 2015 Annual Business Meeting – August 24-26, 2015

- A. Lippert updated that there are 93 registered to attend the 2015 Annual Business Meeting. New Hampshire is the only member state that has not registered.

### **Committee Reports**

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

- Chair Pendergast had nothing new to report since the last meeting.

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

- Chair Cox reported that the Finance Committee met July 21. The FY 15 Budget completed the year at nine percent under budget with a balance of \$178,000 going into the reserve fund.

- The FY 17 Budget recommended by the Executive Committee will go before the full Commission for vote at the 2015 Annual Business Meeting. Additionally, the Finance Committee Report will include an update on the performance of the long term investment portfolio.

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

### Trainings Update

- Chair Marchand reported the Florida Technical and Training Assistance four day training was completed by 149 participants with Anne Connor (NV) conducting the combination JIDS/Rules training all four sessions. The rules training on returns scheduled July 15 was cancelled due to low registration. The next and last rules training prior the annual meeting will be conducted July 28-29 by Maria Genca (CT).

### Human Trafficking Work Group Update

- Human Trafficking Work Group Chair Connor recommended that the Training Committee continue the Human Trafficking Work Group next year. The Work Group is proposing the development of a human trafficking matrix using the 2014 Polaris Project State Ratings as a guide. A survey will be administered to obtain the matrix information.
- The Human Trafficking Best Practice recommended by the Work Group was approved by the Training Committee and is currently available on the Commission's website.

### 2015 ABM LGBTQ Youth Panel Discussion Update

- Chair Marchand updated that the Training Committee met July 1 and July 22 to finalize the 2015 ABM Training Session II: LGBTQ Juveniles Panel Discussion.

### Public Relations Updates

- A. Connor (NV) updated on her presentation at the 40<sup>th</sup> Anniversary American Probation and Parole Association (APPA) Annual Training Institute July 12-15 in Los Angeles, California. Additionally, attendees had the opportunity to tour the Los Padrinos Juvenile Hall in LA County, California.
- Chair Marchand updated that she, Rick Masters, and Ashley Lippert will present ICJ at the NCJFCJ 2015 Annual Conference in Austin, Texas next week.

## **Compliance Committee**

- Chair Lacy reported the Compliance Committee has not met since the last meeting and there are currently no matters before for the committee.

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

- Chair Hagan reported that the Technology Committee met July 21 and updated on the JIDS trainings completed since the last meeting. Two states have requests sandbox training.
- J. Adkins updated on the status and testing of the outstanding custom reports, FileBound upgrade, and modified Final Travel Plan form. A user management button was disabled to avoid future user deletions. States may request the National Office to query the database for their state's JIDS e-forms without an active workflow.
- Chair Hagan shared modifications to the Form X are currently out for comment and updated similar modifications to the Form IX will be considered after annual business meeting. The September meeting will address JIDS/Forms changes due to the passage of the rule proposals in August.

### **Rules Committee and AAICPC/ICJ Work Group** (presented by Rose Ann Bisch)

- Chair Bisch updated on the work completed during the Rules Committee's face to face meeting June 16-17, 2015 in Lexington. All rule proposal comments were reviewed and addressed. A total of 50 rule proposals are going forward at the 2015 Annual Business meeting and are available for review on the Commission's website. Two proposals from the South Region; one proposal from the West Region; and the remaining proposals from the Rules Committee. One Midwest Region proposal and ten West Region proposals were incorporated into the Rules Committee proposals and subsequently withdrawn by the regions.
- Chair Bisch updated that prior to the final vote during the 2015 ABM General Session, the rule proposals will be discussed during the Public Hearing, Training Session I, and Region Meetings.

#### *AAICPC/ICJ MOU Work Group*

- Co-Chair Bisch reported that the Work Group met July 16 and approved an AAICPC/ICJ Guide. The guide was announced and posted on the websites of both organizations. The Guide includes the AAICPC/ICJ Memorandum of Understanding, the eight case scenarios developed by the Work Group, and a Question & Answer section to be added later. The Co-Chairs of the Work Group recommend that the Work Group continue next year meeting quarterly to function as a training resource and develop the Q&A section.

### **Region Reports**

- There was nothing new to report from the region representatives. The next meeting for all regions is August 25 @ 1:15 pm CDT during the 2015 Annual Business Meeting.

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

#### Reauthorization of the Juvenile Justice Delinquency Prevention Act

- R. Masters updated on his review of the Reauthorization of the Juvenile Justice Delinquency Prevention Act, citing the language and voicing imminent concern to ICJ to lose the OJJDP detention exemption.

#### Virginia Case

- R. Masters reported a Virginia case whereby a juvenile's attorney is challenging the authority of ICJ claiming the Compact to be invalid due to a lack of Congressional consent. The Executive Committee agreed that Legal Counsel should continue his communications with the Virginia Attorney General's office and prepare any necessary legal brief or documents on behalf of ICJ.
- **S. Hagan (WI) made a motion to authorize Rick Masters, Legal Counsel, to file any necessary legal documents on behalf of ICJ regarding the Virginia Case presented above. R. Bisch (MN) seconded. The motion passed.**

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

- T. Gregorie updated that as a member of the Juveniles Justice network she received a notification that the Reauthorization of the Juvenile Justice Delinquency Prevention Act was on the agenda of the Senate Judiciary Committee today.

### **Old Business**

There was no old business.

### **New Business**

#### *Reauthorization of the Juvenile Justice Delinquency Prevention Act*

- R. Masters advised that time is of the essence in regards to Trudy's update on the Reauthorization of the Juvenile Justice Delinquency Prevention Act. He recommended

that he, Ashley, and Trudy research further for possible strategies to uphold the position of ICJ.

- **M. Lacy (WV) made a motion to authorize R. Masters, Legal Counsel, to communicate and prepare documents as deemed necessary to express the position of ICJ regarding the Reauthorization of the Juvenile Justice Delinquency Prevention Act. R. Bisch (MN) seconded. Chair Pendergast approved the motion by acclamation.**

### **Adjourn**

- **P. Welcome (VI) made a motion to adjourn. M. Lacy (WV) seconded. The motion passed. Chair Pendergast adjourned the meeting at 12:42 p.m. EDT.**