



**INTERSTATE COMMISSION FOR JUVENILES
EXECUTIVE COMMITTEE**

Minutes

August 24, 2015

2:00 p.m. CDT

The Madison Concourse Hotel and Governor's Club

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

Committee Members Not in Attendance:

None

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 2:00 p.m. CDT

Roll Call

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

Minutes

R. Bisch (MN) made a motion to approve the July 23, 2015 meeting minutes.

S. Hagan (WI) seconded. The motion passed.

Agenda

- Chair Pendergast modified the agenda to move Rick Masters' Legal Counsel Report prior to the Executive Director Report.
- **M. Lacy (WV) made a motion to approve the agenda as modified. P. Cox (OR) seconded. The motion passed.**

Legal Counsel Report (presented by Rick Masters)

Reauthorization of the Juvenile Justice Delinquency Prevention Act 2015

- R. Masters updated on his communications with Senator Chuck Grassley's Staff Attorney (Evelyn Fortier) regarding the Reauthorization of the Juvenile Justice Delinquency Prevention Act 2015, which excluded ICJ's OJJDP detainment provision [reference OJJDP, 42 U.S.C. 5633(a)]. R. Masters emphasized that the Act as written today completely bans secure detention for any status offender under any circumstance. Today, the Coalition for Juvenile Justice (CJJ) has requested a teleconference to discuss inclusion of the reference with a limited timeframe for detention. R. Masters and Director Lippert presented the following language for the Executive Committee's discussion and requested direction to communicate to Lisa Pilnik, Deputy Executive Director, and Naomi Smoot, Senior Policy Associate, with the Coalition for Juvenile Justice: *JJDP Exemption for Detention of Runaways under the Interstate Compact for Juveniles: As stated in the guidance from OJJDP, 42 U.S.C. 5633(a) by its language, creates an exemption to the deinstitutionalization of status offenders and permits detention of "juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;" See 42 U.S.C. 5633(a)(11)(A)(iii). Therefore, juvenile status offenders who are held in accordance with the Interstate Compact for Juveniles may be held for ____ days from the issuance of an order placing the juvenile in secure detention.*
- The Executive Committee discussed the proposed language and timeframe for the return of a runaway under variable scenarios in accordance with the current ICJ Rules. The Executive Committee agreed that the ICJ Rules allow up to 90 days and reached a consensus to a fifty percent reduction (45 days).
- **M. Lacy (WV) made a motion to authorize Rick Masters to represent the position of ICJ regarding the Reauthorization of the Juvenile Justice Delinquency Prevention Act 2015 and recommend a 45-day timeframe to hold juveniles in secure detention. R. Bisch (MN) seconded. The motion passed.**
{Rick Masters left the meeting to conduct a teleconference with CJJ}
- R. Masters returned to the meeting and updated on the telephone communications with Lisa Pilnik, Deputy Executive Director, and Naomi Smoot, Senior Policy Associate with the Coalition for Juvenile Justice (CJJ). The 45-day timeframe was rejected and will be available for another teleconference to entertain a counter-offer of a lesser time frame and offered phasing in over a 1-3 year period. A. Lippert commented on the significance of the CJJ relationship recommending a concerted effort to reach a compromise.
- P. Cox (OR) noted the total number of non-voluntary returns in the 2015 Annual Report to be 115, a combination of non-delinquent runaways, escapees, and absconders. R. Bisch (MN) commented that the rules do not require juveniles to be placed in detention unless the juvenile is a risk to themselves or others.

Additionally, a few states are moving to finding alternative placements due in part to human trafficking.

- Chair Pendergast recommended going with a 30-day time frame and if rejected scheduled a meeting face-to-face with the appropriate parties in Washington to explain the ICJ processes. The Executive Committee discussed and reached a consensus to counteroffer 30 days and recommended implanting a Plan B of making a direct plea to Congress should an agreement not be reached. P. Welcome (VI) recommended Rose Ann Bisch (MN) accompany Rick Masters to Washington should it become necessary. R. Masters cautioned to the risk of going before Congress at this juncture.
- **M. Lacy (WV) made a motion approved the recommendation of Chair Pendergast to authorize Rick Masters to request a 30-day timeframe in his communications with CJJ before going to Plan B. P. Cox (OR) seconded. The motion passed.**

Virginia Case

- A. Lippert updated that the national office was made aware of a case in Virginia where a wanted juvenile fled the State of New Jersey to avoid prosecution in a murder case and was picked up in Virginia.
- R. Masters updated that the juvenile's defense attorney in Virginia is arguing that the Compact was not passed by congressional consent and therefore is unconstitutional. The Assistant Attorney General for the Commonwealth of Virginia is handling the hearing and has collaborated with Rick Masters in preparation of a brief for a hearing to be held the end of August.

NCJFCJ Conference

- R. Masters commended the Commission on the ex officio partnership with NCJFCJ and value of strengthening the relationship.

Executive Director Report (presented by Ashley Lippert)

Commissioner Update

- A. Lippert updated that Rick Masters sent a letter to the Governor of Pennsylvania to appoint a Commissioner. Jason McCrea plans to attend the annual business meeting and will be eligible to vote if a letter of authorization is received.
- P. Welcome (VI) questioned the voting eligibility of delegates attending the annual business meetings to be determined by the Governor. A. Lippert clarified that the Statute requires the Commissioner of each state be appointed by the appropriate governing authority, noting that most states interpret the appropriate governing authority to be the Governor.

2015 Annual Report

- A. Lippert presented the 2015 Annual Report publication and thanked the members for their timely feedback. All Commissioners, Designees and Ex officios seated at the table on Wednesday will receive a copy. In accordance with the Statute, copies of the Annual Report will be mailed to each Compact office next week for distribution. Additional copies may be obtained by making a request to the national office.

Administrative Policy #01-2015: Commissioner Appointment Enforcement

- A. Lippert presented a proposed Administrative Policy regarding Commissioner Appointments. The policy outlines the steps for enforcement similar to the dues collection and state council policies. The Executive Committee reviewed and agreed to align the time frame with the dues enforcement policy. The three steps will read:
 - A. ...appoint a Commissioner within a specified time period when a vacancy occurs:
 1. The Chair of the Commission shall notify the appointing authority in writing, via registered mail, within one week upon notice of a Commissioner vacancy requesting he or she fill the vacated appointment within sixty (60) days.
 2. If a member state has not appointed a Commissioner within ninety (90) days of receipt of notice, Legal Counsel for the Commission shall notify the State of their delinquency in writing, via registered mail.
 3. If the position remains vacant for one hundred twenty (120) days from the original notice, the Executive Director shall refer the matter to the Compliance Committee for enforcement action.
- **M. Lacy (WV) made a motion to adopt Administrative Policy #01-2015: Commissioner Appointment Enforcement as amended. A. Connor (NV) seconded. The motion passed.**

Advisory Opinion #02-2015: Signature on the Form IA/VI

- A. Lippert presented a modified draft Advisory Opinion #02-2015: Signature on the Form IA/VI. The advisory opinion is in response to the request by Minnesota regarding the signatures required on the Form IA/VI Application for Services and Waiver.
- P. Cox (OR) suggested adding the name of the form in the summary and all other places where the form is mentioned and the members concurred.
- The Executive Committee discussed the advisory opinion and reached a consensus that the understanding was that the receiving state may commence with the investigation and begin supervision upon receipt of the completed Form IA/VI. P. Welcome (VI) commented that the juvenile's responsibility is retained by the sending state until the receiving state accepts supervision.
- R. Bisch (MN) questioned how the advisory opinion would apply to juvenile sex offenders under Rule 4-103. A. Lippert commented that if the expedited request is not approved, they cannot go without travel permit or reporting instructions. Further, the juvenile should return to the sending state until all documentation processed.
- M. Lacy (WV) questioned the language on page 3 *regardless of the point at which the signature is obtained*. R. Masters clarified the intent was that signature must be obtained and consented to removing the language. The Executive Committee debated and modified the language on page 3 in two places to read: *...based on the literal language of ICJ Rule 4-102, the sending state is required to obtain the signature of the Judge or Compacting official in order to comply with the rule. The receiving state has no authority to accept or supervise a case until permission is given by either the court of competent jurisdiction or Compact official by means signing the Form IA/VI.*

- **M. Lacy (WV) made a motion to adopt Advisory Opinion #02-2015: Signature on the Form IA/VI as amended. P. Cox (OR) seconded. The motion passed.**

2015 Annual Business Meeting

- A. Lippert welcomed everyone to the 2015 Annual Business Meeting in Madison Wisconsin and commended the efforts of the national office staff in the preparation. Total attendance registered is 93. New Hampshire will not attend. Commissioner Bartlett was not available and a designee was not appointed. There will be 51 state delegates and 9 ex officio members seated at the table during the General Session this year.

Committee Reports

Executive Committee (presented by Patrick Pendergast)

- Chair Pendergast expressed his appreciation to the leadership of the 2015 officers, committee chairs, and regional representatives.

Finance Committee (presented by Phil Cox)

- Chair Cox reported that the Finance Committee has not met since the last meeting and had nothing new to report.

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

- Chair Marchand updated that Louisiana completed training and technical assistance since the last Executive Committee meeting. The NCJFCJ 78th Annual Conference presentation was well received and a major milestone for ICJ to be included on the agenda.
- Chair Marchand acknowledged the trainers and national office staff for their assistance throughout the year. The Training Committee has approved the following training sessions and presenters for the 2015 Annual Business Meeting:
Session I – Rule Proposals Discussion

Rose Ann Bisch (MN) Rules Committee Chair

Rick Masters, Legal Counsel

Session II – LGBTQ Juveniles Panel Discussion

Moderator: Trudy Gregorie (Victims Representative)

Panelists: Anne Connor (NV)

Michael Farmer (CA)

Avery Niles (GA)

Christa Price (True Colors Fund)

June Paul (University of Wisconsin)

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 expressed her appreciation of the Technology Committee and the opportunity to be its Chair.
- Chair Hagan reported that the Technology Committee has not met since the last Executive Committee meeting and updated that the national office has prepared a summary of the JIDS impact upon approval of the 2015 rule proposals. The form

modifications approved throughout the past year will be modified in conjunction with the rule proposal modifications.

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

- Chair Bisch reported that the Rules Committee has not met since the last Executive Committee.
- Chair Bisch recommended that the 2016 Rules Committee clarify in the rules or consider requesting an advisory opinion to address confusion regarding the jurisdiction and detainment of a juvenile picked up in a receiving state under an adult warrant.
- The Executive Committee complimented Chair Bisch for an outstanding job as the Rules Committee Chair for the past two years.

AAICPC/ICJ MOU Work Group

- Co-Chair Bisch presented the Best Practice AAICPC/ICJ Guide in print. The guide was announced and posted on the websites of both organizations last month. The Co-Chairs of the Work Group recommend that the Work Group continue to meet quarterly next year; to function as a resource; to add a question and answer section to the guide; and to assist with training.

Region Reports

- All regional representatives reported their regions will meet tomorrow and expressed their gratitude for the assistance and cooperation from the Commission members and national office during 2015 tenure.

Victim's Report (presented by Trudy Gregorie)

- T. Gregorie expressed her appreciation for the opportunity to serve on the ICJ Executive Committee as the Victims Representative and to moderate the LGBTQ Juveniles Panel Discussion on Tuesday.
- R. Masters acknowledged Trudy Gregorie's expedited assistance contacting the appropriate persons regarding the Reauthorization of the Juvenile Justice Delinquency Prevention Act.

Old Business

There was no old business.

New Business

Compliance

- Chair Pendergast shared details of a case whereby the Alabama communicated on numerous occasions to the sending state of an inappropriate and unsafe placement; however, the sending state refused to retake and has now closed the case. R. Bisch noted that one of the rule proposals states that juveniles must be returned within five days of the placement denial.
- R. Masters noted that the authority of the Compliance Committee is to determine if a rule has been violated before the case closed and there are progressive steps of actions to follow.
- R. Bisch (MN) commented that next year ICJ may wish to review how the Interstate Commission for Adult Offender Supervision addressed this issue.

- M. Lacy (WV) asked if Chair Pendergast wished to refer this matter to the Compliance Committee and Chair Pendergast acknowledged yes.

Annual Business Meetings

- M. Lacy (WV) commented on the By-laws which state that elected officers serve for one year and suggested that the annual business meeting be held around the same time each year noting the number of months going from October to August.

Adjourn

- **A. Connor (NV) made a motion to adjourn. N. Belli (OH) seconded. The motion passed. Chair Pendergast adjourned the meeting at 4:25 p.m. CDT.**