



INTERSTATE COMMISSION FOR JUVENILES

EXECUTIVE COMMITTEE MEETING

Minutes

September 26, 2013

11:15 a.m. EDT

Committee Members in Attendance:

1. Terry Clark (PA) Chair
2. Summer Foxworth (CO) Vice Chair
3. Phil Cox (OR) Treasurer
4. Patrick Pendergast (AL) Designee
5. Judy Miller (AR) Designee
6. Damian Seymour (DE) Designee
7. Rose Ann Bisch (MN) Commissioner
8. Anne Connor (NV) Commissioner
9. Traci Marchand (NC) Commissioner
10. Trudy Gregorie, Victims Representative, Ex-Officio
11. Rick Masters, Legal Counsel

Committee Members Not in Attendance:

1. Jean Hall (FL) Commissioner

Guests in Attendance:

None

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

Roll Call

A. Lippert called the roll. Eleven of the twelve members were present; nine of the ten voting members were present, establishing a quorum.

Agenda

P. Pendergast (AL) made a motion to approve the agenda as presented. R. Bisch (MN) seconded. The motion passed.

Minutes

J. Miller (AR) made a motion to approve the July 25, 2013 meeting minutes. R. Bisch (MN) seconded. The motion passed to approve the minutes as clerically amended.

Executive Director Report (presented by Ashley Lippert)

- A. Lippert introduced the newest ICJ staff member, Morgan Rhodes, Training and Administrative Coordinator.

Commissioners/Designees

- A. Lippert reported two states (Utah and Arkansas) are working towards filling the Commissioner vacancies. Designee Miller (AR) and Designee Airam (UT) will attend the annual business meeting. New Hampshire has appointed an interim Commissioner (Lorraine Bartlett). Oklahoma has appointed Robert Hendryx as Designee in the absence of Commissioner Wilson and Mr. Hendryx will attend the annual meeting.

APPA and ICAOS Meetings

- A. Lippert reported that Jenny Adkins (National Office) and Jason McCrea (PA) presented on ICJ at the APPA Summer Institute in Baltimore, Maryland. She updated that Kari Rumbaugh (NE) will present at the APPA Winter Institute. A. Lippert reported on the ICAOS 2013 Annual Business Meeting held in Boston, Massachusetts and highlighted the various business items discussed at that meeting.

Dues

- A. Lippert updated that the status of the 2014 dues to be on track at this point in the year. Three states operating on the July 1 – June 30 fiscal year have not paid dues and three states operating on the October 1 – September 31 fiscal year have not paid.

Annual Report

- A. Lippert updated that the 2013 Annual Report has been printed. Six copies will be mailed to Commissioners and a copy will be furnished in the Docket Book at the annual meeting. An electronic version will also be posted to the Commission's website and additional hard copies are available upon request.

White Paper – Temporary Secure Detention of Non-Adjudicated Juvenile Runaways

- A. Lippert presented a white paper prepared by Legal Counsel on the Temporary Secure Detention for Non-Adjudicated Juvenile Runaways.
- R. Masters briefed on the SOS campaign by the Coalition for Juvenile Justice (CJJ) intended to eliminate the detainment of non-adjudicated juveniles in secure detention. He clarified that the ICJ exception under the Juvenile Justice and Delinquency Prevention Act (JJDP) is statutory to detain runaways up to 24 hours.
- R. Masters clarified that the report did not distinguish ICJ. He recommended that the ICJ exemption under 42 U.S.C. 5633 be footnoted in the CJJ report and Jessica Kendall, Director for Child and Family Policy Associates, Consultant for Coalition for Juvenile Justice was amenable.
- R. Masters recommended that the final version of the CJJ report include a footnote noting that ICJ will need to continue to educate groups on why the limited exemptions should continue. A. Lippert suggested inviting representatives from OJJDP and CJJ to next year's annual meeting for a panel discussion on the topic.

- J. Miller (AR) questioned the alternatives offered by CJJ. R. Masters clarified the 70-page CJJ report eluded that states would need to find creative alternatives.
- **A. Connor (NV) made a motion to publish a white paper regarding the Secure Detention for Non-Delinquent Runaways to include the latest commentary. S. Foxworth (CO) seconded. The motion passed.**

Dispute Resolution – UT/CO

- A. Lippert reported that the National Office received a rule interpretation request from Utah regarding the transfer of supervision for an adjudicated juvenile who was sentenced after reaching the age of majority. The matter was referred to legal counsel and a dispute resolution was prepared. R. Masters presented a dispute resolution between Utah and Colorado on the subject matter.
- S. Foxworth (CO) recused herself from the discussion and vote on the subject.
- The Executive Committee discussed the challenges to provide all services due to the age differences. The discussion referenced the language in Rule 4-101 regarding supervising at the same standard you would your own juveniles and concurred that a better remedy would be a heightened awareness on a regional level rather than a rule amendment.
- **A. Connor (NV) made a motion to approve the ICJ Dispute Resolution #01-2013 as presented. R. Bisch (MN) seconded. The motion passed.**

West Region

- A. Lippert reported a concern from one West Region Commissioner regarding how the National Office is perceived and the correlation of that perception to compliance. She addressed the comment by contacting each member of the West Region. The conversations were appreciated and no concerns were voiced.
- Chair Clark spoke to the evolution of the Commission since 2008 and that compliance letters are becoming a part of the maturation.
- R. Bisch (MN) questioned the process for Compact office staff to contact the National Office. A. Lippert confirmed there is currently no policy to prohibit staff from contacting the National Office, and that the National Office typically includes the Commissioner in the communication or response.

JIDS Performance Test

- A. Lippert updated on the process of determining factors at play causing the JIDS performance issues. She updated that InStream is aware of the issue and clarified that InStream was contracted to scale the system for 750 concurrent users. She reported a third party vendor (Compuware) has been contracted to conduct a load test to ascertain whether or not the system was built to the contracted specifications for 750 concurrent users. The results of the performance test will be shared with InStream. InStream will be given a timeframe to repair the issues and then a second performance test will be administered.

2013 Annual Business Meeting

- A. Lippert reported 90 persons have registered to attend the 2013 Annual Business Meeting in Tempe, Arizona. Of the 51 member states, two (Maine and New Hampshire) will not attend and one (Illinois) will send a non-voting representative and six ex-officios will attend. A. Lippert reported that ten of the states will be represented by the Commissioner's Designee. She updated that Commissioners for Arizona and Virginia will attend events on Monday and Tuesday and their Designees will attend the General Session on Wednesday. R. Bisch (MN) questioned the reimbursement. A. Lippert clarified only one would be reimbursed. The Executive Committee concurred.

- R. Masters clarified that the intent of the ICJ Statute and By-laws language purports that a quorum is defined by the number of members of the Commission not the number of members present. The Commission currently consists of 51 member states. During the 2013 Annual Business Meeting, the simple majority will be 26 and the two-thirds majority will be 34.

Committee Reports

Executive Committee (presented by Terry Clark)

- Chair Clark had nothing additional to report.

Finance Committee (presented by Pat Pendergast)

- Chair Pendergast reported the Finance Committee met twice since the last Executive Committee meeting. Chair Pendergast briefed on the long-term Vanguard Investment option presented by W. Littrel, Chief Financial Officer for the Council of State Governments (CSG) and Charles Lauderbauch, Treasurer for the Interstate Commission for Adult Offender Supervision (ICAOS) at the August meeting.
- Chair Pendergast reported that ICJ has a positive fund balance of approximately \$1.06 million, 20 percent greater than its annual operating expenses. The funds are maintained in a savings account earning less than one percent.
- Chair Pendergast presented the Finance Committee's recommendation that the ICJ Executive Committee consider investing \$20,000 per month over the course of twelve months into the CSG-sponsored Vanguard portfolio beginning December 2013, and to continue investing funds in excess of 100% of the operating expenses in this portfolio in future.
- P. Cox (OR) spoke in favor of the opportunity as a conservative investment. R. Masters spoke in favor of the opportunity citing the Commission's fiduciary responsibility. S. Foxworth (CO) suggested presenting the investment option to the full Commission. R. Bisch (MO) noted the presentation given to the Midwest Region by A. Lippert. Chair Clark suggested the membership receive additional information depicting the performance of the Vanguard portfolio.
- The Executive Committee debated and agreed that the Vanguard prospectus information should be prepared and shared in writing and in person during the region meetings on October 8, the day prior to the general session. Chair Pendergast, Treasurer Cox, Chair Clark, and Director Lippert agreed to prepare the information and make the presentations to each of the regions simultaneously.
- **P. Cox (OR) made a motion to present to the full Commission for vote during the 2013 General Session the Finance Committee's recommendation to participate in the CSG-sponsored Vanguard portfolio long term investment option as a dollar cost averaging of \$240,000 over 12 months at \$20,000 per month, beginning December 2013 and to consider continuing to investment amounts in excess of 100 percent of the annual expenses in this portfolio in the future. J. Miller (AR) seconded. The motion passed.**

2013 Budget Update

- Chair Pendergast reported the fiscal year 2014 budget to be on track two months into the new fiscal year.

Training, Education & Public Relations Committee

- In the absence of Chair Hall, J. Adkins reported that the Training, Education, and Public Relations Committee have not met since the last Executive Committee meeting and that the on-demand trainings have been viewed 158 times since the last meeting.

Rules Committee (presented by Rose Ann Bisch)

- Chair Bisch reported that the Rules Committee finalized the proposed rule amendments at the July face-to-face meeting in Lexington, Kentucky. The proposals are posted to the website.

Compliance Committee (presented by Summer Foxworth)

- Chair Foxworth reported the Compliance Committee met September 23 to discuss the responses from Illinois and California on the corrective action.
- Chair Foxworth reported that Illinois has established a state council and therefore is now in compliance.
- Chair Foxworth presented California's response lacked details and time lines.
- Chair Foxworth presented the Compliance Committee's recommendation to authorize legal counsel to issue a second letter to California requesting clarification of the ICJ operations reorganization outlined in paragraph 4 of the letter dated September 5, 2013, and to notify California that the assistance currently provided by A. Connor (NV) will cease December 31, 2013.
- A. Lippert affirmed that the California Sunset Clause legislation was extended for two years. Additionally she updated that Michael Farmer and Commissioner Curtis Hill will both attend the annual business meeting.
- **P. Pendergast (AL) made a motion to approve legal counsel to prepare a second letter requesting clarification and a time frame for the proposed plan of action for the organization of the California Compact office. P. Cox (OR) seconded. The motion passed.**
- R. Masters will prepare and present the letter to the Executive Committee before the next Executive Committee meeting.

Technology Committee (presented Traci Marchand)

Training

- Chair Marchand reported that 26 users received JIDS training on September 11. The next JIDS training for field staff users is scheduled October 30. There will be face-to-face JIDS training during the annual meeting and the online WebEx trainings for Compact staff will resume after the annual meeting.

Tech Support

- She reported that the JIDS helpdesk tickets averaged 110 during August and September with 105 resolved. Since August 7, 19 states received remote desktop assistance, and two states have reserved the sandbox for state JIDS trainings.

JIDS Enhancements

- Chair Marchand updated that InStream pulled updated E-forms from production on September 13, due to kick-outs. InStream continues to edit and test each E-form. A new optional field to identify county, districts, etc. will be titled *ICJ Office Assign* and will not be mandatory. She updated on discussions around the Global Assignments page, awaiting home evaluation, and a recommendation sheet to the Rules Committee regarding the completion of the Form X.

- She shared that the Technology Committee completed a survey to rank the top 3 – 5 JIDS enhancement requests. Similar requests have been grouped together and several price quotes have been requested from InStream.

Uploading Issues

- J. Adkins updated that three states (AK, MO, WA) cannot upload forms within the web viewer. InStream has mimicked each state’s internal software program settings to assist in a resolution. In the interim, those states are emailing documents.

Bifurcated States

- Chair Marchand reported a new issue isolated to only bifurcated states regarding the “status” of cases. The National Office awaits feedback on how each office handles runaways to determine whether the resolution will be handled through the system or training.

Performance Testing

- Chair Marchand referenced the information previously shared by A. Lippert regarding the performance test and will report at the next meeting.

6.5.4 FileBound Release

- The upgraded FileBound Ver. 6.5.4 will be released in October to correct password case sensitivity and the 01/01/1990 last view date.

Region Reports

East Region (presented by Damian Seymour)

- Representative Seymour reported the East Region last met in June and will meet in October to discuss rule proposals, 2014 officer’s slate, and the long-term investment.
- Representative Seymour reported he would step down as the East Region chair in October due to work demands; however, he will continue as the full time Designee for Delaware.

Midwest Region and AAICPC/ICJ Work Group (presented by Rose Ann Bisch)

Midwest Region

- Representative Bisch reported the Midwest Region met on September 16 and held a JIDS refresher training and A. Lippert mentioned the long-term Vanguard Investment Option.

AAICPC/ICJ Work Group

- Co-Chair Bisch reported the Work Group last met July 11, 2013. The Work Group will continue with the development of best practices and scenario guidelines after the ICJ 2013 Annual Meeting and outcome of the proposed rule amendments. She referenced the Coalition of Juvenile Justice (CJJ) SOS Project of earlier discussions. She updated there to be no new activity regarding the sub-workgroup’s judicial survey.

South Region (presented by Judy Miller)

- Representative Miller reported the South Region has not met since the last meeting. She updated that she is assisting Arkansas with the appointment of a Commissioner.

West Region (presented by Anne Connor)

- Representative Connor reported the West Region met August 21 and established a 2014 officer’s slate.

Victim's Representative (presented by Trudy Gregorie)

- T. Gregorie spoke favorably of the Runaway Training Session scheduled during the 2013 Annual Business Meeting. She reported a victim's meeting with Pat Tuthill next week to discuss possible ICAOS and ICJ shared resources regarding victim issues.

Legal Counsel Report (presented by Rick Masters)

- R. Masters reported that all current legal matters were previously discussed in the meeting and further clarified that in the absence of quorum being defined in the ICJ By-laws, the Roberts Rules of Order apply, and the Roberts Rules of Order clearly defines a quorum to be a majority of the membership.

Old Business

There was no old business.

New Business

There was no new business.

Adjourn

- **A. Connor (NV) made a motion to adjourn. P. Cox (OR) seconded. The motion passed. Chair Clark adjourned the meeting at 1:46 p.m. EDT.**