



## INTERSTATE COMMISSION FOR JUVENILES

### EXECUTIVE COMMITTEE

*Minutes*  
**December 11, 2014**  
**2:00 p.m. EST**

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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. Judy Miller (AR) South Region Representative
5. Dale Dodd (NM) West Region Representative
6. Rose Ann Bisch (MN) Rules Committee Chair, AAICPC/ICJ Work Group Co-Chair
7. Nina Belli (OH) Midwest Region Representative
8. Traci Marchand (NC) Training Committee Chair
9. Terry Clark (PA) Finance Committee Chair
10. Patricia Welcome (VI) East Region Representative
11. Shelley Hagan (WI) Technology Committee Chair
12. Rick Masters, Legal Counsel

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

1. Michael Lacy (WV) Compliance Committee 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 11:15 a.m. EST.

#### **Roll Call**

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

#### **Agenda**

- Representatives Miller, Welcome, and Belli noted they had nothing new to report and requested to be removed from the agenda's discussion items.
- **P. Welcome (VI) made a motion to approve the agenda as amended. S. Hagan (WI) seconded. The motion passed.**

## Minutes

**J. Miller (AR) made a motion to approve the October 27, 2014 meeting minutes. S. Hagan (WI) seconded. The motion passed.**

## Executive Director Report (presented by Ashley Lippert)

### Commissioner Update

- A. Lippert updated that the Nebraska and Maine Commissioner positions are currently vacant and new appointments have been identified. A letter went to the Governors of Nebraska and Maine and official appointments are anticipated.

### 2015 Dues Update

- A. Lippert reported that all states have paid dues for fiscal year 2015. The fiscal year 2016 dues invoices will be mailed in the spring.

### CJJ Affiliate Membership

- A. Lippert updated on the benefits of an organizational membership with the Coalition of Juvenile Justice (CJJ) and the advantages for ICJ to join as an affiliate member. R. Masters echoed the advantages noting that CJJ performs research for OJJDP such as the SOS Project, a promotional campaign for the deinstitutionalization of status offenders, which directly impacts ICJ. The Executive Committee discussed the membership, benefits, and annual membership fee of \$500.
- **P. Welcome (VI) made a motion to approve the annual purchase of an affiliate membership to the Coalition of Juvenile Justice (CJJ). R. Bisch (MN) seconded. S. Hagan (WI) abstained. The motion passed.**

### National Council of Juvenile and Family Court Judges (NCJFCJ)

- A. Lippert highlighted the positive outcomes of a teleconference meeting with NCJFCJ Ex-Officio Judge Peggy Walker, Executive Director, Chief Program Officer, and Program Manager. Judge Walker spoke highly of the 2014 Annual Business Meeting General Session and training sessions she attended in Charleston.
- A. Lippert reported that NCJFCJ has accepted ICJ's request to be included on the NCJFCJ Conference Agenda in July 2015 in Austin, Texas. A. Lippert, Executive Director, and R. Masters, Legal Counsel, will attend and present. NCJFCJ has also requested a face-to-face meeting at that time to discuss grant funding for curriculum development and training between the two organizations.

### Advisory Opinion Request from the West Region Work Group

- A. Lippert presented an ICJ Advisory Opinion # 04-2014: Approving 'placement' or 'supervision' and ICJ's authority in cases where placement may violate court orders. The advisory request from the West Region Work Group addressed two issues:
  - the difference between the *placement* and *supervision*; and
  - ICJ's authority when a placement violates a Court Order.
- A. Lippert highlighted the advisory opinion summary stating that the ICJ Statute does not distinguish between the terms *placement* and *supervision*. Further, that based upon the terms of the Compact's provisions, the ICJ Rules, and the legal cases cited in the advisory opinion, that Rule 4-104(4) does not authorize a receiving state to violate 'no contact' orders or any other court ordered conditions by the adjudicating judge or parole authority in the sending state.

- R. Masters clarified that the advisory opinion answers the question: Can a receiving state legitimately accept *supervision* when the intended *placement* violates a ‘no contact’ order or any other court order of supervision from a sending state and the answer is “no”. The difficulty lies with writing rules that balance both the protection and safety of the public and the victim with regards to the rights of parents and custodians of where to place the juvenile. R. Bisch (MN) shared her confusion with the ‘no contact’ language in the advisory opinion and Rule 4-101(4). S. Hagan (WI) noted that the ICJ Statute trumps the ICJ Rules. R. Bisch (MN) commented that ICJ Rules should be amended if they are in conflict with the ICJ Statute.
- The Executive Committee discussed the quandary for receiving states to accept supervision but not accept the proposed placement. R. Masters acknowledged the challenges and advised never to contradict a Judge’s Court Order. The advisory opinion is not intended to solve all the conflicts. He suggested following the Supervision Procedures for Juvenile Sex Offenders Best Practice and discussing the topic in more detail with NCJFCJ.
- A. Connor (NV) updated that the advisory request stemmed from the West Region’s Work Group regarding Washington’s Determinate Sentencing/Placement Authority Statute. A. Connor updated that the advisory opinion helps the Work Group with regard to the terms placement and supervision and the West Region anticipates submitting 2015 rule proposal(s).
- **D. Dodd (NM) made a motion to approve the Advisory Opinion #04-2014: Approving ‘placement’ or ‘supervision’ and ICJ authority in cases where placement may violate court orders. P. Welcome (VI) seconded. R. Bisch (MN) opposed. The motion passed.**

#### Victims Representative

- A. Lippert presented Trudy Gregorie as the Victims Representative to the ICJ Executive Committee noting her willingness to accept the opportunity to serve another one-year term.
- **P. Pendergast (AL) made a motion to accept Trudy Gregorie to the position of Victims Representative, Ex-Officio to the Executive Committee. S. Hagan (WI) seconded. The motion passed.**

#### 2014 Annual Business Meeting General Session Minutes

- A. Lippert presented a draft of the 2014 Annual Business Meeting General Session Minutes. An approved “draft” will be posted to the Commission’s website and formally approved during the 2015 Annual Business Meeting. The Executive Committee reviewed and noted a couple of corrections.
- **T. Clark (PA) made a motion to approve for posting the 2014 Annual Business Meeting General Session Minutes in draft as corrected. J. Miller (AR) seconded. The motion passed.**

#### 2016 Annual Business Meeting Site

- The National Office presented five proposals for the 2016 Annual Business Meeting and highlighted each of the locations, venues, available dates, and estimated costs in the following East Region Cities: Portland, ME; Boston, MA; Philadelphia, PA; Providence, RI; and Burlington, VT.
- The Executive Committee reviewed the five locations and venues presented, the requirements for meeting space, available dates, and estimated costs. D. Dodd (NM) questioned if airfare was included in the estimated budget. A. Lippert clarified the airfare

is included based on an average from past meetings. The major cost differences are the location's per diem room rate, food, beverage, and meeting space.

- Chair Pendergast shared that some states have questioned the selection of the annual business meeting location and requested more involvement in the decision. The Executive Committee discussed and reached a consensus to issue a survey to the Commission for the 2016 ABM site. The survey will be emailed to the Commissioners/Designees asking them to rank their first and second choices from the five venues and to complete the survey within one week. A site visit will be conducted for the first choice with the understanding that should the first choice not address ICJ's requirements, the second choice will be considered.
- **D. Dodd (NM) made a motion to issue a 2016 Annual Business Meeting Site Survey to the Commissioners/Designees to select their first and second choices from the five East Region locations presented and to respond to the survey within one week. T. Clark (PA) seconded. S. Hagan (WI) opposed. The motion passed.**

#### Live-Feed to Annual Business Meetings

- A. Lippert reported approximately 30 persons viewed the live-feed of the 2014 Annual Business Meeting and the responses to the live-feed were favorable.
- **T. Clark (PA) made a motion to approve funding the live-feed at the annual business meeting each year. P. Cox (OR) seconded. The motion passed.**

### Committee Reports

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

##### *Committee Chairs*

- Chair Pendergast acknowledged the new and returning Committee Chairs and the new and returning Regional Representatives. Chair Pendergast reported that Vice Chair Connor has agreed to vacate the position of Technology Chair to spend time on the advancement of special projects and that the Finance and Technology Committee Chairs have agreed to meet less frequently.

##### *Capturing Information in JIDS*

- Chair Pendergast presented concerns from the regions that JIDS does not currently capture airport surveillance or runaways returned within 24-hours. R. Bisch (MN) noted that adding the 24-hour runaways into JIDS would require an amendment to the rule which states that "*if a juvenile remains in custody beyond 24 hours, the ICJ office will be contacted*". Chair Hagan noted the concerns were discussed in the Technology Committee December meeting and would be included in her report.

##### *Records Check*

- Chair Pendergast presented a South Region concern regarding ICJ's stance on the records check information being shared between ICJ Compact offices. The Executive Committee acknowledged the request and agreed to defer discussion to another meeting.

##### *Spring Face-to-Face Meeting Date*

- Chair Pendergast presented February 24 or 26, 2015 as potential dates for an Executive Committee Face-to-Face Meeting in Cincinnati, Ohio. The Executive Committee shared their availability and concerns without reaching a consensus for a different date.
- **P. Welcome (VI) made a motion to approve the February 24, 2015 date for an Executive Committee Face-to-Face Meeting in Cincinnati, Ohio. D. Dodd (NM) seconded. The motion passed.**

### **Finance Committee** (presented by Terry Clark)

- Chair Clark reported the Finance Committee membership has been established and will begin meeting quarterly in January.

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

- Chair Marchand reported that the Training Committee membership has been established and will meet January 14, 2015.

### **Compliance Committee**

- In Chair Lacy's absence there was no report.

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

- Chair Hagan reported the Technology Committee met on December 2 and highlighted the topics of discussion. Recommendations for improvement to the Final Travel Plan and a request to add a receiving state response field to the Form IX are being considered. It was determined that modifying JIDS to track airport surveillance is not an option.
- Chair Hagan reported that the Technology Committee debated changing JIDS so states could capture juveniles who are returned within 24-hours. D. Dodd (NM) updated that he completes the E-form III in JIDS for every juvenile, including the 24-hour returns. T. Marchand (NC) noted that some states may wish to track 24-hour returns for internal agency reporting; however, capturing the information is not required by ICJ Rules. Chair Pendergast suggested that knowledge of the number of youth ICJ Compact Offices encounter could be of value to the organization. R. Bisch (MN) commented that not all juveniles would be accounted for unless required by the ICJ Rules.
- Chair Hagan reported the JIDS Trainings completed and scheduled. The *New* Transfer of Supervision Summary and Detail Reports enhancement has been completed and is currently available. Last year's approved enhancements in the works include:
  - Corrections to Custom Reports with errors;
  - *New* Quarterly Progress Report Detail Report; and
  - Sandbox update with Georgia and shortened escalation times.
- Chair Hagan updated on the Technology Committee discussions regard the future of JIDS. There are two automated system options for ICJ, a forms management or a case management system. The current ICJ reserve funds are sufficient to develop a case management system; however, they fall short to host and maintain annually. The Commission may wish to consider an alternative to JIDS and hire a consultant to review ICJ's business processes to assist the Commission in determining its next step.
- Chair Hagan presented the Technology Committee's recommendation to issue a survey to obtain input from all states regarding the future direction of JIDS or to consider something else in the future. The Executive Committee concurred with the idea of a survey to the Commissioners/Designees, but they agreed to defer the survey at this time.

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

#### Rules Committee

- Chair Bisch reported the Rules Committee met December 3, 2014 and the next meeting is scheduled for January 7, 2015. The Rules Committee continues to review the full ICJ Rules, refer form recommendations to the Technology Committee, and accept proposals prior to the March 1, 2015 deadline. To date, both the Midwest and the South Regions have submitted rule proposals. The Probable Cause Work Group completed their tasks and has developed recommendations regarding: a new Probable Cause Rule; Juvenile

Rights Form; Form IA/IV, and Rule 7-105(3). The Section 600 Work Group will reconvene next week to complete their review of the ICJ Rules Section 600.

#### AAICPC/ICJ MOU Work Group

- Co-Chair Bisch reported that the AAICPC/ICJ MOU Work Group would meet once a date is confirmed with Co-Chair Rudberg.

### **Region Reports**

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

- Representative Dodd reported that the West Region met on November 18 to elect a new West Region Representative. After being elected, he led the West Region in discussion regarding the legal advisory request mentioned earlier in the meeting. The West Region anticipates submitting rule proposals to the Rules Committee and will meet on January 6, 2015.

### **Legal Counsel Report**

#### MN vs. NE

- R. Masters updated on the Nebraska – Minnesota supervision case involving a civil rights action that was filed by a family on behalf of a juvenile challenging the sex offender registration requirement. The Nebraska State Attorney General's Office was able to lift the restraining order requirement for Compact involvement.

#### Ohio - Hamilton County

- R. Masters shared a civil rights lawsuit filed by the family of an incarcerated juvenile claiming his constitutional rights were violated. While the lawsuit does not involve ICJ, it serves as reassurance that the Commission is moving in the right direction with the proposal of a probable cause rule.

### **Old Business**

There was no old business.

### **New Business**

There was no new business.

### **Adjourn**

- **P. Welcome (VI) made a motion to adjourn. S. Hagan (WI) seconded. Chair Pendergast adjourned the meeting by acclamation at 1:09 p.m. EST.**