



**INTERSTATE COMMISSION FOR JUVENILES  
EXECUTIVE COMMITTEE MEETING**

*Minutes*

**January 28, 2010 · 11:00 a.m. EST**

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**In Attendance:**

1. Donna Bonner (TX) Commissioner, Chair
2. Ray Wahl (UT) Commissioner, Vice Chair
3. Dennis Casarona (KS) Commissioner, Treasurer
4. Lisa Bjergaard (ND) Commissioner
5. Terry Clark (PA) Commissioner
6. Dale Dodd (NM) Commissioner
7. Summer Foxworth (CO) Commissioner
8. Jean Hall (FL) Commissioner
9. Gary Hartman (WY) Commissioner
10. Judy Miller (AR) Designee
11. Clarence Powell (MS) Designee
12. Mike Reddish (NE) Commissioner

**Staff in Attendance:**

1. Ashley Lippert (ICJ) Executive Director
2. Jack Branum (ICJ) Project Manager
3. Rick Masters (ICJ) Legal Counsel

**Members Not in Attendance:**

1. Mary McGhee, Victims Ex-Officio

**Roll Call**

- A. Lippert called the roll.
  - Twelve of twelve voting committee members were in attendance. A quorum was established.

**Approval of Agenda**

- Chair Bonner requested a motion to approve the agenda.
  - **R. Wahl moved to approve the agenda, J. Hall seconded. The agenda was approved.**

## Approval of Minutes

- Chair Bonner requested a motion to approve the minutes from the previous meeting.
  - **J. Miller moved to approve the minutes, D. Casarona seconded. The minutes were approved.**

## Committee Reports

- Executive Committee (*Donna Bonner*)
  - Chair Bonner reviewed the draft minutes from the annual business meeting. She also finalized the membership of the standing and ad hoc committees.
  - Chair Bonner said the National Office is proposing a face to face Executive Committee meeting on March 31<sup>st</sup> in Lexington to discuss Commission goals and progress, conduct annual review of the Executive Director, and finalize the agenda for the Annual Business Meeting.
  - Chair Bonner summarized the request from Senator Richards of the Virgin Islands to testify before the Legislative committee of jurisdiction and asked the Committee to approve.
    - **R. Wahl moved to approve Chair Bonner's travel to the Virgin Islands, J. Hall seconded. Motion approved.**
  - Chair Boner informed the Committee that she and Executive Director Lippert will be meeting with Virgin Islands representatives on February 3<sup>rd</sup> and presenting at the hearing on February 4<sup>th</sup>.
  - A. Lippert reminded the Committee that the full Commission needed to approve the minutes from the 2009 Annual Business Meeting Minutes, but the Committee could approve them in their draft form for posting.
  - Chair Bonner requested a motion to approve the 2009 Annual Business Meeting minutes in draft form.
    - **T. Clark moved to approve the draft minutes, S. Foxworth seconded. Motion approved.**
- Finance Committee (*Lisa Bjergaard*)
  - The Finance Committee met on January 22<sup>nd</sup> but did not have a quorum.
  - The Committee discussed the possible issues that the Virgin Islands may have regarding their dues payment. They agreed to review the dues schedule after the 2010 Census.
  - Chair Bjergaard said the budget was in good shape. The Committee endorsed a policy change to reflect that that the Executive Director approves access to legal counsel. R. Masters stated that the Commission is the initial stages, and the costs of legal counsel should diminish over time.
- Training, Education & Public Relations Committee (*Jean Hall*)
  - The Training Committee approved sending the updated field staff power point along with two policies to the Executive Committee for approval. The new Rules are included in the field staff training power point.
  - Chair Bonner requested a motion to approve the field staff training power point.

- **R. Wahl moved to accept the field staff training power point, T. Clark seconded. Motion approved.**
    - J. Branum agreed to send out instructions on printing the power point presentation to make it easier to read for training purposes.
  - Chair Bonner requested a motion to approve the Training Requirement Policy.
    - **S. Foxworth moved to accept the Training Requirement Policy, J. Miller seconded. Motion approved.**
    - T. Clark asked if record keeping will be done by the National Office or by the states. A. Lippert stated that there is a supplemental form that the states will fill out and send back to the National Office. The National Office will keep track of those forms, as well as any individual state training requests.
  - Chair Bonner requested a motion to accept the Training Report Form.
    - **S. Foxworth moved to accept the Training Report Form, R. Wahl seconded. Motion approved.**
    - J. Miller asked the purpose of the form. A. Lippert said the form goes along with the Training Requirement Policy and is for tracking who is taking the training and the type of trainings being conducted.
  - Chair Bonner requested a motion to approve the Training and Technical Assistance Policy.
    - **J. Miller moved to accept the Training and Technical Assistance Policy as amended, C. Powell seconded. Motion approved.**
    - J. Miller suggested a few grammatical and capitalization corrections.
  - Chair Hall discussed the Training Committee members' concerns about staffing in ICJ offices. With the help of the National Office, a draft survey was developed to determine number of staff, number of transfers, and other Compact office concerns. The survey will be presented to the Training Committee at its next meeting for review and approval.
  - Chair Hall discussed a training plan for training member ICJ office personnel on the new rules. The Training Committee identified trainers who will conduct training via WebEx. J. Branum will train the trainers and identify each trainer's availability.
    - Lippert said the intent was to set up Rules training for Compact offices. Anyone in a Compact office of a member state would be able to sit in on training. Once the member state Compact offices were trained, the training would be available on a monthly basis depending on the availability of trainers. A registration email will be sent to those who would like to register for and attend the training. There will be a limit to how many people can attend so trainings will be offered more than once. If individual states want additional training, they can make a request using the Technical and Training Assistance policy.
- Rules Committee (*Gary Hartman*)

- The Rules Committee accepted a business calendar for 2010. The forms are under review and will be discussed at the next Rules meeting.
- Chair Bonner asked if something else needed to be done to the Emergency Rule that was adopted at the Annual Business meeting. R. Masters said that it should go back through the regular process within 90 days. It will be put on the agenda for the February meeting.
- Compliance Committee (*Summer Foxworth*)
  - Chair Foxworth advised the Committee that Rhode Island has not paid their dues. The Compliance Committee gave them a deadline of January 29<sup>th</sup> to remit payment. If the check is not received by the deadline, the Compliance Committee asked that the Executive Committee approve legal action.
  - A. Lippert stated that she spoke with Commissioner Kevin McKenna in December 2009. Commissioner McKenna discussed Rhode Island's financial situation and said he was working to get the matter settled. In January 2010, she spoke with Brian Peterson, Financial Manager for the Rhode Island Department of Children, Youth and Family Services, who told her that Rhode Island originally believed that the invoice was for association dues, and it was denied. A. Lippert made him aware that the dues payment was required by legal statute. The Compliance Committee agreed to summarize this conversation and have legal counsel send a letter to Rhode Island stating that dues needed to be sent within 10 days or legal action would be taken. Mr. Peterson indicated that check had been signed off on and was in the mail. The original dues invoice was sent to Rhode Island in July 2009.
  - **G. Hartman moved to allow legal counsel to take legal action, D. Casarona seconded. Motion approved.**
    - R. Masters will send a letter to the Rhode Island Commissioner and Financial Manager for the Rhode Island Department of Children, Youth and Family Services notifying them that in ten days the Commission will file a complaint in the Federal court in Kentucky.
  - Chair Foxworth informed the Committee of the situation between Virginia and Maryland where a Maryland probationer who was being supervised by Virginia was allowed to travel back to Maryland without proper notification. The Compliance Committee is trying to find out if Virginia followed Rule 5-102 regarding the issuance of travel permits.
  - A. Lippert stated that initially when the news reports were brought to light, a letter was sent to Virginia Commissioner Timothy Howard requesting his assistance in determining the accuracy of the reports. Commissioner Howard contacted A. Lippert verbally and felt that the letter sent on behalf of the Compliance Committee was too formal and should have been handled by a phone call. Further, it was an isolated incident that was being taken care of internally. The Compliance Committee then drafted letters to both Maryland and Virginia requesting additional information / documentation regarding the case. Both states were given a deadline of February 19<sup>th</sup> to provide information to the National Office.

- IT Committee (*Clarence Powell*)
  - Clarence Powell just became the IT Committee Chair. He deferred to R. Wahl for the report regarding this past month's activities.
  - R. Wahl referenced the meeting with Appriss held prior to the annual meeting in December 2009. After that meeting, Appriss was requested to submit a proposal of functional requirements for the program. After receiving the proposal, A. Lippert sent Appriss a letter requesting further detail regarding the project's development. She asked for a response within five days. The IT Committee will meet February 10<sup>th</sup> to discuss a project plan for developing the functional requirements. R. Wahl requested the Executive Committee allow an email vote on the proposal for the project plan when it becomes available so this committee can move forward prior to the next Executive Committee meeting.
  - **R. Wahl moved that the Executive Committee approve an email vote of the draft project plan with cost implications to develop the functional requirements of a national system, S. Foxworth seconded. Motion accepted.**
  - A. Lippert updated the Committee on the progress of the ICJ website. The website is functional and content is currently being loading into the website. The National Office has begun website administration training. It will take a week or two for content to be loaded and tested internally, and then the IT Committee will be able to test externally. External testing is expected to take place in late February. Their hope is to launch the website to the full Commission in late February/early March.

## Region Reports

- Regional Rep Report / East Region (*Terry Clark*)
  - Regional Representatives offered to assist the National Office with outreach to nonmember states. The National Office will call on the Regional Representatives as needed.
  - Chair Clark talked about some challenges that regions are having with states getting their State Councils structured. He stated that many Councils prefer a less formal structure.
  - Chair Clark said that a survey concerning the structure and function of State Councils would go to states sometime in May or June.
  - Chair Clark discussed proposing rule amendments through regional meetings.
  - T. Clark had nothing to report for the Eastern Region, but will be setting up a call in February.
- South Region (*Judy Miller*)
  - There was nothing to report for the Southern Region. J. Miller asked for the rule concerning rule amendments. A. Lippert told her Rule 700 addresses rule making.
- Midwest Region / ICPC Ad Hoc Committee (*Michael Reddish*)
  - M. Reddish discussed the ICPC Ad Hoc Committee. The ICPC Ad Hoc Committee does not know how all states apply ICPC and ICJ. With J.

Branum's assistance, a survey will be formulated to determine how states currently handle overlapping cases.

- M. Reddish gave an update on the status of State Councils within the region.
- West Region / Sex Offender Ad Hoc Committee (*Dale Dodd*)
  - D. Dodd sent an email throughout the region discussing the March 15<sup>th</sup> rules amendment deadline.
  - D. Dodd did not have an update on the State Councils within the region.
  - Chair Dodd said the Sex Offender Ad Hoc Committee Meeting is set for February 2<sup>nd</sup> at 3 pm EST. He brought up updating the matrix on sex offender requirements for sex offender reporting. He thought it could be put on the website as a reference point for states.

### **Executive Director Report**

- A. Lippert presented the revised legal counsel policy to the Committee for approval.
  - **R. Wahl moved that the advised legal counsel policy be accepted, J. Hall seconded. Motion accepted.**
- A. Lippert presented two legal advisory opinions to the Committee.
  - Opinion 1-2010 addresses Pennsylvania's request for clarification of Rule 4-104.1. Pennsylvania asked for clarification on the receiving state's ability to sanction juveniles under the rule. Pennsylvania would be permitted under Rule 4-104.1 to impose graduated sanctions upon any juvenile transferred under the Compact if such sanctions also apply to its own delinquent juveniles.
    - **R. Wahl moved that Legal Opinion 1-2010 be approved by the Executive Committee, T. Clark seconded. Motion accepted.**
  - Opinion 2-2010 concerns what rules need to be abided by before March 15<sup>th</sup>, and what rules needed to be abided by after March 15<sup>th</sup>.
    - **R. Wahl moved that Legal Opinion 2-2010 be approved by the Executive Committee, T. Clark seconded. Motion accepted.**
- A. Lippert gave an update on nonmember states outreach. After corresponding with several states, it is expected that 4 to 5 states could approve the legislation this year.
- A. Lippert discussed the National Office's research of survey software. The National Office is currently using software on a trial basis.
- A. Lippert talked about options for developing a bench book. She looked at a cost analysis and project plan for the Committee to consider. The American Probation and Parole Association (APPA) Executive Director, Carl Wicklund, indicated that there could be funding in this effort and has agreed to assist ICJ in that endeavor. A concept paper is currently being developed.
- A. Lippert sent a letter to the National Conference of State Legislatures (NCSL) to request that the Commission's involvement in proposed legislation regarding runaways. Upon further communication with NCSL, it came to light that the

- legislation being proposed is for human trafficking with a runaway component. She offered assistance if needed.
- A. Lippert presented site proposals for the 2010 Annual Business Meeting. Previously had looked at having a joint meeting in San Antonio with the Adult Commission, but the date did not work out.
    - **R. Wahl moved that the National Office sign a contract with the Crowne Plaza Riverwalk in San Antonio for the 2010 Annual Business Meeting, S. Foxworth seconded. Motion accepted.**
  - A. Lippert presented 6 site proposals for the 2011 Annual Business Meeting. The Committee was interested in looking at Baltimore, MD, Norfolk, VA, and Montgomery, AL. A. Lippert will have more information on the site proposals so that a decision can be made at the Spring meeting.

### **Victims Representative Report**

- The Victims Representative was not in attendance and no report was given.

### **Legal Counsel Report**

- R. Masters said his report had been covered through other reports, and he had nothing further to add.

### **Old Business**

There was no old business.

### **New Business**

- D. Dodd asked about the forms. He noticed that the forms still stated “Interstate Compact on Juveniles”. A. Lippert said that she would change the forms to reflect “Interstate Compact for Juveniles.”

### **Adjourn**

- Chair Bonner announced the next meeting will be held on February 25<sup>th</sup> at 11:00 am EST, and adjourned the meeting.