



COMMISSIONER HANDBOOK

Interstate Commission for Juveniles

Serving Juveniles While Protecting Communities

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Interstate Commission for Juveniles

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Introduction

The Interstate Commission for Juveniles is established to fulfill the objectives of the Compact, through means of joint cooperative action among the compacting states to promote, develop and facilitate a uniform standard that provides for the welfare and protection of juveniles, victims and the public by governing the compacting states' transfer of supervision of juveniles, temporary travel of defined offenders and return of juveniles who have absconded, escaped, fled to avoid prosecution or run away.

Under the Compact, each member state is required to appoint one commissioner to serve as a representative for that state to the National Commission. The commissioner role is the key component in achieving the goals of the Commission.

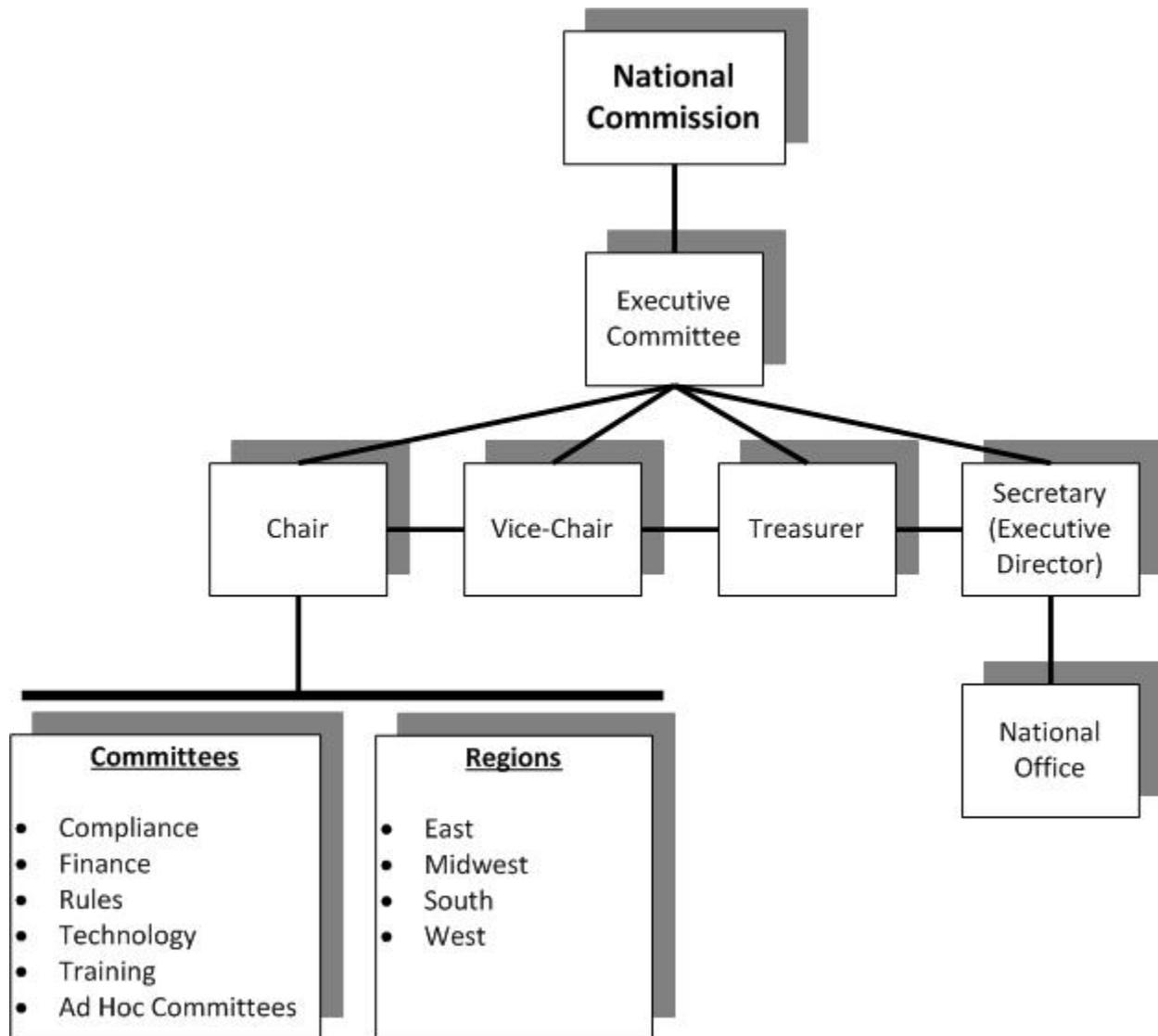
The Interstate Commission for Juveniles will promote public safety, victims' rights, and juvenile accountability that is balanced with safeguarding those juveniles.

The purpose of this handbook is to educate commissioners on those aspects of the Compact and the Commission they need to know in order to carry out their role. The success of the Compact is dependent upon commissioners taking an active role in the Commission by participation and creating a network of communication with each compact office, compact administrator, deputy compact administrator, designee, and other organizations in their state.

This handbook serves as a primer to educate new commissioners on:

- The responsibilities of serving as a commissioner
- Essential resources readily available for commissioners to carry out their duties
- The structure and function of the Interstate Commission for Juveniles

Commission Structure



National Commission

The Commission is comprised of one voting member from each compacting state. The commissioner of the compacting state appointed by the appropriate appointing authority serves as this voting member. The commissioner is the compact administrator, deputy compact administrator or designee.

The Commission also includes individuals who are not commissioners and who do not have a vote, but who are members of interested organizations. Ex-officio members serve at the pleasure of their appointing organization and may be replaced by that organization under the rules and by-laws of said organization.

Duties of the Commission

- Establish by-laws for the Commission's governance and for directing the Commission's actions or conduct
- Establish rules to achieve the purposes of the Compact
- Monitor compliance and initiate interventions to address and correct non-compliance
- Coordinate training and education regarding regulations
- Elect the Executive Committee and establish such other committees as necessary

Ex-Officio Members

The primary role of an ex-officio member of the Commission is to be a source of communication between the Commission and the organization he or she represents. In addition, ex-officio members may be able to contribute information or expertise to the Commission; therefore, they are permitted the same level of commitment as regular voting members by serving on a standing committee and attending the Annual Meeting.

Officers and Duties

The officers of the Commission include a chairperson, vice chairperson, secretary and treasurer. Commission members elect the officers with the exception of the secretary. The executive director serves as the Commission's secretary. Officers are elected annually by the Commission at any meeting at which a quorum is present, and shall serve for one year or until their successors are elected by the Commission. The elected officers serve without compensation or remuneration, except as provided by the Compact.

Chairperson

The chairperson calls and presides at all meetings of the Commission and in conjunction with the Executive Committee prepares agendas and makes appointments to all committees.

Vice Chairperson

The vice chairperson in the absence or at the direction of the chairperson performs any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson serves as acting chairperson until the Commission elects a new chairperson. The vice chairperson may also undertake specific tasks and responsibilities as requested by the chairperson.

Secretary

The Commission's executive director serves as the secretary. The secretary keeps minutes of all Commission meetings and acts as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.

Treasurer

The treasurer, with the assistance of the Commission's executive director, acts as the custodian of all Commission funds and is responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer will execute such bond as may be required by the Commission covering

the treasurer, the executive director and any other officers, Commission members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

Committees

Executive Committee

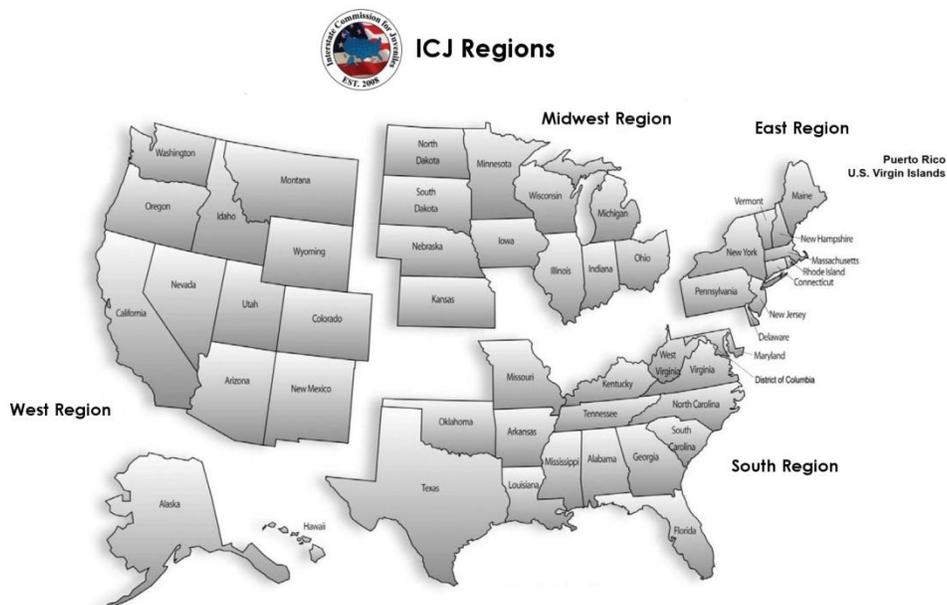
The Executive Committee is empowered to act on behalf of the Commission between commission meetings, except for rulemaking or amending the Compact. The committee is composed of all officers of the Interstate Commission, the chairpersons of each committee, the regional representatives, and the ex-officio victims' representative to the Interstate Commission.

The Executive Committee is responsible for monitoring the health, needs, and accomplishments of the Commission while also ensuring the organization operates according to its by-laws. The committee's functions include but are not limited to financial management, national staff oversight, strategic planning and scheduling of full commission meetings.

Regional Representatives

A regional representative of each of the four regions of the United States (Eastern, Midwestern, Southern, and Western) are elected or reelected, every two years by a plurality vote of the commissioners of each region. They serve for two years or until a successor is elected by the commissioners of that region. The regional divisions established by the Council of State Governments determine the states and territories comprising each region.

Every year when the Commission elects new officers, it is the responsibility of the regional representatives to serve as the nominating committee during the election process and appoint a spokesperson/chair to administer the election and ballots.



Committee Chairs

Each committee chair ensures that their committee appropriately deals with business, and that the committee reaches decisions that enable business to be completed. Committee chairs are responsible for organizing meetings, preparing agendas, calling meetings to order, delegating responsibilities to committee members, involving all members in the decision making process and reporting the work of the committee to the Executive Committee and chair of the Commission. The committee chair is also responsible for making recommendations for membership to their committee. Proposing one to two individuals from each region for parity purposes is encouraged. Recommendations are sent to the Commission chair who then endorses the individual for membership.

Below are committees established for the Commission and their business purpose:

Compliance Committee

The Compliance Committee monitors the compliance of member states with the terms of the Compact and the Commission's rules. The Compliance Committee is also responsible for developing appropriate enforcement procedures for the Commission's consideration.

Rules Committee

The Rules Committee administers the Commission's rulemaking procedures and assists in drafting proposed rules for the Commission's consideration as appropriate.

Training, Education and Public Relations Committee

The Training, Education and Public Relations Committee develops educational resources and training materials for use in the member states to help ensure awareness of, and compliance with, the terms of the Compact and the Commission's rules. The Training Committee also assists states in delivering training.

Information Technology Committee

The Information Technology Committee identifies and develops appropriate information technology resources to facilitate the tracking of offenders and the administration of Commission activities. The Information Technology Committee also develops recommendations for the Commission's consideration as appropriate.

Finance Committee

The Finance Committee is responsible for monitoring the Commission's budget and financial practices, including the collection and expenditure of commission revenues, and for developing recommendations for the Commission's consideration as appropriate.

Ad Hoc Committees

Ad hoc committees are formed for a one-time purpose to deal with a particular issue and are disbanded after the issue is resolved. They provide stopgap or temporary measures to solve problems that are not resolved by ordinary processes of the Commission.

Ad hoc committees of the Commission:

- Interstate Compact on the Placement of Children (ICPC), 2009 - 2010
- Probable Cause, 2009-2010
- Sex Offender, 2009-2010
- Victims, 2010-2011

Commission Functions

The Interstate Commission for Juveniles establishes a national governing body to promote cooperative action between each compacting states. To achieve its goals, the Commission manages three major areas of responsibility:

1. Rulemaking
2. Enforcement
3. Financial responsibility

Enforcement Procedures

Failure of a compacting state to perform such obligations or responsibilities imposed upon it by this Compact, its By-laws or duly promulgated rules are grounds for default. The Compliance Committee has the authority to develop appropriate enforcement procedures for the Commission's consideration. These may include:

- Initiating interventions to address and correct non-compliance;
- Recommend penalties or sanctions to the Commission for final action.

The Commission has authority to enforce the Compact and rules by:

- Requiring remedial training
- Requiring mediation/arbitration of disputes
- Providing technical assistance
- Imposing monetary fines on a non-compliant state
- Suspending a non-compliant state
- Terminating a non-compliant state from the Compact
- Seeking relief in federal court, most likely by obtaining an injunction to curtail state action or compel compliance

Responsibilities of Serving as Commissioner

A commissioner is an agent and voting member of the Commission who is responsible for implementation and enforcement of the Compact.

The commissioner ensures the following:

- Adequate resources are available to the compact office
- Working relationships are developed and maintained with the compact office
- The state's dues are paid
- A state council is established and functioning
- Their appointment complies with their State statute
- Advisory opinions regarding the interpretation of ICJ Rules are requested as needed
- Feedback on the rulemaking process is provided
- Disputes between states are handled appropriately

In addition to these duties, commissioners should also understand:

- The resources available to commissioners
- The National Commission structure and function

Commissioners Ensure Adequate Resources Are Available to the Compact Office

Commissioners play a pivotal role in the setup and operation of the Interstate Compact Office. While each compact office has its own set of constraints, demands, and limitations, some common questions that commissioners need to consider when organizing a compact office include:

- *Is there adequate staffing?*
- *Does the office have the resources it needs to carry out its duties?*
- *Are processes in place to ensure accountability?*
- *Is information being provided in a timely manner?*
- *What are the technology capabilities/needs of the Compact Office?*
- *Have all staff members received training?*

Training Responsibility

Training is critical to the effective management of the Interstate Compact. It is an on-going process crucial to the success of the Compact. Training responsibilities include line staff, compact office, state council, judiciary, etc.

General objectives for training are to:

- Generate an awareness of the Compact and the rules governing the movement of juveniles

- Provide an overview of the Compact including its history and purpose
- Offer instruction on effectively and accurately transferring or returning a juvenile to or from one state to another
- Provide instruction on how to handle violations and returns
- Give instruction on the dispute resolution process
- Provide instruction on Compact case law and implied liability

Training assistance is available for commissioners via the following:

- The National Office provides approved PowerPoint presentations on the Commission's website: www.juvenilecompact.org.
- On-line training is offered monthly, via open registration on the Commission's website.
- Various publications are available in hardcover or electronically.
- Commissioners may make a request using the Technical and Training Assistance Policy for assistance with conducting or providing training.

Quick Reference Training Guide

A Quick Reference Training Guide is available to provide a general overview of the history of ICJ, its purpose, the transfer process, and the return process. Compact staff can utilize the Quick Reference Training Guide to provide a brief synopsis of ICJ to individuals new to the Compact process. Electronic copies are available on the Commission's website, or you may contact the National Office to request hard copies,

Executive Committee Orientation Manual

This manual educates new Executive Committee members on those aspects of the Commission and Executive Committee membership they will need to know in order to carry out their role. Content includes the structure and duties for members, responsibilities and services provided by the National Office, strategic planning and initiatives as well as an overview of financial responsibilities for the Commission and its affiliation with the Council of State Governments.

Commissioners Ensure Working Relationships Are Developed and Maintained with the Compact Office

Commissioner/Compact Office Relationship

Depending on the structure of each individual compact office in a given state, the commissioner may not be the compact administrator who actually carries out the day-to-day functions of the compact office. As a result, commissioners should understand the following:

- The field staff's perspective regarding the supervision of compact cases
- How complaints from the public are handled, especially when the problem is due to a lack of response from a field office
- The type of support the compact office requires from the commissioner in order to address problems.
- How the commissioner can assist the compact office

Commissioners Ensure their State's Dues Are Paid

Dues

Each member state is assessed an annual fee to covering the approved annual budget and the cost of internal operations and activities of the Commission. The annual assessment is based on a formula determined by the Commission and bound by rule upon all signatory states. The National Office is responsible for invoicing and tracking dues collection.

According to the Dues Enforcement Policy, enforcement guidelines for the collection of dues include:

- Distributing invoices at the beginning of the state's fiscal year
- Submitting a written reminder to the commissioner if a member state has not paid its annual dues within thirty (30) days of the beginning of the new fiscal year
- Submitting a written delinquency notice to the commissioner, via registered mail, if a member state has not paid its annual dues within ninety (90) days of the beginning of the state's fiscal year.
- Referral to the Compliance Committee for enforcement action if a member state has not paid its annual dues within one-hundred and twenty (120) days of the beginning of the signatory state's fiscal year

Fiscal Year

The Commission operates on an annual budget cycle beginning on July 1 and ending on June 30 of each year.

Budget

At the Annual Meeting, a budget report is distributed to each Commission member state showing expenditures, income and fund balance of the Commission for the previous, current and ensuing fiscal year.

The executive director, in consultation with the treasurer and Finance Committee, drafts the annual budget. Once drafted, the Executive Committee modifies and approves the budget for adoption by the Commission at the Annual Business Meeting prior to each fiscal year. The Executive Committee may make various budget approvals once adopted.

Commissioners Ensure Their State Council Is Established and Functioning

State Council

Establishing a state council to oversee intrastate affairs dealing with the Interstate Compact is a statute requirement for all states. The state council provides the mechanism for empowerment of the Compact process within each state.

An active state council can have a positive influence on each state's compact operation. Specifically, the council can serve as an advocate when seeking resources, improving operations,

resolving disputes and conducting training. For some states, the state council is responsible for appointing the commissioner and/or designee in a commissioner's absence.

Forming a State Council

Outlined by each state's specific legislation, a state determines the structure, composition and budget of their state council. Generally, a state council must include at least one representative from the legislative, executive and judicial branches of government, victim groups, other community interest groups and the compact administrator or commissioner.

For some states, the appointment process is cumbersome and lengthy since governors, legislators and judges are responsible for many appointments to any number of boards or advisory groups. The commissioner can take the lead by recommending suitable candidates.

Commissioners should consider the following factors when recommending appointments:

- *Is the candidate willing to serve on the council?*
- *Does the candidate have a demonstrated interest in the Compact process?*
- *Is the candidate well known in the juvenile justice community?*
- *Is the candidate influential?*

It is also important to ensure that each council member is educated on the importance the Interstate Compact and the role of the council. Each member should be apprised of the Commission's latest annual report, rules, by-laws, advisory opinions, etc. as well as information regarding the council make-up, expectations and activities. Through the Technical and Training Assistance Policy, assistance in training state council members is available.

Council Activities

The Compact Statute addresses the council's formal responsibilities; however, the practical uses for a state council are just as important. In addition to training on the Compact, the council should develop its own mission, goals, and objectives, both short term and long term. Internal meeting procedures should be established such as how and where meetings will take place as well as responsibilities and expectations of each member.

As time goes on, it can be a challenge keeping the council energized. Projects undertaken by states that are suitable for engaging the council include:

- Assess compact office workload and equipments needs
- Recommend changes in compact office business processes and procedures
- Design a training curriculum and schedule training for field officers, judges, prosecutors, defense attorneys, victim's advocates, etc.
- Present on the Compact at state conferences and other gatherings
- Recommend changes to the Compact rules or make comments on proposed rules

Commissioners Ensure Their Appointment Complies with Their State Statute

Commissioner Appointments

Each compacting state is required to appoint a commissioner in accordance with the statute governing participation in the Compact. The name of its commissioner should be forwarded to the Commission chairperson. The Commission chairperson is required to advise the governor and state council promptly of the compacting state of the need to appoint a new commissioner upon the expiration of a designated term or the occurrence of mid-term vacancies.

Commissioners Ensure Advisory Opinions Regarding the Interpretation of ICJ Rules Are Requested as Needed

Advisory Opinions

States may submit an informal request to the executive director for assistance in interpreting the rules of the Compact.

- Advisory Opinion requests must be submitted in writing to the National Office;
- The executive director may seek assistance from legal counsel, the Executive Committee, or both;
- The Executive Committee may authorize its standing committees to assist in interpreting the rules; and
- Interpretations of the rules shall be issued in writing by the executive director and legal counsel in consultation with the Executive Committee and shall be circulated to all of the states.

Advisory opinions can be found on the Commission's website.

Commissioners Ensure Feedback on the Rulemaking Process Is Provided

Rulemaking Process

The Commission has a duty to promulgate rules that have the force and effect of statutory law and supersede any inconsistent state laws. Through its rulemaking powers, the Commission:

- Standardizes processes for transfers and returns
- Complies with the requirements of the Administrative Procedures Act, 5 USC 551 to 559:
 - Publish the text and reason for the proposed rule
 - Allow written comment, to be publicly available
 - Provide opportunity for a public hearing
 - Promulgate final rules and effective dates based on the rulemaking record

Proposals

As outlined by Rule 7-101, there are currently three (3) ways a rule or amendment proposal can be referred to the Rules Committee for vote by the Commission. These are as follows:

- (1) Any ICJ compact commissioner or designee may submit proposed rules or amendments for referral to the Rules Committee during the annual meeting of the Commission. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
- (2) Majority vote of a standing ICJ committee
- (3) Majority vote of a region by members of that region

The Rules Committee is required to prepare a draft of all proposed rules and provide it to all commissioners for review and comments. The comments are in turn posted upon receipt. Currently, the National Office hosts a comments forum on the Commission's website to facilitate this requirement. It is a commissioner's duty to participate in this process.

Based on comments received, the Rules Committee prepares a final draft for consideration by the Commission. The proposed final drafts and the notice of public hearing are distributed and posted no later than 30 days prior to a scheduled vote of the Commission. The Interstate Commission shall take final action on the proposal by a majority vote.

Emergency Rules

The Compact rules outline a procedure to adopt a rule on an emergency basis (see Rule 7-101). Upon determination that an emergency exists, the Commission may promulgate the rule to become effective immediately. An emergency rule is one that must be made effective immediately in order to:

- Meet an imminent threat to public health, safety, or welfare
- Prevent a loss of federal or state funds
- Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule
- Protect human health and the environment

Challenging an Adopted Rule

The Interstate Commission also provides a mechanism to challenge rules adopted by the Commission. No later than sixty (60) days after promulgation, an interested party may file a petition in the United States District Court in which the Commission has its principle offices (currently the United States District Court for the Eastern District of Kentucky) to challenge a rule. Defined in the Administrative Procedures Act, a rule must be supported by substantial evidence in the rulemaking record, or the court has the authority to set it aside.

Commissioners Ensure Disputes between States Are Handled Appropriately

Informal Dispute Resolution

Commissioners should attempt to resolve disputes or controversies by communicating with each other directly.

Following a documented unsuccessful attempt to resolve controversies or disputes, commissioners shall submit a written request to the executive director for assistance.

- Executive director (or the chair of the Commission in the executive director's absence) shall provide a written response to the parties within ten (10) business days;
- Executive director may seek the assistance from Legal Counsel or the Executive Committee;
- The Executive Committee may authorize its standing committees or executive director to assist in resolving the dispute or controversy;
- If the dispute is not resolved, formal resolution may be taken (*see Rule 8-102.*)

Formal Dispute Resolution

Any controversy or dispute not resolved informally, per ICJ Rule 8-101, may be resolved by an alternative dispute resolution processes. These shall consist of mediation and arbitration.

The ICJ National Office

The National Office, located in Lexington Kentucky, serves as a resource center for the Commission. The National Office manages documents, meeting minutes and assists in all official Commission business. Resources offered by the National Office include:

- Training assistance
- Publication distribution
- Website management
- Directories of state compact offices and affiliates
- Legal assistance/opinions
- Logistical support
- Technical project management
- Comprehensive meeting support
 - Scheduling meetings
 - Notifying a chair of quorum
 - Outlining an agenda
 - Taking minutes
 - Managing committee/region documents
 - Posting meeting information on the Commission's website

Executive Director

The Commission retains an executive director, who serves at its pleasure of the Commission. The executive director acts as secretary to the Commission but is not a member of the Commission. The executive director also manages the day-to-day activities of the Commission's National Office. As the Commission's principal administrator, the executive director also performs such other duties as may be delegated by the Commission or required by the Compact, including, but not limited to, the following:

- Recommend general policies and program initiatives for the Commission's consideration;
- Recommend for the Commission's consideration administrative personnel policies governing the recruitment, hiring, management, compensation and dismissal of Commission staff;
- Implement and monitor administration of all policies programs, and initiatives adopted by Commission;
- Prepare draft annual budgets for the Commission's consideration;
- Monitor all Commission expenditures for compliance with approved budgets, and maintain accurate records of account;
- Assist Commission members or commissioners as directed in securing required assessments from the compacting states;
- Execute contracts on behalf of the Commission as directed;
- Receive service of process on behalf of the Commission;
- Prepare and disseminate all required reports and notices directed by the Commission; and
- Assist the Commission's officers in the performance of their duties under Article III herein.

Other Staff

The executive director is responsible for managing the national staff. Currently, there are four positions in the National Office, which include (full job descriptions of each position are available in the National Office):

1. Executive Director
2. Project Manager
3. MIS Project Manager
4. Administrative and Logistics Coordinator

Additional Resources Available To Commissioners

Accessing Legal Counsel

Commissioners and all other persons engaged in the business of the Compact shall access the Legal Counsel of the Commission through the executive director. Pursuant to the Compact and Compact rules, these persons may request a legal interpretation in writing or by email through the executive director. The Legal Counsel of the Commission shall not communicate directly to anyone in regards to his scope of responsibility to the commission on matters for which a fee for legal services will be charged to the Commission without the knowledge of the executive director.

Training Resources

There are three types of trainings for members of the Interstate Compact for Juveniles. The National Office facilitates ICJ Rules Training on a monthly basis to Compact Office and field staff personnel. The ICJ Rules Training educates commissioners, deputy compact administrators, designees, probation/parole officers, and other Compact personnel on the most current rules. Moreover, the ICJ Rules Training provides a thorough review of transfer requests, liability issues, supervision, timelines, and case closure for cases under the authority of the Interstate Compact for Juveniles. In addition, ICJ developed the State Council Training and Commissioner Training to provide more role-specific instruction for state councils and commissioners.

Training and Technical Assistance

The National Office supports a variety of projects to strengthen the compact process and public safety efforts. These projects include training for compact offices, commissioners, staff, legal and judicial individuals and groups, state councils, as well as technical assistance to include operations, compliance and dispute resolution, information technology, etc.

Request for training or technical assistance must originate from the state Compact commissioner written to the executive director. ICJ will review all requests related to the Interstate Compact for Juveniles and will make every effort to identify avenues of assistance.

ICJ Website

The following resources are available on the Commission's website:

- *Surveys:*
 - Gathers information on compact matters among its member states
- *Weekly eNewsletters:*
 - Chronicles the weekly changes, updates, and announcements for ICJ
- *Directory:*
 - Up-to-date contact information specific to ICJ member states
- *Legal Advisory Opinions:*
 - Interpretations of ICJ Rules and procedures
- *Juvenile Sex Offender Matrix:*
 - Member state's registration requirements and timelines, public notification, risk assessment, residency, and electronic monitoring requirements for juvenile sex offenders
- *Airline Matrix:*
 - Individual airline requirements for returning unescorted juveniles to home/demanding states
- *Events Calendar:*
 - Schedule of ICJ meetings and office announcements

Administrative Policy & Special Programs

The Commission strives to provide resources that assist commissioners and compact office staff in carrying out the intended functions of the Compact and the Commission. Administrative policies and special programs are continually being developed through various initiatives of the Commission, the Executive Committee and the National Office.

ICJ Policies

Policies of the Commission assist the Commission in carrying out certain administrative functions. The following policies are currently in effect:

(Full text of the policies can be found on the ICJ website)

- *Accessing Legal Counsel*
- *Alcohol Policy*
- *Compliance Enforcement - Investigating Allegations of Non-Compliance*
- *Compliance Enforcement – Investigation Process*
- *Guidelines for Resolving Compliance Issues*
- *Disaster Policy*
- *Dues Enforcement Policy*
- *Media Requests*
- *State Council Enforcement*
- *Technical and Training Assistance Policy*
- *Training Requirements*
- *Travel Reimbursement*