



INTERSTATE COMMISSION FOR JUVENILES
EXECUTIVE COMMITTEE

Minutes
June 28, 2018, 2018
11:30 a.m. EDT

Committee Members in Attendance:

1. Anne Connor (ID) Chair
2. Natalie Dalton (VA) Vice Chair
3. Peter Sprengelmeyer (OR) Treasurer
4. Traci Marchand (NC) Immediate Past Chair
5. Jacey Rader (NE) Compliance Committee Chair
6. Jeff Cowger (KS) Finance Committee Chair
7. Cathlyn Smith (TN) Training Committee Chair
8. Gary Hartman (WY) Rules Committee Chair
9. Becki Moore (MA) East Region Representative
10. Mia Pressley (SC) South Region Representative
11. Dale Dodd (NM) West Region Representative

Committee Members Not in Attendance:

1. Tony DeJesus (CA) Technology Committee Chair
2. Charles Frieberg (SD) Midwest Representative
3. Trudy Gregorie, Ex Officio Victims Representative

ICJ National Office Staff/Legal Counsel in Attendance:

1. MaryLee Underwood, Executive Director
 2. Emma Goode, Training and Administrative Specialist
 3. Jenny Adkins, Project Manager
 4. Monica Gary, Administrative and Logistics Coordinator
 5. Rick Masters, Legal Counsel
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Call to Order

Chair Connor called the meeting to order at 11:30 a.m. EDT.

Roll Call

Director Underwood called the roll and a quorum was established.

Agenda

- **D. Dodd (NM) made a motion to approve the agenda. N. Dalton (VA) seconded. The motion passed.**

Minutes

- **J. Rader (NE) made a motion to approve the May 24, 2018 meeting minutes. C. Smith (TN) seconded. The motion passed.**

National Office Report

- Director Underwood reported the following state updates:
 - Joy Swantz (WI) has been appointed as the new Commissioner for Wisconsin.
 - Stephane Bond (WV) has been appointed new Commissioner and Compact Administrator for West Virginia
 - Galan Williamson (ME) has been appointed new Compact Administrator and Commissioner in Maine. R. Curtis (ME) has been appointed Deputy Compact Administrator and part-time Designee.
 - Effective July 1, 2018 Tasha Hunt (CT) will be appointed as the new Compact Administrator and Commissioner of Connecticut. Jason Criscio (CT) will be appointed as the DCA and part-time Designee.
 - Nina Belli (OR) has been appointed part-time Designee for the State of Oregon.
 - The ICJ National Office has received FY19 Annual Dues from eleven states.
- Director Underwood reported that there haven't been any changes regarding JJDPa legislation.
- Director Underwood reported that the National Office is working with a new contractor to migrate the website to a different hosting platform in August to address operational issues, especially compatibility with the Drupal platform on which the website is built. This should reduce the frequency of downtimes without any other noticeable changes for users.
- Director Underwood reported that the ICJ National Office has received three nominations for the 2018 Leadership Award: T. Cassell (GA), A. Connor (ID), and T. DeJesus (CA). Voting will be conducted via survey and results will be shared at the 2018 Annual Business Meeting.
- Director Underwood reported that 2018 Annual Business Meeting early registration for Commissioners and Designees opened June 25, 2018. The registration will open for everyone July 1, 2018.
- Director Underwood reported that the Juvenile Justice Reform panelist have been confirmed:
 - Adam Foss (Prosecutor's Impact)
 - John Romero (NM Judge, NCJFCJ President)
 - Mark Ingram (ID Judge)
 - David LaBahn (Association of Prosecuting Attorneys)
 - Tim Curry (NJDC)
 - Sorem Phoung (Restorative Justice)
- Director Underwood stated that, due to significant cost increase for the 2018 Annual Business Meeting in New Orleans, she plans to recommend an amendment to the FY19 Budget to the ICJ Finance Committee. The modification is needed primarily to cover the increase costs of per diem room rates, food, and audio-visual services. The recommendation will be that the budget for the 2018 ABM be increased by \$25,000.
G. Hartman (WY) made a motion to support the recommendation from the Executive Director that the Finance Committee increase the FY19 budget to

support the increase in cost of the 2018 Annual Business Meeting. N. Dalton (VA) seconded. The motion was approved.

- Director Underwood requested that a closed session be held to discuss a personnel matter. Rick Masters, Legal Counsel, stated that it was his opinion that it appropriate per the Compact Statute, Article III, Section I. 1.

G. Hartman (WY) made a motion to move into a closed session for personnel matters. M. Pressley (SC) seconded. The motion was approved.

D. Dale (NM) made a motion to end closed session. N. Dalton (VA) seconded. The motion was approved.

P. Sprengelmeyer (OR) made a motion to support the Executive Director's recommendation that funding be added for an additional staff person to be hired in FY19. C. Smith (TN) seconded. T. Marchand (NC) abstained. The motion was approved.

Commission Chair Report (presented by Anne Connor)

- Chair Connor reported that Staff Recognition nominations are being accepted and encouraged all members to submit. She reported that all nominations that are received by July 18, 2018 will be recognized at the 2018 Annual Business Meeting
- Chair Connor reported that all Region reports are due June 29, 2018. She reminded members that all Committee reports are due July 18, 2018. These reports should include the number of times the committees met, as well as any work products or recommendations made.
- Chair Connor reported that the Subcommittee on Rule 7-104 made the following recommendations:

1. Recommendations to Rules Committee

- ICJ Rule 7-104(3) be amended as follows:
 - “Within two (2) business days of notification, the home/demanding/sending state shall inform the holding state whether the home/demanding/sending state intends to withdraw the warrant **or has otherwise determined that no action will be taken to enforce the warrant.** Withdrawal of the warrant does not negate the home/demanding/sending state's responsibility to return the juvenile under other applicable rules.”
- Consider whether Rule 7-104 should be further modified to address questions below.
 - i. What other actions (if any) should be required if the state determines that it is not necessary to act upon its warrant?
 - Is it OK for a state to simply decide not to act?
 - If so, should they be required to give some sort of written guidance to the holding state regarding what will happen next.
 - ii. Should all cases be entered into NCIC?
 - Option 1: Only require entry in cases involving the most serious offenses.
 - Option 2: Allow narrower radius, especially if juvenile's whereabouts are known
 - Option 3: Do not require entry if state does not intend to act upon warrant

2. Recommendations to Training Committee

- Review instructor led and On Demand trainings to determine where modifications are needed.
- Provide specific training as part of ABM Training Day

3. Recommendation to Compliance Committee

- Require that states submit their policy on entry of warrants into NCIC

4. Recommendation to Executive Committee

- Request Legal Advisory Opinion to address: rule requirements; interface with confidentiality laws; how states are addressing it through collaborations.

J. Rader (NE) made a motion to adopt the Subcommittee's recommendations and forward the recommendations to the relevant committees. D. Dodd (NM) seconded. The motion was approved.

D. Dodd (NM) made a motion to request a Legal Advisory Opinion to address the requirements of Rule 7-104, how the requirements interface with state confidentiality laws, how states are addressing the requirements. N. Dalton (VA) seconded. The motion was approved

NCJFCJ Update:

- Chair Connor reported and Director Underwood will be attending the NCJFCJ Conference July 22-25, 2018 in Denver, CO. She continues to work with the NCJFCJ Workgroup on updating the Juvenile Delinquency Guidelines.

Next Meeting: July 26, 2018

Compliance Committee (presented by Jacey Rader)

- Compliance Chair Rader reported that the ICJ Compliance Committee met June 7, 2018. The Committee approved the 2019 Performance Measurement Assessment (PMA) Standards with core standards identified for Executive Committee review.

N. Dalton (VA) made a motion to approve 2019 PMA Standards. C. Smith (TN) seconded. The motion was approved.

- Compliance Chair Rader reported that the ICJ Compliance Committee identified seven core standards during the monitoring cycle. The compliance priorities were sorted into (3) categories: Safe & Successful Supervision, Effective Returns, and Compact Office Operations.

T. Marchand (NC) made a motion to approve the ICJ Compliance Priorities and Standards as presented. M. Pressley (SC) seconded. The motion was approved.

Compliance Chair Rader reported that the ICJ Compliance Committee recommends the amendment of Rule 4-104(5) to the ICJ Rules Committee.

Finance Committee (presented by Jeff Cowger)

- Finance Committee Chair Cowger reported that the ICJ Finance Committee had a meeting scheduled for June 12, 2018. However, no meeting was held due to lack of quorum.
- Finance Chair Cowger presented the updated FY18 Working Budget. He noted that ICJ is very near to the end of the fiscal year, and finances are in good order. The revenue line is one percent above budget. The “Software Purchase” line is the only expenditure significantly over budget. Director Underwood explained that the Software Purchase line increased due to changing business models of software vendors that now require purchase of annual subscriptions rather than one-time purchase and new software upgrades.

Special Projects Ad Hoc (presented by Jeff Cowger)

- Committee Chair Cowger reported that contract with SEARCH has been finalized, with work to begin July 1, 2018. SEARCH’s work should be completed by the end of September.

Technology Committee (presented by Director Underwood)

- Director Underwood reported the approved JIDS Enhancements will go live July 1, 2018, including the updated Form IA/VI.
- The next meeting July 17, 2018.

Rules Committee (presented by Gary Hartman)

- Rules Chair Hartman reported that the ICJ Rules Committee’s last meeting was on April 4, 2018.
- At the next meeting on July 18, 2018, the agenda will include discussion of concerns regarding definitions of “non-adjudicated minor” and “non-offenders,” as well as recommendations regarding Rule 7-104(5) and Rule 7-104(3).

Training Committee (presented by Cathlyn Smith)

- Training Chair Smith reported that the Training Committee has conducted nine Rules trainings via WebEx, with a total of 209 individuals trained.
- Training Chair Smith reported that there have been two requests for Training and Technical Assistance (TTA):
 - Chair Connor conducted JIDS training and assisting with transition in Connecticut.
 - J. Adkins from the ICJ National Office provided assistance regarding JIDS usage for Massachusetts.
- A proposal was submitted for a presentation by Traci Marchand at the 24th National Symposium of Juvenile Services to be held October 22-25, 2018 in North Carolina.
- Training Chair Smith encouraged all states to turn in intrastate trainings to the ICJ National Office for record keeping.
- Training Chair Smith noted that ICJ will be participating in the following upcoming conferences:
 - 2018 CJJ Annual Conference in Washington, DC, June 27-30, 2018;
 - NCJFCJ Conference in Denver, CO, July 22 – 25, 2018;
 - 43rd APPA Annual Training Institute in Philadelphia, PA, July 29-August 1, 2018.
- Training Chair Smith reported that the list of 2018 Annual Business Meeting panelist have been confirmed. The Committee is finalizing plans and the format of the training session.

- Training Chair Smith presented the “ICJ Bench Card on Return of Runaways, Probation/Parole Absconders, Escapees & Accused Delinquents: Key Information for Judges and Others.”

Chair Connor (ID) made a motion to accept the ICJ Bench Card on Returns as presented. T. Marchand (NC) seconded. The motion was approved.

- Next Training Committee meeting will be July 12, 2018.

Human Trafficking Ad Hoc Committee (presented by Mia Pressley)

- Human Trafficking Chair Pressley reported that the ICJ Human Trafficking Ad Hoc Committee issued a Human Trafficking Survey. The survey closed on June 27, 2018 and results will be presented at the next meeting.
- Human Trafficking Chair Pressley shared that the last identifier in JIDS will be utilized to identify juvenile victims of human trafficking. The response options are: “No”, “Suspected”, and “Confirmed”. This change will become effective July 1, 2018.
- The next meeting is July 19, 2018.

Regional Updates

South Region (presented by Mia R. Pressley)

- Representative Pressley reported that the South Region met June 7, 2018.
- In addition to state updates, members were encouraged to submit State Recognition Nominations and advised that Rules Proposals must be submitted by January 15, 2019.
- Representative Pressley also advised the region that her term will soon end and that she will not be seeking re-election.
- The next meeting will be at the Annual Business Meeting.

West Region (presented by Dale Dodd)

- Representative Dodd reported that the West Region met on June 21, 2018.
- Each state in the West Region provided updates regarding State Council meetings and staff changes.
- Representative Dodd reminded the West Region that the Rule proposal deadline is January 15, 2019.
- The next meeting will be at the Annual Business Meeting.

East Region (presented by Director Underwood)

- East Region Representative Moore reported that the East Region met June 21, 2018. She gave the following updates:
 - Reminded the East Region to submit Staff Recognition nominations.
 - The Rule proposal deadline is January 15, 2019.
 - Each State in the East Region provided State Council updates and staff updates. P. Ottati retired June 4, 2018.
- Chair Connor reminded the Committee that the Connecticut ICJ Office will transition to the judicial branch effective July 1, 2018.

Midwest Region (presented by Jacey Rader)

- J. Rader (NE) noted that Representative Frieberg was unable to join the Executive Committee meeting.
- On his behalf, she reported that the Midwest Region met June 6, 2018.

- The Region discussed a Rules proposal by Illinois to recommend an amendment to Rule 6-102. The matter was tabled until the next meeting, which will be at the Annual Business Meeting.

Legal Counsel Report (presented by Rick Masters)

- Legal Counsel R. Masters was present to advise on the complaints filed against South Carolina.

Old Business

- Chair Connor noted that, at the last meeting, approval of Advisory Opinion 02-2018: Return of Juvenile Serving a Sentence for New Offense in a Receiving State, was tabled so that a Best Practice might be developed to accompany it.
- Chair Connor reported that a Best Practice was developed with assistance from D. Dodd (NM), Daryl Liedecke (TX), A. Connor (ID), and Jen Baer (ID).
- N. Dalton (VA) stated that one of the issues experienced in her state is that many magistrates are not well-informed of ICJ Rules and practices.

N. Dalton (VA) made a motion to approve the draft Advisory Opinion 02-2018: Return of Juvenile Serving a Sentence for New Offense in a Receiving State T. Marchand (NC) seconded. The motion was approved.

M. Pressley (SC) made a motion to approve the Best Practice: Return of a Juvenile Serving a Correctional Sentence in Another State. D. Dodd (NM) seconded. The motion was approved.

New Business

Complaints Against South Carolina

- Chair Connor noted that complaints have been filed by New York and North Carolina against South Carolina. She stated that each complaint would be addressed separately.
- Chair Connor outlined ICJ Compliance Policy 03-2009, which provides a process for responding to complaints against a state. First, the Executive Director must try to resolve the matter to the satisfaction of all parties. If not resolved, the Executive Director must report the matter to the Executive Committee and recommend that it be referred to the Compliance Committee. The Compliance Committee is charged with determining whether the state is in default and recommending appropriate penalties.
- Chair Connor noted that Director Underwood tried to resolve the matters, but had not been able to do so. Director Underwood submitted a written report summarizing the complaints with supporting documents to the Executive Committee prior to the meeting.
- Chair Connor summarized the complaint filed by New York against South Carolina on May 24, 2018 for failure to respond to requests for home evaluations. This complaint was based on two cases that were filed on March 13, 2018, wherein the juveniles were living in South Carolina without home evaluations or supervision. On June 27, Commissioner Pressley provided a written response regarding this complaint, but that did not resolve the matter to the satisfaction of New York.

- Legal Counsel Rick Masters referred to Roberts Rules which clarifies that neither states involved in the complaint shall vote on the matter.

N. Dalton (VA) made a motion to refer the New York complaint against South Carolina to the ICJ Compliance Committee. G. Hartman (WY) seconded. The motion was approved.

- Chair Connor summarized the complaint filed by North Carolina against the State of South Carolina on June 25, 2018 based on three cases that were referred for transfer of supervision on March 13, 2018. These juveniles include a sex offender who has been living in South Carolina without supervision for more than 100 days. South Carolina was advised of the complaint on June 25, 2018. At the time of the meeting, South Carolina had not responded to this complaint.

G. Hartman (WY) made the motion to refer the complaint filed by the State of North Carolina against the State of South Carolina be referred to the ICJ Compliance Committee. T. DeJesus (CA) seconded. The motion was approved.

Review of ICJ Policies

- D. Dodd (NM) stated that the ICJ Orientation Manual which he stated allows for the evaluations conducted by the Executive Director of the National Office Staff to be reviewed by the Chairperson of the Commission. D Dodd (NM) asked whether the Chairperson of the Commission has received copies of the staff appraisals. Director Underwood stated that evaluations had been conducted as outlined in ICJ Personnel Policy, and that she would need to review the Orientation Manual to determine if the two were consistent. Legal Counsel R. Masters clarified that the ICJ Personnel Policy overrules the ICJ Orientation Manual and the manual would need to be corrected. Director Underwood stated that she would provide both for the Committee's review at a future meeting.
- Chair Connor stated the current policies for responding to compliance issues may need to be reviewed the streamlined.
- G. Hartman (WY) suggested putting in a timeline to deal with compliance issues. T. Marchand (NC) suggested holding special meetings to deal with compliance issues. Director Underwood acknowledged that they bylaws do provide for specially called meetings.

Adjourn

- Chair Connor adjourned the meeting by unanimous consent at 1:33 p.m. EDT.