



INTERSTATE COMMISSION FOR JUVENILES
EXECUTIVE COMMITTEE

Minutes
July 26, 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. Tony DeJesus (CA) Technology Committee Chair
8. Cathlyn Smith (TN) Training Committee Chair
9. Gary Hartman (WY) Rules Committee Chair
10. Becki Moore (MA) East Region Representative
11. Charles Frieberg (SD) Midwest Region Representative
12. Mia Pressley (SC) South Region Representative
13. Dale Dodd (NM) West Region Representative

Ex Officio Member in Attendance:

1. 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

Guests in Attendance:

1. Katherine Pierson (SC)
 2. Judy Estren (SC)
 3. Felicia Dauway (SC)
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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

- **J. Rader (NE) made a motion to approve the agenda. N. Dalton (VA) seconded. The motion passed.**

Minutes

- **M. Pressley (SC) made a motion to approve the June 28, 2018 meeting minutes. J. Rader (NE) seconded. The motion passed.**

Compliance Actions – South Carolina

- Chair Connor opened the discussion with a review of the process related to the complaints filed against South Carolina. She noted that the Executive Committee must determine whether the complaints rise to the level of default, how significant the violations are, and what penalties should be imposed. The Executive Committee will meet on August 9, at 11:30 a.m. EDT, and will review the South Carolina corrective action plan and any actions taken and plan to address compliance concerns.
- R. Masters, Legal Counsel, noted that Robert's Rules of Order govern ICJ meetings, therefore all guests from South Carolina in attendance will only be allowed to participate in this meeting by answering questions directed to them.
- Compliance Chair Rader presented the summary of facts regarding the New York complaint. She reported the Compliance Committee recommended that South Carolina be found in default based on the complaint filed by New York and that the violation be deemed a Type IV (major) violation. No recommendation was made regarding a possible penalty.
- Compliance Chair Rader noted the Compliance Committee believed the violations were pervasive and that there was a pattern of non-compliance. She noted that the complaint was based on three (3) cases, but there appear to be many more. She highlighted the Report comparing South Carolina's 2017 to 2018 JIDS activity indicated that there were 561 pending assignments as of June 26, 2018. There were 142 overdue assignments (25%), indicating that the complaints in front of the Executive Committee were not isolated incidents. Other factors considered included that no significant corrective actions were taken prior to detection and intervention; the violation occurred over an extended period of time; there were numerous acts that established a pattern; and it was negligent failure to comply that created a serious risk to public safety.

N. Dalton (VA) made a motion to accept the Compliance Committee's recommendation that South Carolina be found in default regarding the complaint filed by New York. G. Hartman (WY) seconded. Traci Marchand (NC) and Mia Pressley (SC) abstained. The motion passed.

G. Hartman (WY) made a motion to accept the Compliance Committee's recommendation that the finding of default based on complaint filed by New York is a Type IV violation. N. Dalton (VA) seconded. Traci Marchand (NC) and Mia Pressley (SC) abstained. J. Cowger (KS) and D. Dodd (NM) voted 'nay.' J. Cowger (KS) noted that he believed the violation is a Type II (minor) violation. The motion passed.

N. Dalton (VA) made a motion to assess the maximum penalty of \$75,000 on the finding of default based on the numerous cases, the pattern that has been established, and the serious concerns presented to public safety. G. Hartman (WY) seconded and suggested that penalty moneys should be used to hire additional staff in South Carolina. J. Rader clarified that the South Carolina ICJ Office has already hired additional staff. G. Hartman (WY) withdrew his second and his comment. J. Rader (NE) seconded. J. Estren noted that South Carolina hired an additional person one week prior to the meeting. J. Cowger (KS), D. Dodd (NM), and G. Hartman (WY) voted “nay”. Traci Marchand (NC) and Mia Pressley (SC) abstained. The motion passed.

- Compliance Chair Rader presented the summary of facts from the complaint filed by North Carolina against South Carolina, which was filed after the complaint filed by New York. This complaint involved the failure to provide home evaluations for three (3) juveniles, including one (1) sex offender. To date, only one (1) of the three (3) home evaluations has been completed.
- The Compliance Committee recommended South Carolina be found in default and the violation be deemed a Type IV major violation. Compliance Chair Rader reviewed the ICJ Sanctioning Guidelines policy. The Committee considered the history of non-compliance; the pattern of non-compliance; violations took place over extended period of time; there were numerous acts; and it was a negligent failure to comply.
- Compliance Chair Rader noted that one of the examples of a Type IV violation provided is “A state permitting a juvenile sex offender to be in another state without approval.” T. DeJesus asked for clarification regarding whether the example was referring to a sending or receiving state. M. Pressley noted that these were all cases where the sending state allowed the juvenile to move. J. Rader noted that Type IV violations are also described as “related to violations of the Compact’s legal requirements, which are of major importance and directly related to the protection of public safety and the Commission’s mission.”

G. Hartman (WY) made a motion to accept the Compliance Committee’s recommendation that South Carolina be found in default regarding the complaint made by North Carolina. C. Frieberg (SD) seconded. J. Cowger asked for clarification that the vote was on whether to accept the Compliance Committee’s recommendation regarding the default based on failure to provide home evaluations, noting that the Compliance Committee’s motion did not specifically address permitting a sex offender to be in another state without approval. Chair Connor indicated that he was correct. Traci Marchand (NC) and Mia Pressley (SC) abstained. The motion passed.

N. Dalton (VA) made a motion that the violation in the complaint filed by North Carolina is a Type IV major violation. T. DeJesus (CA) seconded. J. Cowger stated that this violation was squarely aligned with a Type II Violation, given that failure to provide home evaluations was specifically noted as an example of a Type II violation. He noted concerns regarding due process, as states need to be aware of what kind of penalties they may face for specific violations. R. Masters, Legal Counsel, stated that South Carolina has been made

aware of the complaints and potential sanctions on several occasions, and that the Sanction Guidelines provide examples only. **J. Cowger (KS) and D. Dodd (NM) voted “nay”. Traci Marchand (NC) and Mia Pressley (SC) abstained. The motion passed.**

J. Cowger (KS) made a motion that no penalty be assessed against South Carolina in the complaint filed by North Carolina, in consideration of the penalty previously assess for similar conduct. D. Dodd (NM) seconded. Traci Marchand (NC) and Mia Pressley (SC) abstained. G. Hartman (WY), N. Dalton (VA), and J. Rader (NE) voted “nay”. The motion passed.

National Office Report

- Director Underwood reported the following state updates:
 - Wisconsin has hired Casey Gerber to fill the position vacated by Shelley Hagan. She will begin in her new role on August 6, 2018. She is expected to be appointed Commissioner, but no appointment letter has been received.
 - Several states have appointed authorized representatives to vote at the Annual Business Meeting, including:
 - Anna Butler (KY);
 - Francesco Bianco (NY); and
 - Felicia Dauway (SC).
 - FY19 annual dues have been received from 29 states.
 - ICJ’s first-ever independent fiscal audit is currently underway. Prior to disaffiliation from CSG, the ICJ audit was completed as part of the CSG audit. This audit was performed by Hicks and Associates, CPAs. Auditors were on-site for two days and met with the director on multiple occasions. No major concerns were identified during the site visit. The formal report cannot be finalized until two months after the end of the fiscal year to ensure that all invoices for goods and services purchased in FY18 have been processed. The Compact requires that the audit report be printed in the Annual Report. Therefore, the Annual Report cannot be printed in time for distribution at Annual Business Meeting.
 - Monica Gary has resigned from the position of Administrative and Logistics Coordinator. Her last day in the office will be during the week of July 30. She may continue to provide some services as a contractor through the end of September. The vacant position of Administrative and Logistics Coordinator will be posted on ZipRecruiter and the ICJ website.
 - The National Office has experienced several leaks in the ceiling of the building. A major leak occurred on July 16, which caused damage to some equipment in storage and has made the conference room unusable since. The floors above the office suite are privately owned, so ICJ’s landlord is not able to correct the problems directly. Litigation between ICJ’s landlord and the homeowner’s association regarding this matter is pending. The landlord has agreed to pay for the damage and fix the damaged area. However, it is not clear when or if the matter will be fully resolved. ICJ and ICAOS are in the third year of a five-year lease. The landlord has agreed to show us other properties that may be appropriate as they become available.
 - Planning for the Annual Business Meeting is well under way. Seventy-one (71) individuals have registered. The Executive Committee will

meet on Monday September 10, 2018, followed by the Welcome Reception.

Commission Chair Report (presented by Anne Connor)

- Chair Connor reported that she and Director Underwood attended the NCJFCJ 81st Annual Conference in Denver, CO. Several productive conversations were had, including with a New Jersey judge who is leading efforts to address human trafficking court. The Bench Book flash drives and new “Bench Card on Returns” were well received. Judge John Romero was sworn in as president of NCJFCJ, and will join us as a panelist at the ABM.
- Chair Connor noted that the “ICJ Personnel Policies” and “Executive Committee Orientation Manual” were distributed for members review. She reminded members that Commissioner Dodd requested information regarding how personnel evaluations are conducted at the last meeting. She suggested that the Executive Committee review the documents with plans to update them for consistency after the Annual Business Meeting.
- The Executive Committee will meet again on August 9, 2018 at 11:30 a.m. EDT. The agenda will focus on review of the corrective action plan for South Carolina and two documents being prepared by Legal Counsel.

Compliance Committee (presented by Jacey Rader)

- Compliance Chair Rader reported that the ICJ Compliance Committee met July 5, 2018. The Committee discussed the complaints against South Carolina, as previously reported.
- The Committee will meet again on August 2, 2018 at 11:30am EDT. Members should expect meeting to last two hours.

Finance Committee (presented by Jeff Cowger)

- Finance Committee Chair Cowger reported that the ICJ Finance Committee met July 24, 2018. The Committee voted to recommend the approval of the amendments to the FY19 budget, including increases in the salary and benefits lines to allow for hiring a new staff member.

C. Frieberg (SD) made a motion to approve the FY19 proposed budget amendments. G. Hartman (WY) seconded. The motion passed.

- Finance Committee Chair Cowger reported that the Finance Committee recommended approval of the proposed FY20 budget as presented, includes additional funding for staff, the preparation of the revised Bench Book, and adjustments for inflation.

N. Dalton (VA) made a motion to approve the proposed FY20 budget. T. DeJesus (CA) seconded. The motion passed.

Special Projects Ad Hoc (presented by Jeff Cowger)

- Special Projects Ad Hoc Committee Chair Cowger reported that the Special Projects Committee has not met since the last Executive Committee Meeting. SEARCH (the National Consortium for Justice Information and Statistics) has begun to provide services under the approved contract. The report is due at the end of September 2018.

- Director Underwood added that staff has been meeting with the SEARCH group via web conference and the SEARCH team will come to the National Office in August 2018 to gather additional information for their analysis.

Technology Committee (presented by Tony DeJesus)

- Technology Committee Chair DeJesus reported that the Committee met on July 17, 2018. The Committee discussed concerns regarding how days are counted with three (3) different workflows. After a rich discussion, the Committee tabled the matter for further discussion after the Annual Business Meeting.

Rules Committee (presented by Gary Hartman)

- Rules Committee Chair Hartman reported that the ICJ Rules Committee met on July 18, 2018.
- The Committee discussed the absence of rules definitions of “non-adjudicated minor” and “non-offenders.” No action was taken.
- The Committee discussed the Compliance Committee’s recommendation regarding Rule 7-104(5). The Rules Committee accepted the Compliance Committee’s recommendation that “5 business days” be stricken.
- The Committee discussed the recommendation by the Subcommittee on Rule 7-104(3), including the potential addition of “or has otherwise determined that no action will be taken to enforce the warrant” and whether other modifications should be made to address when states do not act on warrants. The Rules Committee tabled the discussion until the next committee meeting.

Training Committee (presented by Cathlyn Smith)

- Training Committee Chair Smith reported that the Training Committee met July 12, 2018 and approved the new State Council Toolkit, which will be released at the Annual Business Meeting.
- In FY18, the Committee conducted nine Rules Trainings via WebEx, with a total of 209 individuals trained.
- Module 3 on the On Demand Trainings has been updated and re-posted.
- 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.
- Additional trainings are being planned and provided to assist South Carolina in addressing compliance concerns.
- ICJ’s participation in conferences has significantly increased this year. ICJ presented a workshop and/or booth at 11 conferences this year, as compared to five (5) last year. In August, Chair Smith will co-present with Karla Fultz of the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) at the 43rd American Probation and Parole Association (APPA) Annual Training Institute in Philadelphia, PA.

Human Trafficking Ad Hoc Committee (presented by Mia Pressley)

- Committee Chair Pressley reported that ICJ Human Trafficking Committee met July 19, 2018.
- The Committee review the report regarding the survey on how ICJ Offices respond to human trafficking. The Committee voted to approve the report with

amendments and determined that Commissioner Sprenglemeyer would review the final amendments prior to release.

- One person from each region volunteered to update the human trafficking matrix posted on ICJ's website. The updates will be completed after the 2018 Annual Business Meeting.

Regional Updates

South Region (presented by Mia R. Pressley)

- Representative Pressley reported that the next South Region meeting will be at the 2018 Annual Business Meeting.

West Region (presented by Dale Dodd)

- Representative Dodd reported that the next Midwest Region meeting will be at the 2018 Annual Business Meeting.

East Region (presented by Becki Moore)

- Representative Moore reported that the next East Region meeting will be at the 2018 Annual Business Meeting.

Midwest Region (presented by Charles Frieberg)

- Representative Frieberg noted that he, Commissioner Frierson (IL), Chair Connor (ID), R. Masters (Legal Counsel), and Director Underwood had a follow-up meeting regarding the rule amendment proposal submitted to the Midwest Region by Illinois regarding Rule 6-102. R. Masters agreed to provide additional a written analysis.
- Representative Frieberg reported that the next Midwest Region meeting will be at the 2018 Annual Business Meeting.

Legal Counsel Report (presented by Rick Masters)

- Legal Memorandum regarding Rule 6-102 and Advisory Opinion regarding Rule 7-103 will be presented at the next meeting.

Old Business

- No old business was raised.

New Business

- G. Hartman (WY) stated that it took unreasonably long period of time to resolve complaints against South Carolina and suggested a time table be created for resolving compliance issues in the future. Chair Connor agreed that policies need to be amended to clarify process, establish timeline, and ensure alignment with Article XI of the Compact.

Adjourn

- Chair Connor adjourned the meeting by unanimous consent at 1:01 p.m. EDT.