



INTERSTATE COMMISSION FOR JUVENILES
EXECUTIVE COMMITTEE

Minutes
August 9, 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. Rick Masters, Legal Counsel

Guests in Attendance:

1. Katherine Pierson (SC)
 2. 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

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

Minutes

- **C. Frieberg (SD) made a motion to approve the July 26, 2018 meeting minutes. T. DeJesus (CA) seconded. The motion passed.**

National Office Report

- Director Underwood reported the following state updates:
 - Wisconsin appointed Casey Gerber as Compact Administrator and Commissioner.
 - Mike Casey will be attending the Annual Business Meeting as the authorized voting representative for the State of Delaware.
 - Thirty-eight states have paid dues.
 - All 52 jurisdictions have registered for the Annual Business Meeting. Currently, 95 attendees are registered for the meeting, including 4 ex officios, 30 additional state compact office personnel, presenters, and national office staff.
 - The Executive Committee meeting on September 10, 2018 will be held on the 41st floor of the Marriott in New Orleans, as will the Welcome Reception. Tuesday training sessions will be on the 2nd floor, and the General Session will be on the 3rd floor. The Presenters Luncheon on Tuesday will be on the 2nd floor, as will the New Commissioners Luncheon on Wednesday. Executive Committee members are invited to both luncheons.
 - The Docket Book will include training materials for Tuesday's sessions but will not include a copy of the rules, bylaws, or statute. Bench Books will be provided at the meeting for anyone wishing to reference those documents. The Docket Books will also contain products that the committees worked on during the previous year.
 - The State Council Toolkit is being finalized and will be posted online soon.
 - The hiring process for the Logistics and Administrative Coordinator position is near completion and an offer will be made soon. The new staff member will be hired in time to travel to the Annual Business Meeting.

Compliance Committee Report (presented by Jacey Rader)

- Compliance Chair Jacey Rader reported that the ICJ Compliance Committee met August 2, 2018. The Committee reviewed and approved the Corrective Action Plan submitted by South Carolina.
- J. Rader reported that Abbie Christian (NE) has been providing remote assistance and has helped reduce the number of JIDS assignments by 90 percent, from over 500 to 48. The Committee reviewed a summary of South Carolina's current JIDS assignments.
- J. Rader (NE) reported that the Compliance Committee recommended sending Abbie Christian to South Carolina for three days for on-site Training and Technical Assistance.
- **G. Hartman (WY) made a motion to approve provision of on-site Training and Technical Assistance by Abbie Christian, with the costs to be attributed to South Carolina. N. Dalton (VA) seconded the motion. M. Pressley (SC) abstained. The motion passed.**

- Chair Connor (ID) opened the floor for discussion regarding South Carolina's Corrective Action Plan.
- Legal Counsel Rick Masters announced that while it is agreeable for states involved in the disputes to comment on the Corrective Action Plan, parties involved in the complaints may not participate in debate during the meeting.
- T. Marchand (NC) thanked Compliance Chair Rader and the Compliance Committee, Chair Connor, and Vice Chair Dalton for their work on the Corrective Action Plan. Ms. Marchand said that it has been helpful to have Abbie Christian assisting and routing information in JIDS. She noted that four (4) requests for transfer of supervision were received by North Carolina from South Carolina over the weekend, two (2) of which were for adjudicated sex offenders from South Carolina who have been in North Carolina since November 2017. One juvenile had been adjudicated for a weapon-related offense. Due to Ms. Christian's assistance, North Carolina was able to send all four (4) referrals to North Carolina locals on Monday and received responses by Tuesday. However, the North Carolina compact office answered questions from locals, including an inquiry from an attorney, regarding the delays.
- T. Marchand (NC) expressed appreciation at Ms. Christian's assistance, but shared that there has been a lot of frustration in North Carolina due to continued ineffective communication from South Carolina. Ms. Marchand expressed disappointment that the Corrective Action Plan did not include an overture of accepting responsibility or expression of contrition by South Carolina. Additionally, she noted the importance of honoring the compact's spirit through communication, collaboration, and mutual respect and explained that there is a lot of work ahead for South Carolina to mend fences.
- F. Dauway (SC) stated that South Carolina apologizes and takes this issue very seriously. South Carolina understands the egregious nature of the issues and takes full responsibility. Ms. Dauway assured the Committee that measures are being put in place to correct issues. She stated that Ms. Christian has been helpful with assignment management. On behalf of the State of South Carolina, Ms. Dauway apologized to North Carolina, New York, all states, and the Executive Office. She stated that South Carolina respects the Compact and understands their responsibility for overseeing juvenile supervision and ensuring public safety. Finally, she stated that South Carolina appreciates the opportunity for redemption.
- N. Dalton (VA) inquired whether Ms. Christian is being compensated for her work for the State of South Carolina's compact office. She said that Virginia has received work outside of regular business hours and asked if the after-hours work would be compensated.
- Chair Connor (ID) stated that discussion of compensation for Ms. Christian would be a conversation between National Office and Nebraska.
- Executive Director Underwood reported that she has discussed the matter with Nebraska and compensation was not yet planned. She explained that our policy does allow for payment but the current understanding is that the work would be conducted during her Nebraska work time as approved by her supervisor.
- J. Rader (NE) informed the Committee that Ms. Christian has been able to flex her worktime, with Nebraska work being the top priority. Moving forward, Ms. Rader recommends that Ms. Christian receives a Training and Technical Assistance fee for the on-site work in South Carolina as she will be taking vacation time in Nebraska.

- N. Dalton (VA) commented that it does not appear that South Carolina made any requests for assistance prior to the complaints. She added that other states could still submit complaints but have chosen not to. Ms. Dalton questioned how the Corrective Action Plan differs from current policies and practices in regards to oversight within the South Carolina compact office.
- K. Pierson (SC), the new Deputy Director of Community Services Division in South Carolina, commented that one person was previously fulfilling the role of the Commissioner, Deputy Compact Administrator, and Compact Administrator. She said that relying on one person to fulfill all of these positions does not ensure accountability. The state is creating separate positions for these roles and has already implemented a shared email box which notifies six (6) people when inquiries are made related to the compact.
- F. Dauway (SC) expects to resolve all overdue assignments by August 31, 2018. She reported that local offices have been contacted to determine if there are any cases that may have been missed by the compact office. She further explained that accountability measures to be implemented include monthly reports and training regional administrators who will be set up with JIDS accounts.
- Mia Pressley (SC) added that some measures were beginning to be put into place prior to the complaints, including hiring a new staff person; however, hiring was delayed due to budget constraints.
- P. Sprengelmeyer (OR) referred to the reporting requirements outlined in the Corrective Action Plan and asked to whom should monthly reports be disseminated and whether any feedback would be given to South Carolina regarding goals or progress toward resolution.
- Chair Connor (ID) asked for feedback on the best way to address reporting.
- R. Masters agreed that reviewing the reports is recommended and providing feedback may be necessary.
- Executive Director Underwood explained that the reporting requirements are scheduled for the first of the month so the Executive Committee will have time to review the reports at their monthly meetings.
- Chair Connor (ID) questioned whether the Corrective Action Plan needed to specifically state which committee, Executive or Compliance, would be responsible for reviewing the reports.
- R. Masters suggested including a recommendation for the Executive Committee to review reports at their regularly scheduled monthly meetings in the motion to approve the Corrective Action Plan. He stated that ad-hoc review of reports by members of the Committee could occur on an as-needed basis.
- **P. Sprengelmeyer (OR) made a motion to approve the Corrective Action Plan as presented. T. DeJesus (CA) seconded the motion. M. Pressley (SC) abstained. The motion passed.**
- Chair Connor (ID) thanked the Compliance Committee, Chair Radar, and Abbie Christian for their work on this matter. Chair Connor recommended that all South Carolina compact office staff attend the ICJ Rules Training that will be conducted for the regional administrators at the end of August.
- Executive Director Underwood updated that, to date, only three (3) individuals have registered for the training. F. Dauway (SC) said that they will follow-up to ensure all staff register for the training.

Legal Counsel Report (presented by Rick Masters)
Advisory Opinion 03-2018

- R. Masters presented draft Advisory Opinion 03-2018 regarding interpretation of ICJ Rule 7-104, which was requested by the Executive Committee and was deferred from the July meeting. He explained that questions addressed in the opinion include whether ICJ Rule 7-104 requires the home/demanding state to return a juvenile after a warrant has been withdrawn and whether state confidentiality laws prohibit the entry of warrants issued for juveniles subject to the Compact into NCIC.
- N. Dalton (VA) commented that the change to the last sentence of ICJ Rule 7-104, effective March 1, 2018, may have had unintended consequences and questioned whether other states might have issues returning juveniles when a warrant has been withdrawn and the juvenile does not have a parent or legal guardian in the home/demanding state.
- R. Masters responded that this opinion doesn't speak specifically to that situation and offered to clarify further in the opinion, should the Committee desire.
- T. Marchand (NC) commented that she shares Commissioner Dalton's concerns.
- Chair Connor (ID) suggested tabling the opinion until the Annual Business Meeting to allow Commissioner Dalton (VA) and Commissioner Marchand (NC) to collaborate with Legal Counsel.
- **T. Marchand (NC) made a motion to postpone consideration of Advisory Opinion 03-2018 until the Executive Committee meeting in September at the Annual Business Meeting. D. Dodd (NM) seconded. The motion was approved.**

Legal Memorandum

- R. Masters presented a Legal Memorandum regarding a rule proposal from the Midwest Region regarding the voluntary return of juveniles per ICJ Rule 6-102. Mr. Masters explained that the issue arose in conjunction with a rule proposal that was submitted to the Midwest Region by Illinois. The issue is return of juveniles who may have reached the age of majority in the holding state and are adults at initial detention, or when the offense was committed as a juvenile, but is charged as an adult.
- Chair Connor (ID) noted that the memorandum requires further review to ensure that the correct state, holding or home/demanding, is referenced correctly throughout the document. Chair Connor asked the group to review and submit feedback prior to the next meeting.
- **N. Dalton (VA) made a motion to postpone consideration of the Legal Memorandum until the Executive Committee meeting in September at the Annual Business Meeting. J. Rader (NE) seconded. The motion was approved.**

Old Business

There was no old business.

New Business

There was no new business.

Adjourn

- Chair Connor adjourned the meeting by acclamation at 12:30 p.m. EDT.