



## INTERSTATE COMMISSION FOR JUVENILES

### EXECUTIVE COMMITTEE MEETING

#### *Minutes*

Thursday, January 26, 2012

11:00 a.m. EST

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#### **Committee Members in Attendance:**

1. Terry Clark (PA) Chair
2. Summer Foxworth (CO) Vice Chair
3. Phil Cox (OR) Treasurer
4. Judy Miller (AR) Designee
5. Jean Hall (FL) Commissioner
6. Mark Boger (ME) Commissioner
7. Rose Ann Bisch (MN) Commissioner
8. Clarence Powell (MS) Designee
9. Dale Dodd (NM) Commissioner
10. Lisa Bjergaard (ND) Commissioner
11. Gary Hartman (WY) Commissioner
12. Rick Masters, Legal Counsel

#### **Committee Members Not in Attendance:**

1. Trudy Gregorie (DC) Victims Ex-Officio

#### **Guests in Attendance:**

None

#### **Staff in Attendance:**

1. Ashley Lippert, ICJ Executive Director
  2. Jack Branum, MIS Project Manager
  3. Emma Goode, Administrative and Logistics Coordinator
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#### **Call to Order**

Chair Clark called the meeting to order at 11:02 a.m. EST.

#### **Roll Call**

A. Lippert called the roll. Twelve of the thirteen members were present; eleven of the eleven voting members were present, establishing a quorum.

#### **Agenda**

**J. Hall (FL) moved to approve the agenda. M. Boger (ME) seconded. The motion passed to approve the agenda as presented.**

#### **Minutes**

**J. Hall (FL) moved to approve the December 8, 2011 meeting minutes, P. Cox (OR) seconded. The motion passed to approve the minutes as corrected.**

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## **Executive Director Report** (presented by Ashley Lippert)

### *Dues*

- A. Lippert updated that all Fiscal Year 2012 dues have been paid.
- Fiscal Year 2013 dues invoices will be issued in April.

### *Commissioners*

- A. Lippert updated that New Jersey has appointed a new Commissioner (Gloria Hancock).
- Nevada Commissioner (Fernando Serrano) will retire effective February 1, 2012.
- New Hampshire has not appointed a Commissioner since joining the Compact. A. Lippert updated that letters and calls were made to the New Hampshire Governor's office offering assistance. The Executive Committee discussed the situation and agreed the National Office should issue a follow-up letter to the Governor and include the New Hampshire Director of Juvenile Justice.

### *Outreach*

- A. Lippert updated that the ICJ article was finalized and published in the Council of State Governments e-newsletter. A. Lippert will follow-up with Carl Wicklund, APPA Ex-Officio, for his offer to get the article included in the NGA newsletter.
- A. Lippert reported her contact with Tracy Masters, Georgia Legal Director for the Department of Juvenile Justice, who indicated that Georgia anticipates introducing legislation this term. R. Masters reported positive communication from Georgia Senator Balfour regarding passage of the compact legislation.
- A. Lippert reported communication with Puerto Rico and efforts to identify a contact person for juvenile matters in Puerto Rico.

### *National Office Updates*

- A. Lippert reported the National Office completed updates to the rules, forms and all related materials including the Bench Book and Spanish forms based on amendments effective March 1, 2012. She proposed posting the updated forms two weeks prior to the effective date. The Committee agreed that would assist compact offices with distributing the updated forms.
- A. Lippert reported that the National Office is working on drafting auditing standards as the Commission progresses toward implementing a national system.
- Requests for Proposals (RFPs) went out for the 2013 Annual Meeting. Viable options will be presented at the next meeting.
- Sally Holewa, COSCA Ex-Officio, drafted a letter to the National Judicial College to increase ICJ exposure to the judiciary. A. Lippert will follow-up with the contact provided by Ms. Holewa next week.

### *State Council Updates*

- In accordance with the State Council policy, A. Lippert reported the following update on State Councils received by the National Office:
  - 22 states have a Council established
  - 7 states are in the process of establishing their Council
  - 22 states have not responded

### *New Policies*

- A. Lippert presented two new policies regarding administration of assets and record retention for the National Office. R. Masters acknowledged approval of the policies as presented.

#### Policy #01-2012 Records Retention

- M. Boger (ME) questioned the discrepancy between ICJ and CSG time frames for the retention of personnel records. A. Lippert clarified the records to be duplicates. CSG retains all records permanently and the National Office will retain five years due to space restrictions.
- J. Miller (AR) suggested including the language *National Office* in the title to avoid any confusion with state level record retention policies.
- **S. Foxworth (CO) made the motion to approve the ICJ National Office Records Retention Policy #01-2012. J. Hall (FL) seconded. The motion passed.**

#### Policy #02-2012 Disposal of Assets

- The Committee reviewed and agreed to the disposal of assets policy as presented.
- **P. Cox (OR) made the motion to approve the ICJ Disposal of Assets Policy #02-2012. M. Boger (ME) seconded. The motion passed.**

### *Advisory Opinions*

A. Lippert presented one amended and one new advisory opinion as described below:

#### Advisory Opinion # 02-2011 determining which juveniles the ICJ applies

- The Committee reviewed and debated Advisory Opinion #02-2011 amended by R. Masters, Legal Counsel. The updated opinion footnotes the amendment to Rule 4-101 that juveniles placed in residential treatment facilities (RTFs) are not eligible for ICJ.
- D. Dodd (NM) voiced concern to ICPC placements without ICJ involvement for juveniles over age 18. R. Bisch (MN) updated on discussion from the AAICPC/ICJ Work Group that ICPC supports continued treatment for populations over 18.
- R. Masters advised that regarding the presented advisory opinion both the amendment and the effect on the advisory opinion are correctly stated.
- **S. Foxworth (CO) made the motion to accept the amended Advisory Opinion #02-2011. P. Cox (OR) seconded. D. Dodd (NM) opposed. The motion passed.**

#### Advisory Opinion # 01-2012 Whether Health Insurance Portability and Accountability Act (HIPAA) exemption applies to transfers and returns of juveniles between non-member states.

- The Committee reviewed and discussed Advisory Opinion #01-2012 regarding law enforcement exemptions from the provisions of HIPAA for non-member states as requested by the West Region.
- P. Cox (OR) suggested neutral language for possible future scenarios rather than identifying the current non-members, Georgia and Puerto Rico.
- R. Masters clarified the opinion was written as requested and clarified the opinion's summary reference to the nine states that did not repeal the 1955 compact. R. Bisch (MN) spoke in favor of advisory opinion to be written to the specific request and the Committee concurred.

### *National System Agreement*

- A. Lippert presented the vendor agreement for the development of a national system which was reviewed by the Executive Committee prior to the meeting.
- **C. Powell (MS) made the motion to approve the agreement between ICJ and InStream, Inc. P. Cox (OR) seconded. The motion passed unanimously.**

### **Committee Reports**

#### **Executive Committee** (presented by Terry Clark)

- Chair Clark reported no change in status of the AJCA dissolution and transfer of funds.
- Chair Clark proposed April 3, 2012 for the Executive Committee face to face meeting in Lexington, Kentucky. The Committee reviewed their calendars and agreed to meet April 10, 2012. The National Office will confirm the revised date and notify the Committee.

#### **Finance Committee** (presented by Lisa Bjergaard)

- Chair Bjergaard reported the Finance Committee met January 24, 2012 for a budget update and discussion regarding the dues structure and a Training Committee request.
- A. Lippert presented a budget update noting the 2011 Annual Business Meeting expenses finished twenty percent under budget due to hotel concessions, vendor refunds, and member cancellations.
- Chair Bjergaard reported the Finance Committee reviewed the current dues structure against a revised structure that incorporates the 2010 census numbers and self-reported data for fiscal year 2011. They also considered how the dues structure would be affected by removing the non-member states. Chair Bjergaard presented the following recommendations on behalf of the Finance Committee:
  - The Finance Committee recommends deferring the inclusion of 2010 census numbers into the dues equation until the implementation of the national system.
  - The Finance Committee seeks the endorsement of the Executive Committee to create a new tier for Compact members with a dues ratio that is in the ten-thousandths percent (.0001), setting the fee of that tier at \$6,000 annually and making it retroactive effective for the fiscal year 2013.
- The Executive Committee discussed and questioned the recommendations. Treasurer Cox clarified the new lowest tier would impact one state (VI) with 7 transfers and decreased the FY '13 Budget by \$6,000.
- M. Boger (ME) clarified that Commissioner Welcome requested the Commission review the VI dues tier due to their low volume of transfers.
- R. Masters advised that any changes to the dues assessment must be approved by the full Commission. A. Lippert clarified the Finance Committee seeks the endorsement of the Executive Committee at the 2012 Annual Business Meeting to create a new tier in the dues structure and to make the adjustment retroactive for FY 2013 dues. R. Masters agreed the recommendation to be within the scope of the Executive Committee.
- R. Bisch (MN) cautioned to making changes while using self-reported numbers. R. Masters advised clarifying that the change is subject to the approval of the Commission.
- **L. Bjergaard (ND) made a motion that the Executive Committee endorse the recommendation of the Finance Committee to create a new tier for Compact members with a dues ratio in the ten-thousandths percent (.0001), to set the fee of that tier at \$6,000 annually, and to make the tier adjustment retroactive effective fiscal year 2013 with the understanding that the recommended modification is subject to the approval of the full Commission. P. Cox (OR) seconded. R. Bisch (MN) opposed. The motion passed.**

### **Training, Education & Public Relations Committee** (presented by Jean Hall)

- Chair Hall reported that the Training Committee met on January 19, 2012 and approved the following updated training materials:
  - Rules Training PowerPoint for Field Staff and Compact Offices
  - Judicial Training PowerPoint for Judges and Court Personnel
  - Quick Reference Guide Brochure
- Rule Amendment Training for Compact Offices was held January 11 and January 18, with 57 persons in attendance.
- The rules training sessions will resume late February and continue through August. J. Miller (AR) questioned the length of training sessions. Chair Hall confirmed the training sessions are concurrent two days, two hours each day.

### **Rules Committee** (presented by Gary Hartman)

- Chair Hartman reported that the Rules Committee met January 11 chaired by B. Greer. The Rules Committee approved an amendment to Rule 7-101 which eliminates motions from the floor during the General Session.
- The Rules Committee will meet February 8 to consider a travel permit proposal and any other rule amendments or proposals received prior to that date.

### **Compliance Committee** (presented by Dale Dodd)

Chair Dodd reported that the Compliance Committee had nothing new to report.

### **Technology Committee** (presented by Clarence Powell)

- Chair Powell reported that the Technology Committee met January 25 and discussed the following next steps in anticipation of the Executive Committee's approval of the agreement:
  - The Committee approved a name for the system: JIDS - Juvenile Interstate Data System.
  - A project timeline was established with a July 1 launch date. The timeline will be modified as necessary.
  - The National Office will schedule readiness meetings with each state to assist them in preparing for a national system.
  - A small group of power users was created to work with the vendor and serve as a liaison to the regions. One Technology Committee member from each of the four regions agreed to participate as a power user:
    - John Gusz (NJ) East Region
    - Robyn Peterson (OH) Midwest Region
    - Traci Marchand (NC) South Region
    - Anne Connor (NV) West Region
  - Privacy policy and user agreements were presented and reviewed. The Technology Committee agreed to revisit the documents after the language has been tweaked.
- A. Lippert updated that InStream will conduct a discovery meeting with ICJ power users and staff in February to gain a better understanding of the ICJ requirements and work flow processes.
- Chair Clark suggested user testing with local personnel outside the state compact offices. Chair Powell acknowledged the idea and will adhere to the suggestion during the final testing period.

## **Region Reports**

### **Region Representatives** (presented by Judy Miller)

Chair Miller reported the Region Representatives will meet March 15, 2012.

### **South Region** (presented by Judy Miller)

- Chair Miller updated items discussed during the South Region meeting in October.
- The South Region will meet February 2, 2012 to discuss rule proposals.
- Chair Miller questioned steps to request a legal advisory opinion. R. Masters clarified that Commissioner/Designee, Region, or Committees may make those requests via the National Office.

### **East Region** (presented by Mark Boger)

- Chair Boger reported the East Region met January 24, 2012. Items discussed included state changes, state councils, dues, and non-member Puerto Rico.
- The East Region will meet again in late April or early May.

### **Midwest Region** (presented by Rose Ann Bisch)

- Chair Bisch reported the Midwest Region met in January. Items discussion included state updates, state councils, and proposed rule amendments.
- The Midwest will meet in February to consider rule proposal(s) to submit to the Rules Committee by the March 1 deadline.

### *ICJ/AAICPC Work Group*

- Co-Chair Bisch reported that the ICJ/AAICPC Workgroup met in January and discussed residential placements and reviewed the ICPC regulations.
- The MOU document has not been finalized by AAICPC; however, the work group continues to meet monthly to discuss current and best practices. She updated that the work group decided not to issue a second survey and work with the data from the first survey.
- The next meeting is February 9, 2012 and ICJ will conduct runaway training.

### **West Region**

- Chair Representative Foxworth reported the West Region met January 10, 2012. Items discussed included state councils, regional issues, National Office update, and the HIPAA clarification advisory opinion request.
- The West Region will meet in February to discuss the rule amendment submitted by Commissioner Dodd (NM). The National Office will poll the members for the February meeting date.
- Chair Foxworth (CO) updated her office address will change Tuesday. The phone numbers and emails will remain the same. The new address was announced in the ICJ weekly newsletter and has been updated on the Commission's website.

### **Victim's Representative**

In the absence of Ex-Officio Gregorie there was no report.

### **Legal Counsel Report** (presented by Rick Masters)

R. Masters updated that the California Court of Appeals has requested an extension of time to respond to the amicus brief. All other legal actions were addressed earlier in the meeting.

### **Old Business**

There was no old business.

### **New Business**

A. Lippert requested direction on who should sign the InStream Procurement Agreement. Chair Clark and the Committee agreed the ICJ Executive Director will execute the document on behalf of the Commission.

### **Adjourn**

**D. Dodd (NM) made the motion to adjourn. S. Foxworth (CO) seconded. Chair Clark adjourned the meeting by acclamation at 1:06 p.m. EST.**