

 <p>Interstate Commission for Juveniles</p>	<p>Policy Number 01-2009</p>	<p>Page Number: 1</p>
<p>ICJ Compliance Policy Compliance Enforcement - Investigating Allegations of Non-Compliance</p>		<p>Dated: December 1, 2009</p>

I. Objective

The objective of this policy is to define the course of action the Compliance Committee of the Interstate Commission for Juveniles (ICJ) may take when an allegation of non-compliance by a member state is received or referred to the Compliance Committee. A duty of the Compliance Committee is to address substantial or persistent violations of the Compact, its rules, and Bylaws when all other efforts to assist the alleged violating state to come into compliance are exhausted or in cases where such alleged violations warrant immediate action.

The Compliance Committee has the responsibility to ensure that the rules and regulations of the Compact are adhered to in order to protect public safety while promoting juvenile offender rehabilitation. In order to properly exercise its authority, the Compliance Committee shall review and/or investigate all allegations of non-compliance that are referred to the Committee and may take one or more appropriate actions. These alternatives may range from corrective measures, educational measures to monetary fines, administrative orders, or other punitive sanctions as authorized by the Compact.

II. Investigation

A. Purpose

The purpose of the investigation is to substantiate or “rule out” a factual basis for the allegation by assembling and examining all relevant evidence including statements and/or testimony of witnesses, documents, and all other information which may lead to the discovery of relevant evidence.

B. Procedures

During the investigation, information may emerge which justifies broadening the scope of the investigation beyond the initial allegations. The Commissioner of the State alleged to be in non-compliance will be informed in writing if new and different allegations are discovered during the course of the investigation.

The investigation shall be conducted by a neutral investigator independently, employed or otherwise contracted by ICJ. (See ICJ Compliance policy #02-2009, Compliance Enforcement - Investigation_Process.) Current ICJ Commissioners are

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disqualified from acting as investigators, as it may be perceived as a conflict of interest. The investigator, at the direction of the Executive Director, shall use any and all materials and reports gathered during the inquiry phase and request any and all documents that would further assist the investigation. The investigator may interview any person(s) who may have information relevant to the allegation(s) of non-compliance and may obtain, through appropriate subpoena or other process if necessary, all documents and other information relevant to such allegation(s). Pursuant to the provisions of the Compact all such investigatory information and investigative file(s) shall be confidential and not subject to public disclosure.

The State alleged to be in non-compliance will be given an opportunity to submit written documents and appear before the investigator at the State's own expense. At the conclusion of the investigation, the investigator will prepare a written report to the Executive Director which shall include a summary of the conclusions. This investigative report shall be confidential and not subject to public disclosure. The Executive Director shall forward the report and recommendations to the Chair of the Compliance Committee within 30 days of the conclusion of the investigation phase, unless a time extension has been granted by the Chairperson or designee. The Chair of the Compliance Committee shall forward the report to the full Committee, the State alleged to be in non-compliance and the complaining State, if applicable. The State alleged to be in non-compliance shall be given the opportunity to appear before the Compliance Committee at the State's own expense, or reply in writing at a date and time to be determined by the Compliance Committee.

C. Final Outcome

The Compliance Committee will base its finding on the report and any verbal or written submissions. The Compliance Committee will present their findings and make a recommendation to the Executive Committee at their next scheduled meeting. If the State in question is found in non-compliance, that State shall reimburse all costs associated with the investigation to Interstate Commission for Juveniles.