

	Interstate Commission for Juveniles	Opinion Number: 02-2021	Page Number: 1
<p align="center">ICJ Advisory Opinion Issued by: Executive Director: MaryLee Underwood Chief Legal Counsel: Richard L. Masters</p>			
Description: Limits of ICJ authority to conduct records checks for another state on juveniles not subject to ICJ.		Dated: May 19, 2021	

Background:

Pursuant to ICJ Rule 9-101(3), the ICJ Executive Committee has requested an advisory opinion regarding the requirements of the Compact and ICJ Rules on the following issue:

Issues:

ICJ member states occasionally receive requests to conduct records checks on juveniles not currently involved in the ICJ process, ICJ Executive Committee members have expressed concerns related to the legal authority to conduct such records checks.

Applicable Compact Provisions and Rules:

ICJ Article I, in relevant part, provides that:

It is the purpose of this Compact, through means of joint and cooperative action among the Compacting states to: . . . (J) establish a system of uniform data collection **of information pertaining to juveniles subject to this Compact** that allows access by authorized juvenile justice and criminal justice officials; (emphasis supplied).

ICJ Article III (K) provides:

The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection and data exchange reporting requirements. Such methods of data collection, exchange and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records. (emphasis supplied).

ICJ Rule 2-102(1) provides:

As required by Article III (K) of the compact, the Interstate Commission shall gather, maintain and report data regarding the interstate movement of juveniles who are supervised under this compact and the return of juveniles who have absconded, escaped or fled to avoid prosecution or run away.

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ICJ Rule 2-106 states:

“Upon request by a member state ICJ Office, other member state ICJ Offices may share information regarding a juvenile who crosses state lines to determine if they are or may be subject to the ICJ.”

Analysis and Conclusions:

The above referenced provisions of the ICJ Compact and Rules clearly evince an intent to provide authority to the ICJ member states to collect, maintain, report, and exchange data “concerning” or “pertaining” to the “interstate movement of juveniles who are ‘subject to’ and ‘supervised under this compact.’ ” These provisions further permit such data to be collected and exchanged with regard to “the return of juveniles who have absconded, escaped or fled to avoid prosecution or run away.” See ICJ Article III (K); ICJ Rule 2-102(1) and ICJ Rule 2-106.

Furthermore, the ICJ and the ICJ Rules require Compact member states to implement the law enforcement and public protection aspects of the Compact through “a system of uniform data collection” that “conform(s) to up-to-date technology and coordinate its information functions with the appropriate repository of records.” See Article I (J) and Article III (K).

To fulfill these requirements, the Interstate Commission provides a nationwide electronic information system known as UNITY (Uniform Nationwide Interstate Tracking for Youth). As described in Advisory Opinion 01-2021:

UNITY is a browser-based system which enables all member states to manage workflow and communications, as well as provide consistent service to juveniles who are under court supervision or have run away to another state. It is an efficient, secure, and reliable application that meets capacity requirements, designed to comply with the FBI’s Criminal Justice Information Services (CJIS) Security Policy, in order to protect the privacy of the juveniles. UNITY also complies with Section 508 of the US Rehabilitation Act, which includes accessibility standards for electronic content...The UNITY system and all its data is securely hosted on the Microsoft Azure Government Cloud, an FBI-certified and CJIS compliant platform...The UNITY system meets national security standards for justice applications consistent with CJIS Security Policy 7 and the Juvenile Justice Standards, as well as national security standards for justice

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applications and criminal justice information systems, including a CJIS secure cloud hosting solution.

While collection and dissemination of data through the UNITY system is authorized by the Compact and ICJ Rules, this authority is limited by the terms of the Compact to “*data ‘concerning’ or ‘pertaining’ to the “interstate movement of juveniles who are ‘subject to’ and ‘supervised under this compact.’*” See ICJ Art. III (K) and ICJ Rule 2-102(1). Additionally, the Commission is legally obligated to exercise due diligence to protect this information from both unauthorized access and disclosure by ICJ member states through the establishment and maintenance of the Commission’s electronic information system.

Therefore, ICJ member states must remain vigilant in their commitment to prevent unauthorized disclosures of information. The express language of the foregoing Compact statute provisions in Article I (J) and Article III (K), as well as Rule 2-102(1), clearly establishes the parameters for the collection or sharing of information concerning the interstate movement of juveniles who are not subject to or supervised under this Compact.

Therefore, no information can be lawfully released in response to requests for “records checks on juveniles not currently involved in the ICJ process.” As the U.S. Supreme Court has determined with respect to statutory construction, “Our first step in interpreting a statute is to determine whether the language at issue has a plain and unambiguous meaning ... [O]ur inquiry must cease if the statutory language is unambiguous and the statutory scheme is coherent and consistent.” See *Robinson v. Shell Oil Co.*, 519 U.S. 337, 340 (1997).

Summary:

In sum, neither the Compact Statute nor the ICJ Rules discussed above authorize the collection or sharing of information concerning the interstate movement of juveniles who are not ‘subject to’ or ‘supervised under’ this Compact. While state ICJ Offices may share information regarding a juvenile who crosses state lines to determine if they are or may be subject to the ICJ, no information can be lawfully released in response to requests for “records checks on juveniles not currently involved in the ICJ process.”