

INTERSTATE COMMISSION FOR JUVENILES

East Region Meeting Minutes



November 9, 2022
10:00 a.m. ET
via zoom

Commissioners/Designees in Attendance:

1. Caitlyn Bickford (NH) Commissioner, East Region Representative
2. Tasha Hunt (CT), Commissioner
3. Mike Casey (DE), Commissioner
4. Roy Curtis (ME), Commissioner
5. Francesco Bianco, Jr. (NY), Designee
6. Wendy Lautsbaugh (PA), Commissioner

Commissioners/Designees not in Attendance:

1. Becki Moore (MA), Commissioner
2. Jennifer LeBaron (NJ), Commissioner
3. Edwin Lee, Jr. (NJ), Designee
4. Sheila Poole (NY), Commissioner
5. Jessica Nash (RI), Commissioner
6. JoAnn Niksa (RI), Designee
7. Eavey Monique-James (USVI), Commissioner
8. Patricia Casanova (VT), Designee, East Region Alternate Representative

Non-voting Compact Staff in Attendance:

1. Nordia Napier (CT)
2. Cecil Rexach (CT)
3. Christine Norris (DE)
4. Erin Breitigan (DE)
5. Donna Reed (MA)
6. Robert Lemieux (MA)
7. Kara Buxton (NH)
8. Shyra Bland (NJ)
9. Kelly Palmateer (NY)
10. Natalie Primak (PA)

Guests in Attendance:

None

National Office Staff and Legal Counsel in Attendance:

1. Emma Goode, Logistics and Administrative Specialist
2. Amanee Cabbagestalk, Training and Administrative Specialist
3. Jenny Adkins, Operations and Policy Specialist
4. Joe Johnson, System Project Manager

Call to Order

Representative Bickford (NH) called the meeting to order at 10:02 a.m. ET.

Roll Call

Jenny Adkins, National Office Staff, called the roll and a quorum was established.

Agenda

R. Curtis (ME) made a motion to approve the agenda. F. Bianco (NY) seconded. The motion pass unanimously.

Minutes

R. Curtis (ME) made a motion to approve the minutes from October 4, 2022 meeting as presented. F. Bianco (NY) seconded. The motion passed.

Discussion

ICJ 2022 Annual Business Meeting (ABM) Updates

- Representative Bickford (NH) provided updates on a few items from the 2022 ICJ Annual Business Meeting in Burlington, Vermont:
 - The Commission passed an annual dues increase of thirty-five (35) percent beginning fiscal year 2024 to ensure that the Commission's income for the next five (5) years is sufficient to cover its operating expenses.
 - All ICJ standing committees have been re-established and monthly meetings have been scheduled.
 - She reminded ICJ voting Commissioners/Designees who attended the meeting to submit their expense report to Emma Goode this week, if they have not done so already.

Committee Members Update – East Region Representation

- Representative Bickford provided the following overview of the East Region membership in each of the ICJ standing committees and opened the floor for any updates.
- **Executive Committee:** Tasha Hunt, Past Chair (CT), and Caitlyn Bickford, East Regional Representative (NH)
 - T. Hunt (CT) updated that the first meeting is scheduled for November 17.
- **Compliance Committee:** Wendy Lautsbaugh (PA); Christine Norris (DE); Kara Buxton (ICPC - NH); and Richard Gordon (NPJS - PA)
 - W. Lautsbaugh (PA) updated that the first meeting is scheduled for December 8.
- **Finance Committee:** Mike Casey (DE)
 - M. Casey (DE) updated that the first meeting is scheduled for November 16.
- **Racial Diversity, Equity and Inclusion Committee:** Mike Casey (DE); Becki Moore (MA); and Jessica Nash (RI)
 - M. Casey (DE) updated that the first meeting is scheduled for November 29.
- **Rules Committee:** Caitlyn Bickford (NH) Vice Chair; Jennifer LeBaron (NJ) Edwin Lee, Jr. (NJ); Trissie Casanova (VT); and Kelly Palmateer (NY)

- K. Palmateer (NY) updated that the Rules Committee met November 2 and continued discussions about travel permits. All regions have included rule proposals on their November meeting agendas, as February 28, 2023 is the deadline to submit proposed rule amendments to the Rules Committee.
- The next meeting of the Rules Committee is scheduled for December 7.
- **Technology Committee:** Roy Curtis (ME) Vice Chair; Tasha Hunt (CT) and Nordia Napier (CT)
 - N. Napier (CT) updated that the first meeting is scheduled for December 13.
 - R. Curtis (ME) updated that he and Technology Committee Chair Kellianne Torres (IA) met recently and plan to meet again with Joe Johnson in preparation for the first meeting in December.
- **Training Committee:** Tasha Hunt (CT) and Nordia Napier (CT)
 - N. Napier (CT) updated that the first meeting is scheduled for December 1.

Old Business

Should “detention” or “custody” be defined in the ICJ Rules to clarify when the 24 hours begins for application of ICJ to runaways (per ICJ Rule 6-101)?

- Representative Bickford briefed that the question was raised last year by Pennsylvania. The East Region asked for an advisory opinion on the matter, a legal memorandum was provided instead.
- Legal Counsel, Rick Masters, attend the East Region meeting on October 4, 2022 and presented an overview of the legal memorandum, as noted in the minutes from that meeting. Additionally, each of the East Region members received the legal memorandum with today’s meeting materials.
- W. Lautsbaugh and N. Primak (PA) were not at the meeting in October and updated that they had not yet reviewed the memorandum.
- In the October meeting, J. Niksa (RI) suggested that states share how they determine when the 24 hours begins within their states.
- C. Bickford (NH) shared the clock begins when the juvenile is taken into custody by law enforcement.
- R. Curtis (ME) shared their clock starts as soon as juvenile is taken into custody.
- S. Bland (NJ) shared when juveniles are detained, child protection services (CPS) personnel are involved in the decision about the juvenile should stay, and some juveniles are not taken to a law enforcement facility. The NJ Compact office often learns about juveniles being detained from CPS personnel.
- W. Lautsbaugh (PA) updated on the discussion during their last State Council meeting. The Pennsylvania Director of the Commission on Crime and Delinquency shared that his agency is responsible for monitoring compliance with the Federal Juvenile Justice and Delinquency Prevention Act (JJDPA), which reportedly defines “secure custody as when the juvenile steps into the building and cannot leave.” This is the definition used by Pennsylvania, He suggested all states following the JJDPA and receiving federal funding should be following the same definition.
- W. Lautsbaugh (PA) shared she had hoped for a solid answer when the question was posed. The answer from the legal memorandum was broad, leaving the definition to the discretion of the state.

New Business

How should states handle deferred adjudications/dispositions? Is a proposed UNITY Enhancement and/or Rule Amendment is needed – R. Curtis (ME)

- R. Curtis (ME) shared information about how Maine handles “deferred dispositions.” Currently in UNITY there is no way to indicate deferred dispositions and Maine is uncomfortable qualifying a juvenile as a probation case in UNITY. Recently he was notified by Maine field staff that they did not realize the juvenile qualified as ICJ for traveling out of state when there was a deferred disposition.
- K. Palmateer (NY) commented that perhaps the issue is terminology more than workflow and asked if Maine probation conducted the supervision. R. Curtis (ME) affirmed that probation officers did the supervision for probation, parole, or deferred disposition. K. Palmateer (NY) commented that probation is providing the supervision not necessarily as an official adjudication with a sentence to probation.
- R. Curtis (ME) added that the issue came up with cases involving “sexualized behavior” and the juvenile has not been adjudicated for this offense; therefore, in Maine there is no notification for a deferred disposition case. The question is: do they qualify for ICJ and need pre-approval to cross state lines?
- N. Primak (PA) shared juveniles in Pennsylvania have a consent decree which equates to deferred adjudication and disposition. Juveniles can be placed on supervision for 6-12 months and, if compliant, they are typically discharged.
- M. Casey (DE) updated that Delaware handles these cases as probation before judgement or probation before adjudication. The youth require monitoring, and the conditions of supervision would determine whether or not notifications are warranted. He also shared that Delaware has diversion programs, such as mental health. Once the program is successfully completed, the charges are dropped.
- N. Napier (CT) asked if the juvenile had to register as a sex offender if they were not adjudicated or had their disposition deferred. E. Breitigan (DE) updated that the recent case between Delaware and Maine was reviewed by their state’s Office of Attorney General. The lack of adjudication led to the decision that the youth would not be required to register.
- S. Bland (NJ) updated that they do make families aware of the sex offender registration requirements in states to which they are transferring, and some have opted not to transfer to those states. New Jersey puts a lot of conditions on deferred disposition. New Jersey developed a list of conditions and requirements to allow them to travel out of state. Therefore, all dispositions are monitored; however, not all dispositions are allowed to transfer out of state.
- C. Bickford (NH) commented that in New Hampshire the lesser offenses are deferred and not monitored by probation unless they come in contact with law enforcement again and none of those would qualify for a transfer of supervision.
- R. Curtis (ME) suggested amending ICJ Rule 8-101 to include juveniles with deferred dispositions to the list of required travel permit, as many of the cases are felony offenses.
- R. Curtis (ME) volunteered to draft a rule proposal. He plans to discuss the issue with the Maine State Council and draft language in December to share with Representative Bickford and the East Region for consideration. Additionally, he welcomes any members willing to collaborate with him on the proposal.

Proposed ICJ Rule Amendments from the East Region

- Presentative Bickford (NH) reminded that the last day for ICJ Rule Proposals submissions to the ICJ Rules Committee is February 28, 2023.
- T. Casanova (VT) could not attend the meeting today; however, she requested that the East Region consider a proposal around after-hours contact numbers and directions for after hour protocols, particularly with runaways who can be returned in the first 24 hours.
- T. Casanova (VT) plans to initiate a draft proposal and she is open for assistance to have something ready for review by the East Region in January.

New State Updates / Concerns

Pennsylvania

- W. Lautsbaugh (PA) updated that the state continues to struggle to find supervised detention beds. The shortage is due staff shortages to work in the facilities. Judges are asking for expedited solutions to have somewhere to place juveniles.
- N. Primak (PA) shared that Pennsylvania has experienced issues with some Compact states not holding runaways if they are not entered into the NCIC. She referenced the [ICJ Advisory Opinion #04-2021](#) commenting that it is relevant, but specifically addresses cases involving requisitions but does not necessarily address runaways who have not gone through the requisition process and not an NCIC entry.
- Representative Bickford agreed to include the issue on the agenda for the January meeting.

New Hampshire

- C. Bickford (NH) updated that staff working in detention facilities have now been mandated to work overtime. The New Hampshire State Council will meet next Monday.

Connecticut

- C. Rexach (CT) updated that the State Council will meet later in the month. New juvenile probation officers have been hired to start in December. In January, there will be a change whereby cases are no longer based on charges and qualify as community non-judicial or judicial.

Delaware

- M. Casey (DE) updated the State Council will meet in January and they are looking to fill a couple of vacancies. He shared that best practices and advisory opinions have been added to the meeting agendas to share and discuss relative information.

Massachusetts

- No new updates from probation or parole.

New Jersey

- No new updates from probation or parole.

New York

- No new updates from probation or parole.

Maine

- No additional updates from what was shared earlier.

Adjourn

- Representative Bickford asked for input regarding a better day of the week to conduct East Region meetings in the future. She asked Emma Goode to poll the members to determine the best day of the week and the best week of the month for future meetings at 10:00 a.m. ET.
- Representative Bickford adjourned the meeting by acclamation without objection at 11:02 a.m. ET.