

# INTERSTATE COMMISSION FOR JUVENILES

## East Region Meeting

### Minutes

2019 Annual Business Meeting Indianapolis, IN

September 10, 2019

3:45 p.m. ET



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### Commissioners/Designees in Attendance:

1. Becki Moore (MA), Designee, East Region Representative
2. Tasha Hunt (CT), Commissioner
3. Melanie Grimes (DE), Commissioner
4. Roy Curtis (ME), Designee
5. Caitlyn Bickford (NH), Commissioner
6. Edwin Lee, Jr. (NJ), Designee
7. Francesco Bianco (NY), Designee
8. Wendy Lautsbaugh (PA), Commissioner
9. JoAnn Niksa (RI), Designee
10. Patricia Casanova (VT), Full-time Designee / Barbara Joyal (VT), Commissioner
11. Eavey-Monique James (USVI), Commissioner

### Commissioners/Designees Not in Attendance:

1. Galan Williamson (ME), Commissioner
2. Kevin Brown (NJ), Commissioner
3. Sheila Poole (NY), Commissioner
4. Jessica Nash (RI), Commissioner

### Compact Staff in Attendance:

1. Candice Alfonso (NJ)
2. Kelly Palmateer (NY)
3. Vaughn Walwyn (VI)

### National Office Staff in Attendance:

1. MaryLee Underwood, Executive Director
2. Jenny Adkins, Operations and Policy Specialist
3. Leslie Anderson, Logistics and Administrative Coordinator

### Call to Order

Representative B. Moore called the meeting to order at 4:02 p.m. ET.

### Roll Call

Representative B. Moore called the roll and quorum was established.

### Agenda

**F. Bianco (NY) made a motion to approve the agenda. J. Niksa (RI) seconded. The motion carried.**

### Minutes

**F. Bianco (NY) made a motion to approve the July 18, 2019 meeting minutes. C. Bickford (NH) seconded. The motion carried.**

## **Discussion**

### **Executive Committee Updates**

Representative B. Moore (MA) reported the following updates:

- **Data System Update**
  - Representative B. Moore (MA) shared that the national office is setting up teams to assist with the data system project.
  - C. Alfonso (NJ) spoke to her experience on the RFP Team that reviewed proposals and recommended the new vendor to the Commission.
  - K. Palmateer (NY) requested clarification regarding if the new data system will be a case management system and whether cases can be assigned to locals.
  - C. Alfonso (NJ) clarified that the system will accommodate case assignments and pro-active notifications to manage timeframes associated with assignments according to the ICJ Rules.
  - E. James (VI) explained that the Virgin Islands chose not to roll-out the current system, JIDS, to their locals due to the system being complicated, frustrating to use, and has too many opportunities for user error.
  - C. Alfonso (NJ) explained that the new system will have hover-helps and built-in training tools, such as user manuals, for infrequent users.
  - C. Bickford (NH) asked if states would be required to roll-out the new data system to their locals.
  - C. Alfonso (NJ) responded that the new system will provide states the option to allow their locals to have access or not.
  - B. Joyal (VT) asked if there was a plan to transfer current cases from JIDS to the new system.
  - C. Alfonso (NJ) explained that data migration was discussed with the vendor and there are many options available, with the solution yet to be determined. She also explained that case expungement should also be considered when decided to add cases to the new system.
  - Representative B. Moore (MA) encouraged region members to join one of the data system teams.
- **Fiscal Year Financial Audit**
  - Representative B. Moore (MA) reported that the Commission's third-party audit is complete. It was clean with no issues or recommendations by the auditor.
- **Committee Participation**
  - Representative B. Moore (MA) announced that committee sign-up sheets are located in the foyer and encouraged all region members to consider signing up.

- J. Niksa (RI) clarified committee participation for designees.
- R. Curtis (ME) asked for details about committee make-up and whether committees re-form each year.
- J. Adkins (National Office) responded that the Commission Chair selects standing committee chairs who in turn select committee members. Standing committee chairs are provided a list of interested parties as indicated from the sign-up sheets and the post-Annual Business Meeting committee interest survey to be distributed mid-September.

### **Proposed Rule Amendments**

Representative B. Moore (MA) opened the floor for discussion related to the proposed rule amendments. She reminded the region that their proposal to amend Rule 8-101 regarding travel permits was withdrawn after comments were received from the Commission and further added that the rule would be a topic of discussion in future region meetings.

- **Rule 4-102: Sending and Receiving Referrals**
  - Representative B. Moore (MA) reminded the region that the Rules Committee supported this amendment proposal regarding the sending state submitting a supervision summary as part of the transfer request documents.
  - R. Curtis (ME) thanked the region for their work on proposals and inquired whether the proposed supervision summary could be addressed in the form of a cover letter rather than a new ICJ form.
  - Representative B. Moore (MA) asked whether a cover letter was currently required.
  - K. Palmateer (NY) responded that the cover letter was more prevalent prior to the use of the JIDS system.
  - E. Lee, Jr. (NJ) added that the supervising state needs to provide some kind of summary regarding the juvenile's current supervision to the receiving state.
  - C. Alfonso (NJ) noted that Rule 4-104 provides an exception for juveniles whose transfer must be accepted when no parent or legal guardian remains in the sending state. She cautioned against denying these cases due to a circumstance where a sending state may not be able to provide certain documentation that the ICJ Rules only require "if available."
  - Representative B. Moore (MA) said that the "shall" and the "if available" language seemed to be contradictory.
  - C. Alfonso (NJ) agreed and added that if the information is critical it should be included as mandatory fields/form in the new data system.
  - J. Niksa (RI) noted that the original proposal included the word "should" which was changed by the Rules Committee to "shall" but only "if available."
  - T. Casanova (VT) voiced support for a standardized template to make it easier for supervising officers to provide all necessary information.

- J. Niksa (RI) said that a new form will likely not be added to JIDS before the new system is launched.
  - J. Adkins (National Office) added that the new data system will not be a forms-based system and the supervision summary details can be configured fields that could populate to a form, if a state needed to print it off.
  - C. Alfonso (NJ) added that the “Turbo Tax” entry process of the new data system will prompt users to add data and will then pull together information to build a complete packet.
- *Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders*
    - Representative B. Moore (MA) summarized the East Region’s proposal to require reporting instructions for juvenile sex offenders and thanked K. Palmateer (NY) for bringing this proposal to the region and encouraged states to support the amendment.
- *Rule 6-103: Non-Voluntary Runaways of Runaways and/or Accused Status Offenders*
    - J. Niksa (RI) voiced concern about the unintended consequences of changing “judge” to “court” because the role of the person signing a form for a return is to ensure due process has been met, and some states may interpret “court” as a clerk, sheriff, or bail bondsman. She suggested that the ICJ definition of “Court” in Rule 1-101 be reviewed.
    - Representative B. Moore (MA) reminded the region that discussion from the Rule Amendment training session earlier that day centered around the concept of “Court” being not a person but rather a thing or entity.
    - J. Niksa (RI) responded that Black’s Law definition states that a “Court” is venue not a person that is making a determination regarding due process.
    - E. Lee, Jr. (NJ) added that the Rules Committee did discuss the definition on multiple occasions.
    - C. Alfonso (NJ) said that the definition is inadequate to address ICJ’s needs and the ambiguity may cause problems for states.
    - J. Niksa (RI) commented that the proposed change is now too broad whereas the current rule may be too narrow and requested the ICJ definition of “Court” be reviewed for accuracy.
    - R. Curtis (ME) asked whether the Commission had to wait two-years to propose a change to the ICJ definition of “Court.” Many region members affirmed that changes must wait until the next rules voting cycle, which will be in 2021.
    - E. Lee, Jr. (NJ) told the region members that the Compact Statute includes the definition of Court as it is currently defined in the ICJ Rules and cautioned against changing a definition in the ICJ Rules that would conflict with the Compact Statute.

- Representative B. Moore (MA) said that the Rules Committee would have to consider the broader implications of changing the definition.
- *New Rule 2-107: State Councils*
  - R. Curtis (ME) discussed challenges keeping state council appointments filled and asked whether a meeting where a quorum is not met or members are not in attendance would be counted as fulfilling the requirement to meet once a year.
  - J. Niksa (RI) added that having a roster with a full council is different than having members not show up for a meeting. She informed the region that Rhode Island Commissioner J. Nash is seeking to join the adult state council to meet this requirement. She noted she had discussed this with the Commission's Executive Director, MaryLee Underwood. She said that this option may require adding a few members to fulfill the juvenile council member requirements.
  - M. Grimes (DE) echoed support from the National Office in assisting with their state council formation. She asked if a canceled meeting would count against a state for the rule's meeting requirement.
  - J. Niska (RI) said that those details would have to be discussed if the rule passes.
  - E. Lee, Jr. (NJ) added that the intent of the rule change is to help states get their state councils formed by increasing leverage. He added that the Rules Committee never discussed sanctions or penalties related to the new rule but rather the focus has been to assist states.

### Officer Nominations

Representatives B. Moore (MA) explained the nomination progress as it relates to Robert's Rules of Order and opened the floor for discussion. She explained that the region may bring forth one nominee per position or no nominee(s) at all. She added that Jacey Rader (NE), Cathlyn Smith (TN), and Jedd Pelander (WA) have indicated interest in positions of Chair, Vice Chair, and Treasurer, respectively.

- **J. Niksa (RI) made the motion that the East Region nominate Designee Nina Belli (OR) for the position of Commission Chair. W. Lautsbaugh (PA) seconded. The motion carried.**
- **F. Bianco (NY) made the motion that the East Region nominate Commissioner Cathlyn Smith (TN) for the position of Commission Vice Chair. J. Niksa (RI) seconded. The motion carried.**
- **F. Bianco (NY) made the motion that the East Region nominate Commissioner Jedd Pelander (WA) for the position of Commission Treasurer. E. Lee, Jr. (NJ) seconded. The motion carried.**

### State Updates/Concerns

Representative B. Moore (MA) asked for state updates.

- Connecticut
  - T. Hunt (CT) reported that Connecticut was bifurcated prior to July 2018 and the ICJ Office was overseen by the Department of Juvenile Justice; now, the ICJ Office is housed under the Judicial Branch and parole has been eliminated and absorbed into probation. The maximum length of supervision for juveniles is now 18 months, with a possibility for a 12 month extension. Some offenses can be transferred to the adult system, which means that some juveniles could be housed in adult facilities.
  - E. Lee, Jr. (NJ) commented that New Jersey passed legislation in 2016 that had the opposite effect, by moving some juveniles who were tried as adults back into juvenile justice facilities, potentially up to the age of 25.
  - T. Hunt (CT) added that Connecticut is considering these issues and is working with the Council of State Governments on a system review of all major juvenile justice reforms, including juveniles in pretrial, to determine if another housing option, such as re-opening the previous training facility, would be a better option.
  - J. Niksa (RI) suggested that the state council may be able to provide assistance in an advisory capacity.
  - T. Hunt (CT) added that the state is getting technical assistance from various resources.
  
- Delaware
  - M. Grimes (DE) reported that restructuring in Delaware led to the creation of the Office of Liaison, which she oversees in addition to overseeing all three interstate compacts. She also reported that the state council has an upcoming meeting and an agenda item includes a review of interstate scenarios.
  
- Maine
  - R. Curtis (ME) said that the Department of Corrections is going through an assessment that will lead to changes regarding residential placements and field services. Maine is currently rebuilding the state council with a major goal of addressing housing options for non-delinquent runaways and expanding intra-state JIDS usage.
  
- Massachusetts
  - Representative B. Moore (MA) updated the region that a state council member approached the ICJ Office to request they present an “ICJ 101” training at a juvenile court conference in November. She is seeking the assistance of the National Office for training materials.
  
- New Hampshire
  - C. Bickford (NH) reported that there is a push in the state to close down their juvenile detention facility. She said that the Department of Juvenile Justice, where the ICJ Office is located, and Department of Child Protection Services are housed under the

Division of Children, Youth, and Families. They are seeing a shift in focus from child protection to juvenile justice regarding state practices. She also said that the state is having issues related to how warrants for runaways are entered into NCIC. She will be meeting with the state police to discuss entry of warrants.

- Representative B. Moore (MA) acknowledged Ms. Bickford's appointment as Commissioner.
- New Jersey
  - E. Lee, Jr. (NJ) informed the region that New Jersey is actively working on juvenile justice reform. He explained that New Jersey is a bifurcated state, where the ICJ Commissioner and parole are located under the executive branch, and probation, where the ICJ Office is housed, is located under the judicial branch. New Jersey is currently seeking to close down one large, medium-security juvenile facility and open three smaller, regional facilities. He explained that the state council is one of four major groups involved in juvenile justice reform work in New Jersey. Other groups involved include the Governor's Task Force, chaired by Commissioner Kevin Brown; the Council for Juvenile Justice System Improvement which is taking a look at detention alternatives, racial/ethnic disparities, and improving stakeholder communication; and the Governor's State Advisory Group that works closely with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and Coalition for Juvenile Justice (CJJ). He further reported that he and Commissioner Kevin Brown are part of all four groups, and the next state council meeting will be in October.
  - C. Alfonso (NJ) added that the ICJ Office has been able to work successfully with the state partners regarding detention options as it relates to the Juvenile Detention Alternatives Initiative (JDAI). By attending a state council meeting, she reported that she was able to connect with the director of human trafficking for the Department of Children and Families which resulted in an upcoming ICJ training for the Division's legal department. She added that the state council has been crucial in bridging the communication gap in a bifurcated state.
- New York
  - F. Bianco (NY) reported that New York rolled out Raise the Age. Regarding the state council, he reported that judges training was a topic of discussion at a recent meeting.
  - K. Palmateer (NJ) reported doing one-on-one intrastate JIDS trainings via WebEx.
- Pennsylvania
  - W. Lautsbaugh (PA) informed the region that Pennsylvania has a full state council and meets twice a year. She added that Amanda Behe and Natalie Primak in the compact office spend a lot of time encouraging local supervisors to utilize the Commission's training

resources. She discussed the Performance Measurement Assessment and steps the state is taking to improve compliance.

- Rhode Island
  - J. Niksa (RI) reported that the agency is currently looking for a new director and a new commission has been created to study juvenile justice in the state.
- Vermont
  - P. Casanova (VT) discussed the Youthful Offender Statute which allows cases from criminal court to transfer to juvenile court. Now, she explained, anyone between 18 – 21 can potentially be offered a youthful offender status which has caused some challenges regarding transfers of supervision. She thanked the Commission's Executive Director, MaryLee Underwood, for providing assistance regarding ICJ return cases.
- U.S. Virgin Islands
  - E. James (USVI) reported that formation of a state council remains a challenge as the ICJ Office is having trouble obtaining appointments from the Governor.

### **Old Business**

- Representative B. Moore (MA) asked T. Hunt (CT) to address the impact of legislative changes to status offenses.
- T. Hunt (CT) said that in 2007, Connecticut decriminalized status offenders, and status offenders are no longer placed in detention. In August 2017, the legislature eliminated truancy from the definition of Family With Service Needs (FWSN). Effective in 2020, status offenders will no longer be referred for juvenile court services. She voiced concern over how this will affect returns for non-delinquent runaways. She asked if any other states are experiencing a similar issue.
- J. Niksa (RI) commented the ICJ Rules supersede any state laws that are contrary to the compact.
- C. Alfonso (NJ) added that runaways need to go through the court system to ensure due process and that detention is an option, but not a requirement for runaways, which should be used as a short-term option for the safety of the juvenile. She reminded the region that the ICJ has the force and effect of federal law and that one goal of the Compact is to ensure safety.
- J. Niksa (RI) commented that one of the primary functions of the compact is to ensure a juvenile's right to due process is protected.

### **New Business**

Representative B. Moore (MA) requested that the next region meeting agenda include a discussion topic of managing status offenders/runaways.

### **Adjourn**

Representative B. Moore (MA) adjourned the meeting by acclamation at 5:50 p.m. ET.



