

INTERSTATE COMMISSION FOR JUVENILES

2020 Annual Business Meeting East Region

Minutes

October 20, 2020

SpotMe/Zoom

3:00 p.m. ET



Commissioners/Designees in Attendance:

1. Becki Moore (MA), East Region Representative
2. Tasha Hunt (CT), Commissioner
3. Christine Norris (DE), Designee
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), Designee
11. Eavey-Monique James (USVI), Commissioner

Compact Staff in Attendance:

1. David Chapman (CT)
2. Jason Criscio (CT)
3. Nordia Napier (CT)
4. Mike Casey (DE)
5. Stephania Cueva (MA)
6. Robert Lemieux (MA)
7. Shyra Bland (NJ)
8. Raymond Tashijan (NY)
9. Kelly Palmateer (NY)
10. Barbara Joyal (VT)

National Office Staff in Attendance:

1. Jenny Adkins, Operations and Policy Specialist

Call to Order

Representative Moore called the meeting to order at 3:00 p.m. ET.

Roll Call

Roll call was performed via the SpotMe application and quorum was established.

Agenda

E. Lee, Jr. (NJ) made a motion to approve the agenda. J. Niksa (RI) seconded. The motion carried.

Minutes

E. James (USVI) made a motion to approve the September 22, 2020 meeting minutes. F. Bianco (NY) seconded. The motion carried.

Discussion

• Executive Committee Update

- Representative B. Moore (MA) provided the following Executive Committee updates:
 - East Region Commissioner Updates
 - Delaware's Commissioner position is currently vacant.
 - New Jersey's Commissioner is Jennifer LeBaron, with Edwin Lee, Jr. representing her at this meeting.
 - Dues
 - Executive Director Underwood informed the Executive Committee that 46 states/territories have paid dues; 1 state made a partial payment; 3 states are overdue, and 3 states having fiscal years that start in October.
 - UNITY
 - The UNITY system deployment was postponed from December to February.
 - Roll-out preparation is underway, including trainings at the Annual Business Meeting.
 - TSA Identification Form
 - A TSA representative presented at the 2019 Annual Business Meeting regarding identification for airport returns in light of the REAL ID requirements, which have been postponed due to the pandemic. Recent progress includes creation of an alternate identification form.
 - Warrant Notification Project
 - ICAOS and ICJ applied for a grant to create a warrant notification service with the FBI. The project is currently postponed due to pending FBI approval issues.
 - InStream Contract
 - ICJ is working on a new contract for extended access to JIDS.
 - White Paper
 - Legal Counsel submitted a white paper to clarify the suspension of enforcement of ICJ rules.

• State Updates

○ Connecticut

- T. Hunt (CT) updated on progress on the state's efforts to return to "new norm." DCA Jason Criscio is retiring on November 1. New staff members in the compact office include Nordia Napier will take over the role of Deputy Compact Administrator and David Chapman will provide additional support. Connecticut is focused on restructuring

things in state. The compact office has returned to full operations. Staff on probation side are fully operation.

○ **Delaware**

- C. Norris (DE) updated that Commissioner Grimes left her position with the ICJ Office. Delaware should have a new Commissioner named in 3-6 weeks. Christine Norris and Mike Casey remain the DCAs and can be reached for all concerns. Delaware staff are all virtual with limited hours in the ICJ Office and they are still able to do ICJ work in a timely manner. Probation is still conducting visits via phone/zoom. The State Council meeting will be determined when a new Commissioner is named, likely after the election.

○ **Maine**

- R. Curtis (ME) updated that the DOC has had quick responses to COVID-19 cases in facilities and as such it is not spreading. Field staff have returned to offices for 2 days a week, but are in flux due to some specific outbreaks at local offices. The ICJ Office is closing in on a pilot program whereby all ICJ cases were moved to one court in Portland, Maine due to challenges with regional prosecutors and judges. The reason for consolidating ICJ cases was due to difficulty educating about ICJ on a state-wide basis. The State Council helped with the transition to Portland District Court, where the same people typically handle all ICJ cases. They successfully filled 2 vacancies in State Council and have a meeting planned for November. One strategic goal for the State Council is more education for local law enforcement. R. Curtis thanked region members for support with challenging cases.

○ **Massachusetts**

- Representative B. Moore (MA) shared that the region has been very helpful in collaborating with ICPC-crossover and other unique cases. Massachusetts is bifurcated with Parole housed in DYS with much less volume, while Probation has higher volume. Community supervision was curtailed at beginning of COVID-19, but young people are being supervised and transferred with safety precautions, but no major issues or delays. Staff are maximizing outdoor visits for community programs and visits. They are rethinking face-to-face contact visits. On the probation side, no field work or home visits so completing home evaluations are difficult to complete, but they are being handled virtually. Transportation issues persist on the probation side for extraditions.

○ **New Hampshire**

- C. Bickford (NH) updated that ICJ Office is mostly virtual, including her position which will be full-time telework. Many field offices will eventually become full-time telework. Offices are currently functioning at less than 50% capacity. Meetings

with families are still taking place, mostly virtually but some face-to-face visits on a case-by-case basis. New Hampshire is meeting timeframes for home evaluations and returns, and the ICJ Office functioning normally. They have switched to using ground transportation instead of air, which is costly. Caseloads overall are down in juvenile justice. Struggles persist with residential placements due to the pandemic, as no residential facilities are available in state and waiting lists are weeks/months long, with lots of kids going out of state. Challenges with State Council exist due to the pandemic.

- **New Jersey**

- E. Lee, Jr. (NJ) updated on 2 pieces of legislation that impacts juvenile justice in New Jersey. Senate Bill S48 goes into effect on November 1, with the following highlights:
 - Removal of fees and fines for youth at disposition;
 - Mandates quarterly reports for all youth committee to secure care; reports will be sent to the court, which previously occurred on an as-requested basis;
 - Release authority is removed from state parole board and given authority to juvenile justice commission, with a goal of seeing more kids getting paroled more often and at earlier dates;
 - Removed concept of mandatory post-incarceration supervision, which will now be imposed on a discretionary basis. Any discretionary post-incarceration supervision term will now be non-revocable; as such, non-compliant youth will not be sent back to detention. From an ICJ point of view, staff from the parole office will be reaching out to states supervising the post-incarceration supervision youth to close the cases.
- E. Lee, Jr. (NJ) announced that another piece of legislation signed into law on October 19 which awards Public Health Emergency Credits for youth and adults in facilities during the public health emergency crisis since March. For every month someone was a resident, they receive a 4 month credit, with a maximum of 8 months of credit. To be eligible, an offender or juvenile must be within 1 year of their max date. This will result in the release of 2,000 adults and 52 juveniles.
- E. Lee, Jr. (NJ) reported that ICJ Parole still supervises juveniles with safe practices and operations are essentially business as usual. The State Council typically has 2 meetings each year, but cancelled the first meeting due to COVID-19. After the ICJ ABM, the State Council will meet.
- S. Bland (NJ) with ICJ Probation updated that JPOs are seeing clients in the field and conducting limited office visits. She is working to get the UNITY system up and running in New Jersey, including reviewing active user lists, setting up zones, and reviewing cases.

- **New York**
 - F. Bianco (NY) updated that the State Council meeting occurred virtually in September. ICJ Parole has been full-time since March in the office. There were some outbreaks in detention centers that are under control now and quarantining has been implemented when necessary. As a result of conducting business virtually, they are improving the quality of virtual court hearings since start of pandemic. Home visits are conducted virtually per COVID-19 guidelines.
 - K. Palmateer (NY) with ICJ Probation reported that ICJ staff have been working remotely since mid-March, with business being conducted out as usual. They are working at full-capacity from home. County probation departments are working at differing capacities depending upon the location with alternating schedules to accommodate safety guidelines. A Governor's Order in June requires people traveling to New York from certain states to quarantine. When receiving Transfer of Supervision or Travel Permits, they are notifying states of the need for the juvenile and family to quarantine per governor's requirements, including the use of an online reporting form.
- **Pennsylvania**
 - W. Lautsbaugh (PA) updated that PA is still under state of emergency. Some field staff have limited access to office, which is determined at the county level. ICJ staff are teleworking and will continue to do so until end of 2020. A new building is under construction and ICJ will be relocated upon completion. The ICJ Office may telework until the new building is ready. She said that Amanda Behe and Natalie Primak have a combined 30 years of ICJ experience and commended their hard work and expertise. The State Council will meet next month. She asked for feedback on the DNA Act for juveniles coming into Pennsylvania. Probation offices are handling DNA collection on a case-by-case basis. She reported that having ICJ and ICPC in same office makes it convenient to handle cases with crossover.
- **Rhode Island**
 - J. Niksa (RI) updated that most folks are working virtually, but she is working from the office. They are employing a staggered approach to returning to the office. Thank you to Trissie Casanova in Vermont for help with an ICJ/ICPC case. Using Zoom has allowed for creative case planning and coordination with other states on ICJ cases. In both probation and the training school (Rhode Island's secure facility) numbers are low, with only about 200 cases on probation. However, family court has long backlog of cases. They are working on JIDS clean-up and UNITY preparation. The agency still has an Acting Director. Thanks to all states who provided support throughout the year.

- **Vermont**
 - P. Casanova (VT) updated that Vermont missed hosting the Commission in person in Burlington. Vermont is still in a state of emergency and staff are still teleworking. They are doing face-to-face contact with families while adhering to COVID-19 safety measures. The State Council meeting was last week where the ICJ Office provided a prosecutor's cheat sheet for responding to warrants and out-of-state runaways, as Vermont doesn't issue warrants for youth. Raise the Age went into effect in July for two areas of the juvenile justice statute. One change is in regards to juvenile probation which can be extended to persons up to 20 ½ years old; previously the maximum age was 19. Also, a change affects who can be considered a youthful offender. Previously, a person was not eligible for this status if the crime was committed after their 18th birthday. Now, a person can be considered for youthful offender status until their 21th birthday and can be supervised as juvenile until 22nd birthday. Additionally, the agency is provided the opportunity to take custody of persons past 18 years of age for the purpose of placements, which is a challenge because there are no placements for over 18-year-old youth. Vermont closed their juvenile detention facility and have had to rely on neighboring states, like New Hampshire, regarding placement via contracts. Vermont is working on new facility, but it will take up to a year to prepare. They are repurposing beds in staff secured facilities. Due to the difficulties they have had to find creative solutions regarding finding placements for persons over 18 years of age.
- **Virgin Islands**
 - E. James (USVI) updated that last September the governor made appointments to the State Council for a total of 12 members; however, the COVID-19 pandemic halted progress. Due to many staff and agency changes, Ms. James is now the acting administrator for Office of Residential and Interstate Compact Affairs. Mr. Walwyn has been helpful with reporting for ICJ cases. Virgin Islands currently has only 1 active transfer of supervision case. Locally, they are moving away from a juvenile justice and detention focus, and the division name was changed to the Division of Intervention and Prevention Services. Staff are still teleworking and some are starting to return on a staggered basis. Most hearings are being conducted virtually, but they are still maintaining contact with clients. There are no issues placing juveniles outside of the territory; 4 juveniles are currently placed in Iowa. No clients have experienced COVID-19. Training has been deferred.

Old Business

There was no Old Business.

New Business

- Developing Guidelines for Ending Suspension of Enforcement of ICJ Rules – Rule 2-108
 - Representative B. Moore (MA) sought feedback from the region members on what guidelines the Executive Committee should use to end suspension of enforcement of the ICJ Rules. She explained that the Executive Committee reviewed two proposals:
 - When less than $\frac{1}{4}$ (or $\frac{1}{2}$) of states have state of emergency in place, or
 - When 35 states have ended restrictions on face-to-face contact with juveniles.
 - Representative B. Moore (MA) opened the floor for discussion.
 - W. Lautsbaugh (PA) expressed concern for the situation of if a state happens to still have a state of emergency in place and the suspension of enforcement has ended. She asked the region to consider how states who are still in a state of emergency would potentially be out of compliance and suggested to lift to suspension on a state-by-state basis.
 - T. Hunt (CT) echoed support for Pennsylvania's recommendation; based on each state's status at the time because of the fluid, changing nature of the pandemic, basing suspension of enforcement on what each governor has in place in each jurisdiction.
 - T. Casanova (VT) expressed support for the idea as well stating that this rule could go into effect in other situations, like natural disasters.
 - W. Lautsbaugh (PA) said that the region members need to think of this rule for all circumstances in which it could be enacted.
 - T. Casanova (VT) read part of Rule 2-108 to the region and said the language about states of emergency by each state should be considered.
 - R. Curtis (ME) said that he was on the Rules Committee when the rule was considered and informed that the intention of Rule 2-108 was to apply more broadly than just COVID-19. He said that if a state can be granted the opportunity on a case-by-case basis, then ending suspension should also be state-by-state and should be individualized.
 - E. James (USVI) asked if one state's situation may affect another state's ability to do the work of the compact.
 - Representative B. Moore (MA) said that it is a good idea to consider how one state's emergency status would affect other states.
 - W. Lautsbaugh (PA) said that in suspension of enforcement states are still supposed to meet timeframes, but only the enforcement for compliance purposes is suspended.
 - Representative B. Moore (MA) summarized the region's desire to see the suspension ended on a case-by-case basis, with an emphasis on how that might impact states involved who are not in a state of emergency but are affected by another state's emergency status.

- Officer Nominations

- Representative B. Moore (MA) informed the region that the Executive Committee recently adopted a set of guidelines to ensure that all regions are prepared to conduct elections using the SpotMe platform. She explained that the new procedures help to avoid conflicts of interest. The new guidelines include:
 - Any Commissioners or Full-Time Designee can be nominated.
 - Any Commissioner or Designee voting on behalf of a commissioner at this meeting can make a nomination, but non-voting participants cannot make nominations.
 - Nomination should be made verbally, but can also be made via Zoom chat. No motion/2nd is needed; nominations are different than regular votes.
 - Nominations outside of the region are acceptable.
 - If the regional representative is nominated, s/he will announce whether s/he accepts the nomination and will recuse him/herself from overseeing the election for the office in which s/he has been nominated to avoid a conflict of interest.
 - An alternate will be identified to lead the election and could be the alternate regional representative, a current Commission officer, or National Office staff.
- Representative B. Moore (MA) explained that each year a Chair, Vice-Chair, and Treasurer are elected by the Commission for one-year terms, but may serve for more than one term. She said that each region selections one nominee for each position, and that the current officers are eligible and willing to serve another term.

- Officer Nominations

- Representative B. Moore (MA) opened the floor for nominations for the position of Commission Chair.
- E. Lee, Jr. (NJ) nominated Jacey Rader for the position of Commission Chair.
- Representative B. Moore (MA) closed the floor for nominations and announced the selection of Jacey Rader for the position of Commission Chair by acclamation.
- B. Moore (MA) opened the floor for nominations for the position of Commission Vice-Chair.
- Caitlyn Bickford (NH) nominated Jedd Pelander for the position of Commission Vice-Chair.
- Representative B. Moore (MA) closed the floor for nominations and announced the selection of Jedd Pelander for the position of Commission Vice-Chair by acclamation.
- Representative B. Moore (MA) opened the floor for nominations for the position of Commission Treasurer.
- J. Niksa (RI) nominated Nate Lawson for the position of Commission Treasurer.
- Representative B. Moore (MA) closed the floor for nominations and announced the selection of Nate Lawson for the position of Commission Treasurer by acclamation.

- Region Representative Election
 - Representative B. Moore (MA) explained the role of the regional representative and opened the floor for nominations.
 - W. Lautsbaugh (PA) nominated Becki Moore for the position of East Region Representative.
 - Representative B. Moore (MA) recused herself from the remainder of the election process for East Region Representative.
 - J. Adkins (N.O.) asked if there were any further nominations for the position of East Region Representative. Hearing none, the floor was closed for nominations for the position of East Region Representative.
 - J. Adkins (N.O.) announced the selection of Becki Moore (MA) for the East Region Representative by acclamation.

- Rule Proposals
 - Representative B. Moore (MA) informed the region members that the next meeting is scheduled for 11:00 a.m. ET on November 17 and reminded the region members that it is time to start thinking about rule proposals.

- General Session Reminders
 - Representative B. Moore (MA) encouraged region members to join the virtual General Session meeting 15 minutes early to address any technical issues. She said that Hasan Davis will be the keynote speaker. She informed that the Commission will vote on budget for FY 22 and that the report from the Rules Committee will include a vote to reaffirm Rule 2-108.

Adjourn

Representative B. Moore (MA) adjourned the meeting by acclamation at 4:30 p.m. ET.