

INTERSTATE COMMISSION FOR JUVENILES

Executive Committee Meeting Minutes

August 25, 2022

12:00 p.m. ET

Via Zoom



Committee Members in Attendance:

1. Tasha Hunt (CT), Chair
2. Nina Belli (OR), Vice Chair
3. Sherry Jones (MD), Treasurer
4. Jacey Rader (NE), Immediate Past Chair and Compliance Committee Chair
5. Kellianne Torres (IA), Information Technology Committee Chair
6. Stephen Horton (NC), Rules Committee Chair
7. Becki Moore (MA), East Region Representative
8. Chuck Frieberg (SD), Midwest Region Representative
9. Daryl Liedেকে (TX), South Region Representative
10. Michael Farmer (CA), West Region Representative
11. Nataki Brown (SC), Victims Representative

Committee Members Not in Attendance:

1. Corrie Copeland (TN), Finance Committee Chair
2. Nate Lawson (OH), Training Committee Chair

Guests in Attendance:

1. None

National Office Staff and Legal Counsel in Attendance:

1. MaryLee Underwood, Executive Director
2. Jenny Adkins, Operations and Policy Specialist
3. Joe Johnson, Systems Project Manager
4. Amanee Cabbagestalk, Training and Administrative Specialist
5. Emma Goode, Logistics and Administrative Specialist
6. Rick Masters, Legal Counsel

Call to Order

Commission Chair T. Hunt (CT) called the meeting to order at 12:00 p.m. ET.

Roll Call

Director Underwood called the roll and a quorum was established.

Agenda

Chair Hunt presented the agenda for approval by unanimous consent. No objection was made.

Minutes

N. Belli (OR) made a motion to approve the July 28, 2022 minutes as presented. J. Rader (NE) seconded. The motion passed.

Commission Chair Report *by Tasha Hunt (CT)*

2022 Annual Reports

- Chair Hunt congratulated the Executive Committee members on a successful year and for the completion of their reports for 2022 ABM Docket Book. All Committee and Region Annual Reports have been submitted, with the exception of the Executive Committee.

2023 Nominations and Elections

- Chair Hunt updated that nominations for elections are open until August 31.

2022 Leadership Award Nominations

- Chair Hunt updated that the Leadership Award Nomination period closed and she announced the three nominees. The voting Executive Committee members will soon receive an email with an online link to cast their vote.
- The National Office will gather the results and the recipient will be announced during the General Session at the Annual Business Meeting (ABM).

National Office Report *by MaryLee Underwood, Executive Director*

- Director Underwood provided updates in the areas outlined below.

State Updates

- In Michigan, Michael Tymkew has been appointed the ICJ Michigan Commissioner.
- In Hawaii, Shirleen Cadiz has been appointed part time designee in the absence of Commissioner Kristin Davidson.
- In Alabama, Patrick Pendergast retired from his latest state position; however, remains active as the Alabama Commissioner with plans to return in a new state government role.
- In Colorado, Summer Foxworth announced she will retire in November 2022.
- In Florida, Jean Hall's appointment as ICJ Commissioner continues to be pending. She was informed that should her ICJ Commissioner appointment not be received this week, legal counsel will be sending a letter to the Florida Governor.

Dues FY 2023 Update

- In early August, 30-day-reminder letters were sent to 17 states whose dues were due on July 31.
- To date, 41 states have paid their FY23 Dues.

National Office Updates

- Mentoring Program
 - A. Cabbagestalk has recruited 5 new mentors. There are now 15 mentors available. Since program began in 2020, nine (9) mentor-mentee pairings have been completed or in process. Most recently, Jean Hall (FL) was paired with Shyra Bland (NJ) because she was specifically interested in learning more about using UNITY for proactive monitoring.

- Training and Technical Assistance (TTA)
 - Additionally, Ms. Hall has requested TTA and the National Office has been working with her to develop a comprehensive plan in accordance with the policy as revised earlier this year.
 - Additional TTA conducted by the National Office has been shipping the display materials for a state's conferences and assisting states to problem-solve challenging cases.
- Ex Officio Updates
 - Ron Quirós retired and therefore resigned as the National Partnership for Juvenile Services (NPJS) ex officio member. The National Office has been in contact with the organization regarding a new ex officio appointment.
 - The National Council of Juvenile and Family Court Judges (NCJFCJ) recently installed as their new president, Judge David Katz from New Jersey. Judge Katz has been invited to attend the 2022 ABM; however, has not yet confirmed. Additionally, Director Underwood discussed with NCJFCJ opportunities for the dissemination of the updated ICJ Bench Book for Judges and Court Personnel. The collaboration will continue after the ICJ Bench Book update is complete.
- 2022 Fiscal Year Audit
 - The ICJ 2022 Fiscal Audit is complete. The 2022 Audit Report will be shared at the next Executive Committee meeting. The auditor will join the meeting to present highlights of the report.

2022 Annual Business Meeting Update

- To date, 85 persons have registered to attend the on-site meeting which includes: 45 voters; 5 ex officios; and 27 compact office staff.
- The virtual 2022 ABM Docket Book will be published online 2-3 weeks prior to the meeting. Spread the word, the Docket Book will only be distributed in electronic format this year.
- August 31 is the deadline for rooms and registration. Travel plans should be completed soon if not already due to the rising costs of airfare.
- Director Underwood shared a COVID precautions communication card that will be included in the SWAG bag. Also, there will be a mobile application (app) to download and view ABM information. The app will be shared at the next meeting. On October 3, between 3:00 and 8:00 p.m. ET, staff will be available to welcome attendees and provide the SWAG bags, COVID test kits, and their name badges.
- Victims Representative, Nataki Brown, will facilitate the Human Trafficking Panel discussion session.

APPA Conference

- Amanee Cabbagestalk, Jenny Adkins, and MaryLee Underwood will attend an APPA Conference in August in Chicago. The APPA Executive

Director waived the registration fee for Director Underwood and other members of the Justice System Partnership for Racial Equity.

- The conference will include a focus area on juvenile justice and special works shops on implementation science and racial justice.

Compliance Committee Report by Jacey Rader (NE)

- Compliance Committee Chair J. Rader (NE) reported that the Compliance Committee met August 11, 2022.
- The UNITY National Data Assessment, Executive Summary Report related to Standard B-03 was reviewed. The Compliance Committee deferred any decision regarding the results. Next year, the re-established Compliance Committee will revisit and review the other two standards assessment reports.
- The Compliance Committee continues to focus on ways to promote proactive monitoring. Most recently some states received emails from Joe Johnson, Systems Project Manager. This action is a way to actively assist states to learn how to assess their state's operations and view data and not intended as a punitive measure.
- Lastly, the Compliance Committee received an update on the approved "Best Practice: Direct Entry into UNITY Data Fields."

Finance Committee Report by Nina Belli (OR)

- Neither the Finance Committee Chair Copeland and the Finance Committee Vice Chair Dodd was available to attend the Executive Committee meeting. In their absence, Vice Chair N. Belli (OR) provided the Finance Committee Report from the August 18 meeting.
- Vice Chair Belli (OR) presented the two recommendations from the Finance Committee regarding the ICJ Dues Assessment and Recalculation and the proposed ICJ FY 24 Budget.

ICJ Dues Assessment and Recalculation

- Vice Chair Belli shared an "ICJ Dues Update Summary" of the ICJ Dues recalculation process and the corresponding tier structure.
 - The dues recalculation occurs every five years. In accordance with the ICJ Rule 2-101, the formula uses the most recent U.S. Census data and a three-year average of ICJ cases for the recalculation which determines the tier level.
- Director Underwood shared a spreadsheet showing the formula and the impact to the tier levels. The recalculation results were: 45 members remain in the same tier; 4 states move down a tier level; and 3 states move up a tier level.
- The "ICJ Dues Update Summary" also included the dues history, future budget projections, and the Finance Committee's recommendation regarding an increase in dues. Since the Commission was established in 2008, there has been a cumulative inflation rate of 36% without an increase in dues.
- Director Underwood provided an overview of a five-year budget forecast (FY24-28). The budget reflects numerous cost reduction measures (i.e., downsizing the national office and administration costs). Other expenditure line items highlighted were approved by the Executive Committee in the Strategic Plan (i.e., UNITY enhancements, return to live meetings, and professional consulting

services). Because of inflation, it would not be feasible to sustain current ICJ operations and approved projects with the current appropriations (dues) revenue. A dues increase is inevitable to ensure the financial stability of the Commission now and in the future.

- Vice Chair Belli (OR) commented about the lengthy discussions by the Finance Committee and the work over the past few meetings to reach a decision for a recommendation. Several Finance Committee members discussed options with their fiscal state departments to assess whether they preferred an up-front large increase or a progressive increase over the next five years. The responses were that a majority preferred the one-time increase in the first year, noting it would be administratively simpler than a progressive increase and avoid confusion in the state budget forecasts.
- Therefore, the Finance Committee is recommending an up-front 35% increase in FY24. The progressive option considered to increase dues 15% in FY24 and a 5.25% increase each year thereafter (FY25, 26, 27 28).
- S. Horton (NC) commented as to how it would be confusing to state fiscal departments to administer a progressive increase as the information will be provided in advance each year.
- M. Farmer (CA) asked if there had been any discussion about reimbursing two staff from the largest tiered states for their participation in annual business meetings, since they are faced with the largest increases. N. Belli (OR) responded there had not been any such discussion; however, she offered to share the suggestion with the Finance Committee.
- **S. Jones (MD) made a motion to accept the recommendation of the Finance Committee for up-front 35% ICJ Dues increase across the board, effective FY 24. J. Rader (NE) seconded. S. Horton (NC) and D. Liedecke (TX) opposed. The motion passed.**
- The Finance Committee has made plans to inform the Commission prior to the vote during the ABM.
 - First, Director Underwood will email the Commissioners and Designees to explain, and provide a quick answer guide to review and share with their fiscal departments.
 - Second, on September 21 @ 2:00 p.m. ET, a live Question and Answer session will be conducted by the Finance Committee leaders.
 - Third, a Finance Committee member will attend each of the region meetings during the ABM to answer questions.
 - Lastly, information will readily available in the 2022 ABM Docket Book.

Proposed ICJ Budget for FY 2024

- Vice Chair Belli (OR) shared the Finance Committee's recommendation for a proposed FY 2024 Budget. Each year during the ABM, the following year's budget is approved by the full Commission. The Executive Committee members received the proposed budget in an expanded detailed view prior to the meeting.
- Director Underwood provided a highlight of the revenue and investments line items. The FY24 appropriations line presented is based on the FY24 dues increase as recommended by the Finance Committee.
- Director Underwood noted line items related to operations and funding the approved strategic plan actions. Additionally, the spreadsheet was expanded to

share forecasted expenditures through FY 2028 and anticipated budget requirements.

- M. Farmer (CA) suggested presenting the proposed FY 24 Budget prior to the ICJ Dues Assessment recommendation to provide attendees a better understanding of the need for an ICJ dues increase.
- **S. Jones (MD) made motion to recommend the proposed FY 2024 Budget as recommended by the Finance Committee to the full Commission for approval during the 2022 ABM General Session. C. Frieberg (SD) seconded. S. Horton (NC) opposed. The motion passed.**

Rules Committee Report *by Stephen Horton (NC)*

- Rules Committee Chair S. Horton (NC) reported the Rules Committee met on August 10.
- The Rules Committee discussed the value of the ICJ Travel Permit using the Eisenhower Matrix (a time management tool for prioritizing tasks). Committee members agreed sending a travel permit with a referral packet was the most redundant of the form.
- A subcommittee was formed to discuss ground transportation supervision. From their work, an amendment was proposed and approved for recommendation by the Rules Committee regarding ground transportation.
- The 2023 Rules Committee Calendar was approved and is now available on the Commission's website. The deadline for submitting proposed rule amendments to the Rules Committee is February 28, 2023.
- A legal memorandum on the topic of ICJ Limits on Issuance of Bail by Holding State was reviewed. The Rules Committee agree the information to be of value to others and recommended that the legal memo become a published ICJ Legal Advisory Opinion.

Training Committee Report *by Daryl Liedেকে (TX)*

- Training Committee Vice Chair D. Liedেকে (TX) reported the Training, Education and Public Relations Committee met August 10.
- The Training Committee discussed the addition Darby Kirby Stacy, United States Marshals Service Chief Inspector, Missing Child Unit, to the Human Trafficking Panel. The decision was reached to devote the last 30 minutes of their Human Trafficking session to share information and take questions from the audience.
- The ICJ in Action courses are in their final stages of completion and will be released soon.
- The Training Committee discussed how to better promote approved ICJ Best Practices to ensure the Commission is aware of the them and share the information. In addition to the website and monthly ICJ Updates, it was recommended to link in the UNITY "news" section and ask that the regional representatives highlight in their region meetings.
- The ICJ has been invited to present a Council of Juvenile Justice Administrators (CJJA) webinar. Director Underwood will present the webinar. Two Training Committee members volunteered to assist with the development of the content to be presented.

Ad Hoc Committee on Racial Justice *by Becki Moore (MA) & Sherry Jones (MD)*

- Co-Chair Moore (MA) and Co-Chair Jones (MD) provided an update on the August 16 meeting, the last meeting for the Ad Hoc Committee on Racial Justice.
- The Co-Chairs provided an update on each of the four goals and presented two recommendations for approval.

Goal 1: Develop Training/Best Practice to address racial inequities and implicit bias.

- Co-Chair Moore (MA) updated on the accomplishments under this goal by Dr. Miriam Jernigan-Noesi, the 2022 ABM Keynote Speaker during the General Session. The keynote address is entitled: "ICJ, Race, and Juvenile Justice: Considerations for Promoting Racial Justice."

Goal 2: Examine data regarding race and runaways

- Co-Chair Jones (MD) updated that the "ICJ Data Walk Report" is complete. The report includes recommendations for the ICJ Strategic Plan FY 23-25.
- Under the General Recommendations Section of the "ICJ Data Walk Report," the Ad Hoc Committee is recommending the two items below for vote.

1. The creation of an ICJ standing committee on Racial Justice to ensure continued progress in addressing disparities and promoting racial equity. Alternatively, create an Ad Hoc Committee on Racial Justice for FY 2023.
 - **D. Liedecke (TX) made a motion to accept the recommendation to create an ICJ standing committee on Racial Justice. K. Torres (IA) seconded. S. Horton (NC) opposed. M. Farmer (CA) abstained. The motion passed.**
2. Adopt the "Race Equity and Inclusion Action Guide" as a tool to shape the Commission's work. Co-Chair Jones noted that after the thorough review of the 7 steps in the guide, it was important to note that the Commission has already implemented much of the information in the guide.
 - **B. Moore (MA) made a motion to adopt the recommendation of the Ad Hoc Committee for Racial Justice to adopt the "Race Equity & Inclusion Action Guide" (by The Annie E. Casey Foundation) to assist the newly established standing committee as a guide. K. Torres (IA) seconded. S. Horton (NC) opposed. The motion carried.**

Goal 3: Recommend racial equity tool(s)

- Co-Chair Moore (MA) updated an accomplishment under Goal 3 to be the approval of the recommendation to adopt "Racial Equity and Inclusion Action Guide" as framework for ICJ work.

Goal 4: Identify and distribute resources to states via monthly ICJ newsletter

- Co-Chair Jones (MD) updated accomplishments under this goal are the resources provided monthly in the "ICJ Updates."

East Region Report *by Becki Moore (MA)*

- East Regional Representative B. Moore (MA) reported that the East Region did not meet; however, she shared a new resource the East Region has been developing. The “East Region After Hours Protocol” resource was developed to assist states with actions after hours. The idea came from a discussion during one of the meetings. The state information was compiled by the National Office.
- She shared the document and encouraged other regions to develop similar resources or ask questions about the East Region. The resource will be published on the Commission’s website.

Midwest Region Report *by Chuck Frieberg (SD)*

- Midwest Regional Representative C. Frieberg (SD) reported the Midwest Region last met on July 6. The Midwest Region received updates from standing committee members.
- Representative Frieberg asked members to seriously consider serving in a leadership role and encouraged nominations.

West Region Report *by Michael Farmer (CA)*

- West Regional Representative M. Farmer (CA) reported the West Region met August 2. The meeting was primarily comprised of updates and reminders.
- In Colorado, Commissioner Foxworth will retire in November. In Alaska, Commissioner Dilley has taken a new position and a new ICJ Commissioner is anticipated soon. In Utah, a new ICJ Commissioner also will soon be appointed. All three states are hopeful the new hires will attend the 2022 ABM in Vermont.

Legal Counsel Report *by Legal Counsel Rick Masters*

- R. Masters, Legal Counsel, provided a little background on a Supreme Court case (New York vs. New Jersey) in which he has been invited to participate by presenting an Amicus Brief as a friend of the Supreme Court.
- **N. Belli (OR) made a motion to approve the request for Rick Masters, Legal Counsel, to participate in an Amicus Brief in the New York vs. New Jersey Supreme Court case. C. Frieberg (SD) seconded. The motion passed.**
- R. Masters, Legal Counsel, presented an ICJ Advisory Opinion on the subject of ICJ Limits on Issuance of Bail by Holding State. The information was initially formatted as a legal memorandum to share with the two states involved. The Rules Committee reviewed and requested that the legal memo be converted to an ICJ Legal Advisory Opinion to share with the full Commission.
- Director Underwood acknowledged the thorough review and suggestions submitted by N. Belli (OR). Legal Counsel agreed with the suggestions. In brief, the amendments involved references to the ICJ Rules 6-102, 6-103, and 6-103A; and to clarify that the bond should not be applied whether the juvenile return was voluntary or involuntary.
- **S. Horton (NC) made a motion to approve the ICJ Advisory Opinion #01-2022: ICJ Limits on Issuance of Bail by Holding State as presented and amended. N. Belli (OR) seconded. The motion passed.**

- Rick Masters, Legal Counsel, updated that he received a request from the East Region for an ICJ Advisory Opinion on what triggers “detainment” as used in Rule 6-101(1) for the release of runaway allowed within 24 hours of “detainment.”
- He cautioned that the ICJ Rules are often times intentionally broad. An approved ICJ Legal Advisory Opinion would lessen the state’s discretion. He suggested a legal memo to the state requesting guidance as another option.
- S. Horton (NC), Rules Committee Chair, agreed with Legal Counsel that the ICJ Rules should allow some ambiguity. Rules are written to address “the what” rather than the procedural “how”.
- R. Moore (MA), East Region Representative, advocated moving forward with the request for an advisory opinion, as requested by the majority of the East Region who are looking for clarity. She noted that an advisory opinion is an “opinion,” and that would leave room for discretion.
- R. Masters, Legal Counsel, explained the legalities and legal weight of an approved ICJ Advisory Opinion versus a legal memorandum from a lawyer for guidance in the matter.
- **B. Moore (MA) made a motion that the legal advisory opinion request move forward. The motion died for lack of a second.**
- **B. Moore (MA) made a motion that the issue be addressed in a legal memorandum by Legal Counsel to be shared internally. S. Jones (MD) seconded. C. Frieberg (SD) opposed. N. Belli (OR) and D. Liedecke (TX) abstained. The motion passed.**
- R. Masters, Legal Counsel, updated that next month the revised Bench Book will be ready presented.

Victim’s Representative Report *by Nataki Brown*

- N. Brown, ICJ Victim’s Representative commented that she was looking forward to facilitating the Human Trafficking Panel at the 2022 ABM and meeting everyone in person. She provided monthly updates as outlined below.

National Institute of Justice – Term of the month

- “Student Threat Assessment” is a systematic approach to evaluating the likelihood that a student will carry out a violent act after an explicit threat or threatening behaviors. Threat assessments can give schools a proactive alternative to reactive disciplinary practices such as a zero-tolerance discipline.

Office for Victims of Crime (OVC)

- Fact Sheet Reports show a decline in arrests of youth for violent crimes. The fact sheet describes a decline since the mid-2000s in the estimated number of youth arrests for violent crimes, including murder robbery and aggravated assault.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

- Child Victim and Witnesses Support Materials for Human Trafficking resource include short novels that focus on young trafficking survivors’ experiences.

The materials are now available in five additional languages: African French, Brazilian Portuguese, Chinese (simplified), Spanish, and Vietnamese.

Old Business

There was no old business.

New Business

Ad Hoc Committee on Racial Justice *by Sherry Jones (MD)*

- Co-Chair Jones (MD) reported that in addition to the two recommendations in the Data Walk Report presented earlier, the report also include recommendations for actions in the FY 23 -25 Strategic Plan in the areas of the Transfer of Supervision, Home Evaluations and Violations Reports. Additional there were recommendations for the future in the area of Returns and Human Trafficking.

California Issue

- M. Farmer (CA) shared a recent CA – NV case involving a runaway juvenile whose mother refused to take her child back. The Executive Committee members discussed their state practices and possible connection to ICPC and/or the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). The UCCJEA was published in 1997 to bring about uniformity among child custody disputes.
- Chair Hunt tabled the discussion for the next meeting.

Adjourn

Chair Hunt adjourned the meeting by unanimous consent without objection at 2:25 p.m. ET.