

# INTERSTATE COMMISSION FOR JUVENILES

## Executive Committee Meeting Minutes



January 21, 2021

12:00 p.m. ET

Via WebEx

### Committee Members in Attendance:

1. Jacey Rader (NE), Chair
2. Jedd Pelander (WA), Vice Chair
3. Nate Lawson (OH), Treasurer
4. Natalie Dalton (VA), Compliance Committee Chair
5. Corrie Copeland (TN), Finance Committee Chair
6. Anne Connor (ID), Technology Committee Chair
7. Tracy Hudrlik (MN), Rules Committee Chair
8. Felicia Dauway (SC), Training Committee Chair
9. Becki Moore (MA), East Region Representative
10. Chuck Frieberg (SD), Midwest Region Representative
11. Daryl Liedecke (TX), South Region Representative
12. Michael Farmer (CA), West Region Representative
13. Nataki Brown, Victims Representative

### Committee Members Not in Attendance:

N/A

### Guests in Attendance:

1. Kellianne Torres (IA) Technology Committee Vice Chair
2. Sherry Jones (MD), South Region Alternate Representative
3. Trissie Casanova (VT), East Region Alternate Representative

### National Office Staff & Legal Counsel in Attendance:

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

### Call to Order

Chair Rader (NE) called the meeting to order at 12:00 p.m. ET.

### Roll Call

Director Underwood called the roll and a quorum was established.

### Agenda

- T. Hudrlik (MN) made a motion to approve the agenda as presented.**  
**F. Dauway (SC) seconded. The motion carried.**

## Minutes

**A. Connor (ID) made a motion to approve the December 17, 2020 meeting minutes as presented. F. Dauway (SC) seconded. The motion carried.**

### **Commission Chair Report** *by Commission Chair Jacey Rader (NE)*

- Chair Rader welcomed to the ICJ Executive Committee, Nataki Brown, who was recently elected as Victims Representative. Ms. Brown briefed on her years of experience in victim services and that she looks forward to working the Commission.
- Chair Rader welcomed Amanee Cabbagestalk, who was recently hired as Training and Administrative Specialist at the ICJ National Office. Ms. Cabbagestalk introduced herself with an update on her education and work experience.

### *Feedback form States and User Acceptance Testing (UAT) Team*

- Chair Rader briefed that last month, the Executive Committee discussed possibly extending the UNITY go-live date and decided to revisit the timeline after User Acceptance Testing (UAT). The UAT provided several opportunities to view UNITY in a testing environment and identify defects to the system as designed.
- During this time, states expressed concerns in the areas of:
  - training, particularly the in-state training using the training site;
  - a user manual. in advance of go-live; and
  - additional time to complete the JIDS clean-up processes and update in-state procedures.
- Chair Rader shared from experience that extending timelines is very common in information technology (IT) development projects. She expressed concern that rolling-out UNITY in February might not be best for the Commission. Therefore, the ICJ Officers, Technology Committee Chair and Vice Chair, and National Office staff have been working closely with Optimum Technologies (the software vendor) over the last week to develop alternate options.

### *Roll-Out Plan Adjustment*

- The Technology Committee met January 20, 2021 and recommended the rollout plan be adjusted by 60 – 90 days to ensure a successful transition. The National Office and Optimum Technologies have developed a specific timeline to ensure the timely accomplishment of key milestones. The vendor agreed to a 60-day extension option, which would adjust the go-live to April. The UAT Team suggested a 60-90-day time frame to allow the UAT Team an opportunity to test additional scenarios prior to go-live. The additional 30 days would meet the expressed concerns for: additional testing; training on the training site; additional training courses pre go-live; and a UNITY User Manual.
- A. Connor (ID) shared additional details from the UAT Team's findings and concurred with the suggested 60-90-day adjustment.
- T. Hudrlik (MN) commented that states who are ready to go may feel "derailed" and questioned the costs to extend JIDS. Director Underwood clarified that the current contract for JIDS includes a buffer that allows ICJ to determine when the status of JIDS will be changed. Therefore, no contract amendment will be required. Any additional costs will be offset by savings on other aspects of the UNITY development project without any significant impact to the overall budget.

- The Executive Committees discussed the advantages and disadvantages of adjusting the timeline. In summary, states that are ready to go in February will feel derailed and other states will welcome the additional time.
- T. Hudrlik (MN) suggested using caution when communicating another go-live date to states to avoid a perceived loss of integrity in the transition. N. Dalton (VA) supported the adjusted timeline and agreed to the importance of the communication to the Commission. M. Farmer (CA) expressed concern regarding states wherein JIDS training has been particularly difficult.
- The consensus of the committee was to support an adjusted timeline for the greater good of the Commission and a smoother transition.
- **A. Connor (ID) made a motion to accept the recommendation of the Technology Committee to adjust the UNITY Rollout Timeline 60-90 days. C. Copeland (TN) seconded. The motion passed unanimously.**

#### *Resolution of Appreciation Honoring Trudy Gregorie*

- Chair Rader thanked A. Connor (ID) and D. Dodd (NM) for their input regarding the Resolution of Appreciation honoring Trudy Gregorie for her years of service as the ICJ Victims Representative. She updated that the Resolution and an engraved award was mailed to Ms. Gregorie earlier in the month.

#### *Leadership Development*

- Chair Rader acknowledged the committee vice-chairs and alternate region representatives appointed and reminded chairs and region representatives to provide an update on their appointments. Appointed to date are:
  - Finance – Nina Belli (OR)
  - Information Technology – Kellianne Torres (IA)
  - Training – Summer Foxworth (CO)
  - East Region – Trissie Casanova (VT)
  - South – Sherry Jones (MD)

#### **Executive Director Report** *by Executive Director MaryLee Underwood*

##### *State of the Commission Report*

- Director Underwood delivered a State of the Commission report, highlighting the Commission's many accomplishments in 2020, despite the global pandemic.

##### 2020-2022 ICJ Strategic Initiatives

- Director Underwood reported significant progress on the [2020-2022 ICJ Strategic Initiatives](#) and highlighted numerous completed actions under each initiative:
  1. Improve data system for better outcomes
  2. Promote member engagement and leadership development
  3. Address gaps in Rules and resources
  4. Leverage relationships to promote awareness and improve outcomes.

##### ICJ Fiscal Update

- Director Underwood reported the Commission stands on solid financial ground. She commended the Finance Committee for the oversight and management of the ICJ Budget, including steps to ensure a strong investment portfolio.

### ICJ National Office & State Updates

- Director Underwood reported that technological and logistical restructuring at the ICJ National Office was required due to the decision by the Interstate Commission for Adult Offender Supervision (ICAOS) to stop leasing their portion of the shared office suite. The restructuring will be completed soon. The budget for the National Office has been impacted, but the impact can be offset by other savings at this time.
- The ICJ National Office is once again full staffed with the addition of Amanee Cabbagestalk as Training and Administrative Specialist.
- There is one Commissioner vacancy, for which an appointment is expected soon.

### Future Impact of UNITY

- Director Underwood applauded the Executive Committee for their work to ensure a smooth transition from JIDS to UNITY. She highlighted the trainings that have been completed, as well as those that are ongoing and proposed.
- Director Underwood acknowledged the Commission for the massive undertaking to transition to a new data system. The impact of the work being conducted now is revolutionary to the future of the Commission. The undertaking impacts all committees standing committees.
  - The Training Committee will focus on developing new LMS courses based on work of the UNITY Training Team last year.
  - The Compliance Committee will review the Performance Measurement Assessment (PMA) standards and develop plans for how to monitor compliance in the future.
  - The Finance Committee will reformulate the budget to support UNITY in the post-development future and perform the 5-year review of the dues structure.
  - The Rules Committee is reviewing amendments to address clarifications suggested through the UNITY development process.
  - The Technology Committee will continue to develop policies and consider requests for enhancements.

### Other Significant Work in the Year Ahead

- Director Underwood highlighted other significant ongoing projects:
  - Building the ICJ Mentoring Program.
  - Developing current leaders and the leaders of the future through our Leadership Development Series focused on racial justice.
  - Advancing commitment to a more just and equitable future through the work done by Ad Hoc Committee on Racial Justice.
  - Continue improving processes and outcomes by completing the 2-year Rule Amendment process at the 2021 Annual Business Meeting.
  - Continue to leverage relationships to improve outcomes, particularly through our collaborations with TSA, ICAOS, SEARCH, and the Justice System Partnership for Racial Equity.

## Committee Reports

### Rules Committee by Chair Tracy Hudrlik (MN)

- Committee Chair Hudrlik reported the Rules Committee met January 5, 2021 and continued their review of proposals for the 2021 rule amendments. All proposals are to be received by the Rules Committee no later than March 31, 2021.
- T. Hudrlik (MN) encouraged committees and regions to submit proposals on the Commission's proposal form. Doing so provides the Rules Committee a better understanding of the intent of the proposal and enable them to provide adequate feedback.
- The 30-day comment period starts May 5. Rather than meeting in-person, the Rules Committee will conduct three, two-hour sessions on June 9-10 to review all comments.
- The next committee meeting is February 9, 2021.

### Technology Committee by Chair Anne Connor (ID)

- Committee Chair Connor reported the Technology Committee met January 20. Four UNITY Transition Planning, instructor-led sessions were provided in January. The recordings and the presentations are now available on the Commission's website at: [www.juvenilecompact.org/unity](http://www.juvenilecompact.org/unity).
- A. Connor (ID) updated on the discussion from the Technology Committee with regard to expunging juvenile records in states. The committee recommended a policy entitled the Juvenile Record Expungement Policy #01-2021, which she presented for consideration and approval by the Executive Committee.
- **D. Liedecke (TX) made a motion to approve the ICJ Administrative Policy #01-2021: Juvenile Records Expungement as presented. C. Frieberg (SD) seconded. The motion passed.**
- A. Connor (ID) updated that the TSA Identification Form is a cumulation of working with TSA in preparation for the REAL ID requirements in October 2021. The Technology Committee approved a new optional form to use as an Alternate Identification for ICJ juveniles 18 and over. Following today's meeting, the form will be forwarded to the Executive and Rules Committees for 30 days to review for any discrepancies to the ICJ Rules.
- The next Technology Committee meeting is February 9. The committee will continue to develop a privacy policy and end-user agreement. A proposed amendment to Rule 3-101 will also be considered.

### Racial Justice Ad Hoc Committee by Becki Moore (MA) Co-Chair

- Representative B. Moore (MA) reported that the ad hoc committee met for the first time on December 16, 2020. Director Underwood briefed on the on the Commission's Action Plan to Promote Racial Justice from which one action was the development of the ad hoc committee.
- The ad hoc committee brainstormed ideas via an online tool called [www.ideaboardz.com](http://www.ideaboardz.com). The members virtually post ideas, which may then be sorted, combined, and prioritized.
- On January 26, the ad hoc committee will participate in a "data walk" with the Leadership Exchange Series, to review data related to ICJ juveniles and race.
- The ad hoc committee will meet each month, the last Tuesday of the month at 3 pm ET. The next meeting is February 23.

## Region Reports

### East Region by Becki Moore (MA)

- Representative Moore reported the East Region met January 19, 2021. Director Underwood provided the Executive Committee updates. Potential proposed rule amendments were discussed, but none were adopted. The state updates primarily focused on the impact of COVID and the shortage of staff in detention and residential facilities.

### West Region by Region Representative Michael Farmer (CA)

- Representative Farmer reported the West Region met January 19, 2021. The region discussed potential rule proposals, but none were adopted. If any proposals are developed in the weeks ahead, the West Region will conduct a special meeting in February to review. Director Underwood provided UNITY updates. State-specific updates were provided by states as applicable.
- Representative Farmer updated that the California Governor's Budget announcement proposed June 30, 2023, as the final closing date for the California Department of Corrections, Division of Juvenile Justice. Intakes will begin to cease in the middle of the year and all state-level juvenile facilities will close on June 30, 2023.

### Legal Counsel Report by Legal Counsel Rick Masters

- R. Masters reported his current ICJ projects include:
  1. A review of the "Bench Book" with regard to UNITY and federal code citations has been completed and will be forwarded to the national office.
  2. A letter related to the Commissioner vacancy in Delaware was drafted. He has since been advised that the appointment is now being addressed.
  3. He worked with Director Underwood to address concerns about the use of juveniles' information in the UNITY training site and how ensure that confidentiality rights are protected.

## Old Business

### Planning for Return to Normal Enforcement Operations

- Chair Rader presented a chart featuring JIDS data comparing national compliance rates before and after the suspension of enforcement. Data indicates that states have maintained and even increased compliance rates on some markers during COVID. She also shared that ICAOS, who passed adopted a similar suspension, has announced a plan to return to normal compliance operations on April 1. While ICJ does not have to adhere to the same timeline, data indicates it is time to consider a plan.
- T. Hudrlik (MN) commented that according to the statistics, it appears the suspension of enforcement should cease. C. Frieberg (SD) concurred, and suggested that states should receive early notification of the effective date. He also suggested sharing the data chart regarding compliance rates.
- J. Pelander (WA) questioned how best to associate a date to end the suspension with the UNITY go-live.

- A. Connor (ID) suggested acquiring feedback from the regions before making a decision.
- M. Farmer (CA) agreed to first acquire feedback from the regions and agreed with the suggestion to consider relation to the UNITY go-live. He questioned how the standards and measurements would apply, consider the transition to UNITY.
- Director Underwood clarified that there are two mechanisms to enforce rules and address compliance.
  1. Performance Measurement Assessment (PMA). The Compliance Committee has determined that no PMA will be conducted this year, due to the transition to UNITY. The current PMA standard must be revised, as many were based on JIDS. Therefore, PMA related enforcement activities will not occur until next year.
  2. Complaints process by which the Commission responds when states file formal complaints. The national office has received a few inquiries regarding complaints during the pandemic; however, this mechanism is not an option while the suspension of enforcement is active. These inquiries have primarily involved situations where local authorities indicated that compliance was not prioritized because of the suspension. While a large majority of disputes are resolved between states without utilizing the complaint process, some states have expressed frustration that there is not option for resolution using the complaint process so long as the suspension of enforcement is in place.
- Director Underwood recalled that regions discussed returning to normal during their October meetings. The overall consensus at that time was it was too early to end the suspension. Members focused primarily on whether states of emergency were still effective. She noted that many significant changes have happened since then, including greater access to personal protective equipment, development of strategies and policies to allow for continued operations during the pandemic, and roll-out of the nationwide vaccination program.
- **T. Hudrlik (MN) made a motion to propose to lifting the suspension of enforcement pursuant to ICJ Rules 2-108: Emergency Suspension of Enforcement effective May 1, 2021, and to share the proposal with the regions for feedback. J. Pelander (WA) seconded. The motion passed.**
- The region representatives will share the information with their region, and present their region's comments at the next ICJ Executive Committee Meeting on February 16, 2021.

## **New Business**

### 2021 Annual Business Meeting - October 4 – 6, 2021

- Chair Rader shared important details regarding the 2021 Annual Business Meeting (ABM) contract with the DoubleTree Hotel in Billings, Montana. While it is impossible to predict where things will stand in October regarding the pandemic and state employee travel, it is important to know the risk of financial loss increases as the event date grows closer.

- Chair Rader shared that the hotel contract can be cancelled under one of two clauses:
  1. Force Majeure Clause
 

This allows cancellation without penalty in cases of "...epidemic, pandemic, quarantine restrictions, or other public health restrictions or advisory, or any other emergency of a comparable nature beyond the parties' control, making it impossible, illegal or which materials affects a party's ability to perform its obligations." Based on this clause, the Commission may be able cancel at any time without penalty. However, there is still some risk of loss.
  2. General cancellation clause
 

Under this clause, the Commission would pay for cancelling the contract as follows:

    - Now until March 3, 40%
    - March 4 – June 3, 60%
    - June 4 – September 3, 80%
    - September 4 – October 3, full price
- Chair Rader asked the committee to prepare to make a decision at the February Executive Committee about whether to conduct the 2021 ABM in Montana or virtual.
- M. Farmer (CA) commented that it was doubtful he would be approved for out-of-state travel.
- A. Connor (ID) shared her agency recently refused a request for out-of-state staff travel for a return.
- J. Pelander (WA) updated that Washington staff will not return to the office until September or later; therefore, he is doubtful that Washington staff would be approved for travel in October.
- T. Hudrlik (MN) suggested checking what your states are saying regarding out-of-state travel, suggesting members could be exempt of a state restriction as there is no additional cost to the state

## Adjourn

**N. Lawson (OH) made a motion to adjourn. J. Pelander (WA) seconded. Chair Rader adjourned the meeting by acclamation at 2:17 p.m. ET.**