

# **INTERSTATE COMMISSION FOR JUVENILES**

## *Executive Committee Meeting Minutes*



**May 20, 2021**

12:00 p.m. ET

Via WebEx

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### **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. Tracy Hudrlik (MN), Rules Committee Chair
7. Anne Connor (ID), Technology Committee Chair
8. Felicia Dauway (SC), Training Committee Chair
9. Daryl Liedেকে (TX), South Region Representative
10. Michael Farmer (CA), West Region Representative
11. Nataki Brown, Victims Representative, Ex Officio

### **Committee Members Not in Attendance:**

1. Becki Moore (MA), East Region Representative
2. Chuck Frieberg (SD), Midwest Region Representative

### **Guests in Attendance:**

1. Sherry Jones (MD), South Region Alternate Representative
2. Rick Masters, Legal Counsel

### **National Office Staff 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

### **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.**  
**N. Lawson (OH) seconded. The motion passed.**

### **Minutes**

**T. Hudrlik (MN) made a motion to approve the April 15, 2021 meeting minutes as presented. N. Lawson (OH) seconded. The motion passed.**

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

### **UNITY**

- Chair Rader invited members to join in celebrating the successful launch of UNITY. She applauded the excellent teamwork required to complete the monumental task of transitioning from JIDS (forms-based system) to UNITY (data tracking system), especially during a global pandemic.
- Chair Rader applauded the UNITY work teams and committees for their contributions. Special recognitions will be presented during the 2021 Annual Business Meeting.
- Chair Rader reported that nearly 3,000 cases were successfully migrated. The ICJ National Office isolated cases that could not be migrated and notified states on a case-by-case basis. In the first 3 days of operations, only minor issues were detected. Many questions are being addressed during the daily 3-hour Q & A sessions, which have been hosted by the National Office with support from the Technical Assistance and Training Work Teams. The TA Team continues to offer individual support as requested.

## **National Office Report** *by MaryLee Underwood*

### **UNITY Stats**

- Director Underwood provided additional details regarding the transition to UNITY:
  - Migration from JIDS to UNITY
    - 2,756 cases migrated
    - >100 cases manually entered
    - 2,600 juvenile profiles migrated
    - <4,500 users live in UNITY
  - LMS Learning Management System (TalentLMS)
    - 23 total courses now available online in the course catalog
      - 06 ICJ Rules Courses
      - 17 UNITY Courses
    - <5,000 users
    - 88% active users
    - <49,000 courses completed
- Director Underwood informed that UNITY and LMS go hand in hand at the ICJ National Office. She recognized each of the staff for their contributions to the new LMS:
  - Joe – Research and product selection and initial course development
  - Emma – Transition of the ICJ Rules Core Courses to the new on demand LMS
  - Jenny – Website updates and links
  - Amanee – Managing the LMS
  - Jenny and Amanee – UNITY course development
- A team from the ICJ Training Committee will develop new course content for future online courses.

### ***Updated Resources Available on the Commission's website***

- Director Underwood reported the transition from JIDS to UNITY lead to updating, replacing, and archiving many ICJ resources. She commended Jenny Adkins who reviewed all the resources, coordinated the resource review process, and updated the website. Jenny continues to review JIDS related resources and will begin to retire applicable resources through the end of June.
- Director Underwood provided a listing of the resources impacted and noted that there were no substance changes only tweaks due to transitioning from JIDS to UNITY.
- The primary ICJ resources listed below were updated:
  - Rules: 4-102, 4-103, 4-104, 5-102, and 5-103.
  - Forms. Dual English-Spanish versions of the Forms III, VI, VII & Juvenile Rights will be coming soon. Delay to address the “drop-down menus”.
  - Bench Book for Judges and Court Personnel
  - ICJ Quick Reference Guide
  - Bench Card on the Transfer of Supervision
  - AAICPC & ICJ Best Practice Guide
  - Best Practice: States in Transition
- The Legal Advisory Opinions were impacted were as follows:
  - New: 01-2021 (HIPAA & UNITY)
  - New: 02-2021 (Record checks for other states)
  - Updated: 01-2020 (Revised forms for intrastate moves)
  - Updated: 04-2019 (Impact of outdated Form VI)
  - Updated: 02-2015 (Signatures on Form IV)
  - Updated: 04-2014 (Approving “placement” or “supervision
- Several resources are no longer applicable and were archived:
  - Advisory Opinion #01-2015 (Records checks for other states)
  - Advisory Opinion #01-2014 (HIPAA as related to youth & family information)
  - Best Practice: TOS of Juveniles When Multiple Court Order are Involved
  - Best Practice: Saving and Naming Documents in JIDS
  - Best Practice: Managing JIDS Users
  - Training Bulletin: Resending a Home Evaluation Request
  - Training Bulletin: Managing Quarterly Progress Report

### ***Next Steps for UNITY***

- Director Underwood outlined next steps for UNITY to be:
  - Identify & fix bugs
  - Accept UNITY enhancement requests for UNITY Ver.2
    - The Technology Committee will review all requests per the policy and the online form is available on the website.
  - Review Security Measures– DE requirements
    - Delaware requested that the contract with Optimum Technology be modified to meet their security requirements. The Commission cannot modify the contract to meet the IT specifics for each state;

however, the information is being taken under advisement to review security measures for the full Commission.

- Data Visualization
  - There is a lot of data in UNITY. We will begin to look at reports for data and the relative reports for compliance.
- LMS Administration
  - On July 1, the National Office will cease assigning courses to users. States will continue to be notified of new courses. The courses will be listed in the course catalog and users will enroll themselves.

### ***Committee and Region Updates***

- Director Underwood thanked the committees and regions for their flexibility to cancel and reschedule meetings in May to allow additional time to focus on UNITY. The schedule changes included:
  - Compliance – Cancelled May
  - Rules – Cancelled May
  - Finance – Rescheduled to June 8
  - Training – Rescheduled to June 3
  - East Region – Rescheduled to June 3
  - Midwest Region – Rescheduled to May 27
  - Leadership Development – Cancelled April

### ***Other Updates***

- Director Underwood updated on three areas of regular business by Commission.
- The 2021 proposed rule amendments comment period opened a week early to allow additional time for comments. The comment period ends June 4.
- The 2021 Annual Business Meeting 4-day agenda information was shared with the vendor, Meetings & Incentives Worldwide (M&IW). M&IW and the ICJ National Office are in the process of finalizing a letter of agreement.
- The Fiscal Year 2022 Dues collection is in progress. To date, nine states have paid.

## **Committee Reports**

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

- Information Technology Committee Chair Connor reported the committee met May 11. The TA Team (Anne Connor, Kellianne Torres, Kelly Palmateer, Holly Kassube, and Rachel Johnson) continue to meet states where they are in the process by offering one-on-one UNITY assistance as requested.
- This week, the UNITY production site opened to Compact offices on Monday. On Wednesday, the UNITY production site opened to all registered UNITY users. Chair Connor shared her experience manually entering some of her cases this week with the correct dates.
- The UNITY Q&A drop-in session is open every day this week from 2 – 5 pm ET. Members of the TA Team and Roy Yaple have been attending and have

provided assistance during the sessions to the group or in a breakout. UNITY users may drop in and drop out anytime during the 3-hour session.

- J. Pelander (WA) chatted the question if the Q&A sessions were recorded. Joe Johnson responded the sessions are not recorded; however, Thursday's session will feature a short segment on the "Generate Button" and that segment will be recorded.
- Chair Connor reported that the Technology Committee will begin its review of UNITY enhancement requests. The ICJ Information System Modifications Policy details the process and the request form for submissions is available online.
- N. Dalton (VA) chatted the question if a Q&A document could be developed from the drop-in Q&A sessions to share with the masses. Director Underwood commented that during the sessions, often the questions are state specific and juvenile information may be shared which is one of the reasons sessions are not recorded. However, staff are researching the best method to share global tips with those not available to attend the live sessions.

#### Ad Hoc Committee for Racial Justice by Commission Chair Jacey Rader (NE)

- In Co-Chair Moore's behalf, Commission Chair Rader reported the Ad Hoc Committee for Racial Justice met April 27. The members were updated on the Mission/Vision/Values Statement recommendation to the Executive Committee. The ad hoc committee members reviewed their original recommendation and approved a tweak to the submission. The recommendation from the Rules Committee to their proposed amendment to Rule 5-103 was accepted and has now been recommended for adoption by the Rules Committee.
- At the May 25<sup>th</sup> meeting, agenda items include:
  - A review of the ICJ elections process for possible recommendations to increase diversity.
  - A session during the 2021 Annual Business Meeting highlighting the ad hoc committee's work.

## **Region Reports**

#### South Region Report by Daryl Liedecke (TX)

- South Region Representative Liedecke reported the South Region met May 6. UNITY was the big topic of discussion and there were no comments to the rules proposals. The South Region states are moving forward with states re-opening in a variety of time frames and tier levels.

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

- West Region Representative Farmer reported that West Region stayed with the May 13 meeting date, the first day of not entering cases in JIDS and the beginning the manual tracking of cases. The West Region discussed the proposal amendment to Rule 1-101 Definition: Proof of Entitlement. Concern was voiced regarding unintended consequences with regards to "testimony".
- States update on their states re-opening. Colorado updated that have begun to accommodate airport surveillance on a limited basis.

- California Compact Staff, Norm Gary, will be out of the office for the next six weeks. A temp has been assigned and Mike will cover returns with the last name A-L.

#### **Legal Counsel Report** *by Legal Counsel Rick Masters*

- R. Masters expressed his appreciation to the assistance provided by Jenny Adkins and MaryLee Underwood with the numerous legal advisory opinion updates due to UNITY.
- R. Masters presented a white paper: "ICJ Returns, Human Tracking & Federal Authorities" for consideration and approval. The information was presented last month as a legal memorandum and under the direction of the Executive Committee the document was modified to issue as a legal white paper.
- **T. Hudrlik (MN) made a motion to approve the legal whitepaper: ICJ Returns, Human Trafficking & Federal Authorities as presented. M. Farmer (CA) seconded. The motion passed.**
- R. Masters added as Director Underwood reported earlier, he too participated on the call with the Delaware Information Technology Department. He advised that the Compact is based on uniformity and therefore limited as to how far it can go to accommodate state-specific requests.

#### **Victims Representative** *by Nataki Brown*

- Ex Officio Victims Representative N. Brown updated on the following May awareness events:
  - The OJP (Office of Justice Programs) featured this month: NamUs (National Missing and Unidentified Persons System). NamUS is a national resource center that provides information related to missing, unidentified and unclaimed person cases. It is funded and administered by the National Institute of Justice. The resources are provided at no cost to law enforcement, medical examiners, coroners, allied forensic professionals and family members of the missing. For more information, go the website: [www.namus.gov](http://www.namus.gov).
  - There are two OVC (Office for Victims of Crime) funding opportunities available to enhance services for victims of crime. One provides assistance with improving outcomes for child and youth victims of human trafficking and the other provides assistance with services for minor victims of sex trafficking. For more information go to the website: [www.ovc.ojp.gov](http://www.ovc.ojp.gov).
  - Additionally, the month of May is Mental Health, Older Americans and National Drug Courts month.
- Chair Rader updated that Juvenile Detentions Alternatives Initiative (JDAI) also celebrates awareness in the month of May and added that July is Probation and Parole and Community Supervision month.

#### **Old Business**

There was no old business.

#### **New Business**



### **State's Constitution**

- A. Connor (ID) updated on a recent incident in a case between Idaho and Washington. A juvenile 18 years of age was picked up on a juvenile warrant and the Washington Adult Court Commissioner released the juvenile (for the second time since January) on bail. The Washington Constitution states that bail must be afforded, except in severe offenses such as capital murder, treason, etc.
- A. Connor (ID) reported she researched all but a couple of the West Region States' Constitutions and found the same language. For this reason, she requests the Commission consider amending the ICJ Rule 7-104: Warrants which specifies no bond. As the rule stands, a juvenile between 18-21 picked up on a warrant may be released on bail under their state's Constitution.
- Chair Rader requested, Legal Counsel, Rick Masters to research the matter and report back to the committee.
- R. Masters advised the ICJ Statute respects the states' Constitutions and that the ICJ Rules do not trump Constitutional provisions. In many cases there is no conflict. Other cases have taken positions and were not justified; however, this one is so specific it would be difficult to argue. He agreed the issue should be examined for a procedural work around.
- Chair Rader will add to another meeting agenda and requested that all members research their state's Constitution in preparation for the discussion.

### **Virtual Court Hearings / Subpoenas of ICJ Personnel**

- Chair Rader briefed on the issue mentioned last month by N. Dalton (VA) regarding subpoenas for out-of-state personnel to appear in Court virtually. At this time, it appears simple and staff may be willing to appear virtually; however, this may become a bigger issue when Courts resume to in-person hearings.
- N. Dalton (VA) reported she had received several calls from states and there appears to be an increase in the requests. Recently, a public defender in another state contacted a Virginia local to participate in a virtual hearing. The Virginia Compact office notified the public defender that first, they do not contact out of state locals direct and second, they should contact the Compact office if additional information is warranted. As it turned out they had everything they needed and a local participating was not necessary.
- Chair Rader reported that in Nebraska related subpoenas are quashed because of the Compact. J. Pelander (WA) commented that the request goes against the purpose of the Compact. The purpose of the ICJ reports such as QPR serve to keep the other state informed.
- A. Connor (ID) commented she has seen an increase in requests to virtual hearings. Some Parole Officers (POs) are working together and are willing and want to be appear. For others there has been a demand for POs to testify to defend a violation report.
- R. Masters agreed that due to the pandemic virtual hearings have become common practice and things are changing.
- Chair Rader asked legal counsel if a white paper would be sufficient to have a legal document to reference and share. R. Masters noted he can provide a legal analysis however suggests the Commission formulate a full understanding of the problem before formulating an answer.

- T. Hudrlik (MN) commented that ICAOS has had similar discussions in the past and took the stance that a home state cannot compel another state agency to testify. The language was something to the effect that the receiving state is providing courtesy supervision and furnishing information to the home state's agent who would be equipped to testify. R. Masters suggesting communicating with ICAOS to see if they are currently experiencing the same issue.
- Chair Rader asked MaryLee to check with ICAOS and asked Natalie what would be most helpful. N. Dalton (VA) suggested something in writing to point to and share. Director Underwood noted the types of requests being received as the Commission looks to develop a written document.

### **Adjourn**

- Next Meeting: June 17, 2021
- **J. Pelander (WA) made a motion to adjourn. N. Dalton (VA) seconded. The motion passed by acclamation at 1:23 p.m. EST.**