

# INTERSTATE COMMISSION FOR JUVENILES

## Executive Committee Meeting Minutes



**August 19, 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. Felicia Dauway (SC), Training Committee Chair
8. Becki Moore (MA), East Region Representative
9. Chuck Frieberg (SD), Midwest Region Representative
10. Daryl Liedecke (TX), South Region Representative
11. Michael Farmer (CA), West Region Representative
12. Nataki Brown, Victims Representative, Ex Officio

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

1. Anne Connor (ID), Information Technology Committee Chair

### **Guests in Attendance:**

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

### **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**

**D. Liedecke (TX) made a motion to approved the agenda as presented. N. Lawson (OH) seconded. The motion passed.**

## Minutes

**N. Lawson (OH) made a motion to approve the July 15, 2021 meeting minutes as presented. M. Farmer (CA) seconded. J. Pelander (WA) abstained. The motion passed.**

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

### UNITY Survey Report

- Chair Rader reported that the UNITY Training and Transition Survey results are in.
  - There were 637 responses. 84 % of respondents were Juvenile Probation/Parole Officers or Supervisors. 7% of respondents were state ICJ Office commissioners or staff.
  - Overall, State ICJ Office personnel rated the transition to UNITY with a 2.5 out of 3-Star Rating.
  - Regarding the impact of UNITY's structure on the efficiency and quality of work, 50% or more of respondents reported it significantly improved the efficiency and quality of their work in terms: user interface; managing master task list; document management; email notifications and alerts; simplicity; and the process was built on the ICJ Rules.
  - In relation to training, the following resources were rated as most helpful: On Demand Courses via TalentLMS; UNITY Training Site (practice site); and live transition preparation sessions.
  - In relation to the transition, the following were rated as most helpful: JIDS case clean-up tasks and support; live technical assistance and support; and online support center
  - The full report will be presented during the upcoming Training Committee and Technology Committee meetings, as well as during the 2021 Annual Business Meeting.

### 2021 ICJ Leadership Award

- The 2021 ICJ Leadership Award nominations are in. There are nine (9) submissions. Chair Rader highlighted the criteria for the leadership award. She reported that immediately following today's meeting, the Executive Committee members will receive an email with a link to cast their ballot electronically. All votes will remain anonymous.
- The voting will close on August 27.

### Proposal to End Suspension of Enforcement of the Rules

- Chair Rader presented a proposal to end the suspension of the enforcement of ICJ Rules, which began on April 23, 2020 due to the COVID-19 pandemic.
- During recent ICJ Region Meetings, most states reported that their states have or are returning to "normal" operations and/or defining their "new normal."
- During the ICJ Compliance Committee July meeting, members supported ending the suspension of enforcement in order to make it possible to resume compliance efforts, as needed. Regardless of the suspension of enforcement, the Commission will NOT conduct performance measurement

- assessments (PMA) using 2021 data because of the impact of the transition to UNITY on the availability of data.
- In accordance to the ICJ Rule 2-108, the Executive Committee is responsible for determining when to end the suspension. Chair Rader presented a proposal to end suspension immediately following the 2021 Annual Business Meeting (October 8, 2021), which was initially proposed by M. Farmer (CA) at the last Executive Committee Meeting. This would allow for states to be notified seven weeks prior to the change.
  - N. Lawson (OH) commented that there is really no way to predict the future regarding COVID or the variants, and supported ending the suspension. T. Hudrlik (MN) agreed and noted significant state issues would be addressed individually. Director Underwood added that if there is a complaint, there is a process for investigation which includes an opportunity to be heard before the ICJ Compliance Committee. M. Farmer (CA) commented that while there continue to be concerns for concentrated areas, states have developed strategies for adjusting in order to perform Compact-related work. He expressed support for ending the suspension.
  - **C. Frieberg (SD) made a motion to approve the proposal as presented to end the suspension of enforcement of the rules on October 8, 2021. N. Dalton (VA) seconded. The motion passed.**

#### **2021 Annual Reports from Committee Chairs and Region Representatives**

- Chair Rader reminded the members that all Committee Chairs and Region Representative Annual Reports are due August 20.
- The reports are a summary of events for the year. She suggested reviewing past meeting minutes and agendas, as well as reports from the previous years. The National Office staff will assist by providing data upon request.

#### **National Office Report** *by MaryLee Underwood, Executive Director*

##### **State Updates**

- Director Underwood reported that has been an increase in legal requests, which Rick Masters will report more in his Legal Report.

##### **Fiscal Year 2021 Audit**

- The Fiscal Year 2021 Audit was conducted last week. The auditor will present his report at the September Executive Committee Meeting.

##### **Online Bench Book**

- Director Underwood reported that an interactive version of the [ICJ Bench Book for Judges and Court Personnel](#) is now available on the Commission's website. The changes are all in the format for easier access to the information.

##### **FY 2022 Leadership Exchange Series**

- The Leadership Exchange Series was previously approved for a second year and it is time to begin member recruitment. Director Underwood shared the syllabus for the 12 sessions again to be facilitated by Hasan Davis. This year, all

ICJ Office Staff are eligible to participate. If more than 20 individuals sign up, Commissioners and Designees will be prioritized. The opportunity to sign up will be open until October 8. The first session will be October 26.

- The recruitment campaign includes: email direct to Compact staff in all regions; announcement in the *ICJ Updates* eNews; announcement on the Commission's website; mention in the October region meetings; and past members are encouraged to share with others to apply. Executive Committee members are invited to participate by signing-up and/or encouraging others to do so.

### **2021 Annual Business Meeting (ABM) Planning**

- Director Underwood reported that 103 persons have registered to attend the 2021 Annual Business Meeting. However, 13 of the 52 members do not have a voting representative registered.
- Director Underwood reviewed important deadlines below:
  - Aug 20 All committee and region reports
  - Aug 27 Agendas for the region meetings
  - Aug 31 Registration closes
  - Sept 3 Officer Nomination period closes
  - Sept 3 PowerPoint presentations and scripts for:
    - Training sessions; General Session; and
    - Region meetings (script only)
  - Sept 4 Post final Docket Book (30 days prior to the ABM)
  - Sept 9 Public Hearing on proposed rule amendments
  - Sept 15, 21, 23 Training session rehearsals with M&IW
  - Sept 23 Executive Committee rehearsal with M&IW (General Session & Region Meetings)
  - Sept 28 and 30 Technology Open Houses for M&IW for all attendees

### **Finance Committee Report by Corrie Copeland (TN)**

- Finance Committee Chair Copeland reported the Finance Committee met August 12 to review FY 21, FY 22, and FY 23 Budgets.

#### **FY 21**

The Commission completed fiscal year 2021 at 14% underbudget, due in large part to cancellations of in-person meetings due to the COVID-19 pandemic. Also, final payments for the development of UNITY will occur in FY 22 (rather than FY 21), due to the extension of the UNITY go-live date.

#### **FY 22**

Chair Copeland reported that 41 states have paid their FY 2022 Dues.

#### **FY 23**

- Chair Copeland presented the FY 23 proposed budget for approval. Director Underwood explained the increases and decreases in the line items in the proposed FY 23 Budget compared to FY 22. She noted that the budget includes modifications due to the cost savings strategies

previously approved by the Executive Committee. The largest increases were in expenses related to meeting costs, as it is expected that the Commission will once again hold the Annual Business meeting and Extended Executive Committee Meeting in person. The budget also includes \$90,000 for UNITY enhancements, which is substantially more than previously budgeted for system enhancements because of the customized nature of the new system.

- Chair Copeland opened the floor for discussion.
- Treasurer N. Lawson reported that the cost reductions and authorization to transfer investment funds for shortfall approved at the Executive Committee meeting in July are incorporated into the recommended FY 23 Budget presented.
- T. Hudrlik (MN) asked for more information regarding dues recalculation. N. Lawson (OH) clarified that the recalculation of dues is not a part of the FY 23 Budget proposed. The Executive Committee approved posting the dues recalculation for one year. The recalculation will occur in fall of 2022, with new rates to take effect for the FY 2024 dues
- **J. Pelander (WA) made a motion to recommend the proposed FY 23 Budget as presented by the Finance Committee to the full Commission for approval at the 2021 Annual Business Meeting. N. Lawson (OH) seconded. The motion passed.**

#### **Information Technology Committee Report** *by Jacey Rader (NE)*

- In the absence of Information Technology Committee Chair Anne Connor, Chair Rader provided a report from the August 10 Technology Committee meeting.
- The period for comments by Executive and Rules Committee members regarding the Transportation Identification Form closed Monday, August 16. No rule-based objections were submitted. The form was originally approved during the UNITY development period. Therefore, approved changes may be made without substantial cost. However, there may be advantages to rolling out the new form along with other significant updates. The committee tabled discussion of two new related training bulletins, one for ICJ and one for TSA.
- The committee discussed the amendment of Form II to correct the accidental removal of “or Compact Official” from the signature line. The committee also discussed amendment of other verbiage to ensure that it aligns with requirements for requisitioning accused delinquents. The discussion was tabled until the next meeting to allow more time for review of proposed changes.
- The UNITY Enhancements Subcommittee is making significant progress on their review of over 65 enhancement requests.
- The UNITY Reporting & Data Visualization Team is meeting weekly to develop UNITY reports that will be rolled out in the fall. The team will share more about UNITY Data Reporting during one of the 2021 ABM training sessions.
- The Technology Committee will meet again in an extended meeting on September 14 for 90 minutes.

#### **Rules Committee Report** *by Tracy Hudrlik (MN)*

- Rules Committee Chair Hudrlik reported that the Rules Committee met August 4 and finalized the proposed rule amendments which were posted that afternoon.

- The proposed rule amendment training session will be provided on Monday, October 4, during the ABM. The session will include the justifications for each proposed amendment. The session will be a collaborative presentation by the Rules Committee members, with support from members of the Technology Committee and the Ad Hoc Committee on Racial Justice.
- The public hearing will be held September 9 at 3:00 pm ET, with all events leading up to the final vote October 7 during the 2021 General Session.

#### **Training Committee Report** *by Felicia Dauway (SC)*

- Training Committee Chair Dauway reported that the Training Committee met July 22. ABM training session preparation was the big topic of discussion.
- Additionally, presenters of the UNITY Model 1, 2, and 3 sessions shared their session's experience. The Training Committee decided to share UNITY tips and tricks during the monthly UNITY Coordinators Sessions, rather than offering additional live UNITY training. Next year's Training Committee will determine how to move forward with the UNITY Coordinators Meetings.
- The LMS Courses are being restructured effective November 1, with some title changes and course re-numbering to provide a clear understanding the course content. A suggested order of completion by topic will included, rather than requiring prerequisites. The change will not impact any course completions.
- The Training Committee finalized and approved questions that were included in the post UNITY survey.
- Next year's Training Committee will also determine how to proceed with the ICJ in Action course content work teams.
- Chair Dauway reported on her review of a trailer for the film screening: "A Once and Future Peace" and hopes the film screening may be shared after the 2021 Annual Business Meeting in some capacity.
- The next Training Committee meeting is scheduled August 24 @ 1:00 p.m. ET.

#### **Ad Hoc Committee for Racial Justice Report** *by Becki Moore (MA)*

- Co-Chair Moore reported that the Ad Hoc Committee for Racial Justice met on July 27. She reported that, as requested by the Executive Committee, a representative from ad hoc committee presented information at each region meeting regarding the new nominations and elections process and the proposed updates to the ICJ Mission, Vision, and Values Statements.
- The primary discussion focused on the panel discussion session to be presented during the ABM entitled "Finding a Way: Racial Equity Through Procedural Justice." The plan is to provide a workable framework that attendees can apply in their day-to-day work. Another training planning session will be held August 24.
- The ad hoc committee agreed there is more work to be done within the Commission regarding racial justice and recommended that the Ad Hoc Committee for Racial Justice continue next year. F. Dauway (SC), C. Frieberg (SD), and the current ICJ Officers expressed support for the continuation.
- N. Lawson (OH) commented justice system officials should consistently address issues related to equity needs.
- **N. Lawson (OH) made a motion that Executive Committee adopt the recommendation to continue the Racial Justice Ad Hoc Committee another**

**year beginning after the 2021 Annual Business Meeting. F. Dauway (SC) seconded. The motion passed.**

**East Region Report** *by Becki Moore (MA)*

- East Region Representative Moore reported that the East Region met on July 29. She thanked the other regions for allowing time in their July meetings for Edwin Lee, Jr. and Tasha Hunt to speak on the nominations and elections process and the recommendation to the ICJ Mission, Vision, and Values Statements. The East Region has a robust participation of members on the Ad Hoc Committee for Racial Justice and received an update from Edwin and Tasha regarding their presentations.
- East Region states provided updates, primarily addressing COVID related updates. There was not “roundtable” topic at this meeting. However, one has been submitted for the October meeting.

**Midwest Region Report** *by Chuck Frieberg (SD)*

- Midwest Region Representative Frieberg reported the Midwest Region met July 27. He expressed his appreciation to Tasha Hunt (CT) for her presentation of the ad hoc committee’s work.
- Representative Frieberg acknowledged the many Midwest Region members who have been involved in the various UNITY teams.
- The Annual Business Meeting is on the forefront and members were reminded to register before the deadline.

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

- South Region Representative Liedecke (TX) reported the South Region met on July 22. Representative Liedecke expressed his appreciation to Edwin Lee, Jr. (NJ) for his presentation of the ad hoc committee’s work.
- Staff changes in the South included: Stephen Horton, new NC Commissioner, and Latosha Mallory, new AL Deputy Compact Administrator.
- States shared information on UNITY and provided COVID updates within their states.
- The South Region discussed a situation presented by Kentucky regarding direct communication between sending states and juveniles being supervised in other states. The discussion led to a request for a legal advisory opinion regarding ICJ Rule 2-104: Communication Requirements Between States.

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

- West Region Representative Farmer reported the West Region met on July 20. Representative Farmer acknowledged Edwin Lee, Jr. (NJ) for his presentation on behalf of the Ad Hoc Committee for Racial Justice. It was good to hear the reasons behind the change and direct from an ad hoc committee member regarding the nominations and elections process and the recommendations to the ICJ Mission, Vision, and Values Statements that will presented for vote during the 2021 Annual Business Meeting.
- This was the first region meeting following the transition to UNITY. Therefore, there was much discussion about UNITY. Technology Committee Chair Connor provided a UNITY update on the status of fixes and plans for enhancements.

- State updates primarily focused on state changes due to COVID. Washington reported on a change to their state law which may impact the way they conduct Compact business.

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

#### Legal Advisory Opinion #03-2021

- R. Masters presented his draft Legal Advisory Opinion regarding the South Region’s request for clarification of ICJ Rule 2-104: Communication between States. The opinion addresses whether the rule prohibits against all communication between a supervised juvenile and prior case workers in the sending state once supervision is accepted. In summary, the purpose of ICJ Rule 2-104 is not to prevent communication between sending and receiving states after the transfer of supervision occurs, but only to require that such communications be managed in an orderly manner with the knowledge and consent of both states involved in the supervision process.
- South Region Representative Liedecke concurred the opinion address the request by the South Region.
- **N. Lawson (OH) made a motion to approve the Legal Advisory Opinion #03-2021 regarding a clarification of Rule 2-104: Communication between States. C. Frieberg (SD) seconded. The motion passed.**

#### Memorandum to the ICJ UNITY Enhancement Subcommittee

- R. Masters presented a draft memorandum to the UNITY Enhancement Subcommittee regarding their request for an interpretation of whether ICJ Rule 5-103(4)(a) applies to 5-103(4)(b). Legal Counsel advised that ICJ Rule 5-103(4)(a) does NOT apply to 5-103(4)(b), due to the manner in which the rule is drafted.
- **C. Frieberg (SD) made a motion to accept the legal interpretation provided in the memorandum to the UNITY Enhancement Subcommittee as presented. N. Dalton (VA) seconded. The motion passed.**

#### Legal White Paper: Use of ICJ Records Rather than Testimony by Out-of-State Personnel

- At the request of the Commission’s Executive Committee, Legal Counsel, prepared a legal analysis to serve as a resource documenting the legal implications of the significantly increased number of formal and informal requests for ICJ staff, Juvenile Probations Officers, and Supervisors to testify at hearings in other states regarding ICJ cases. The increase in such requests may stem from the increasing likelihood that remote legal proceedings will become permanent fixtures in some jurisdictions.
- The Executive Committee received and reviewed the “Legal White Paper: Use of ICJ Records Rather than Testimony by Out-of-State Personnel” prior to the meeting.
- R. Masters summarized that while courts may request testimony from out-of-state personnel, state courts generally lack jurisdiction to require testimony from someone in another state. Therefore, admission of reliable “business records” available through UNITY can be a critical component of hearings required by



juvenile courts in order to provide for the transfer and tracking of transfers of supervision and returns of such juveniles, including adjudicated juveniles, runaways, and absconders.

- **N. Lawson (OH) made the motion to approve the legal white paper: Use of ICJ Records Rather than Testimony by Out-of-State Personnel as presented. F. Dauway (SC) seconded. The motion passed.**

#### Dispute Resolution

- R. Masters reported working with Executive Director Underwood to achieve a successful dispute resolution between the District of Columbia and Maryland. The dispute involved continuation of case while a juvenile is being detained due to charges filed in the adult court system.
- Legal Counsel and the Executive Director met with commissioners from both states. A letter regarding the dispute resolution was provided to both parties and the matter is considered resolved.

#### Imposition of Sanctions by the Receiving State

- R. Masters reported that next month, he will provide a draft advisory opinion regarding the imposition of sanctions by the receiving state. The opinion speaks to the current rules which permits both the sending and the receiving states to impose sanctions.

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

- Ex Officio Victims Representative N. Brown shared an article from the Office of Juvenile Justice and Prevention (OJJDP) July-August newsletter. A young man shared his success to develop social skills and long-term goals as a result of his enrollment in career focus mentor program. In July, President Biden signed the VOCA Fix to sustain the Crime Victims Fund Act of 2021. The term of the month was *alternative light force*. In forensics science, it is a light source used to detect and identify physical evidence such as bruises and body fluids.
- N. Brown reported that her office prosecuted and the person was convicted for kidnapping and murder. An article regarding same was published in the local newspaper included her photo as the victim's advocate.

#### **Old Business**

##### No Bail Issue in State Constitutions

- Chair Rader suggested that the issue regarding conflicts between ICJ's "no bail" rule and some state constitutions be referred to the Rules Committee for review.
- J. Pelander (WA) commented that the issue originated from a Washington and Idaho case. Idaho requested the return of an 18-year-old who was released on bail. While the ICJ Rules state "no bail," the Washington Judge held that the Washington Constitution requires bail be issued to someone that has not been convicted of a crime and the Washington Constitution supersedes the ICJ Rules.
- N. Lawson (OH) commented that while he has not encountered the issue, other states have similar language in their state Constitutions and therefore it is anticipated to come up again.

- **J. Pelander (WA) made a motion to refer the no bail issue to the Rules Committee for review next year. N. Lawson (OH) seconded. The motion passed.**

#### **New Business**

There was no new business.

#### **Adjourn**

- The next meeting is scheduled for September 16, 2021.
- **F. Dauway (SC) made a motion to adjourn. M. Farmer (CA) seconded. Chair Rader adjourned by meeting by acclamation at 1:33 p.m. ET.**