

INTERSTATE COMMISSION FOR JUVENILES EXECUTIVE COMMITTEE



Minutes

March 28, 2019

1:00 PM ET

Embassy Suites by Hilton at Lexington Green, Lexington, KY

Committee Members in Attendance:

1. Anne Connor (ID), Chair
2. Natalie Dalton (VA), Vice Chair
3. Jacey Rader (NE), Compliance Committee Chair
4. Jedd Pelander (WA), Finance Committee Chair
5. Tony DeJesus (CA), Technology Committee Chair (via WebEx)
6. Cathlyn Smith (TN), Training Committee Chair
7. Jeff Cowger (KS), Rules Committee Chair
8. Charles Frieberg (SD), Midwest Region Representative
9. Traci Marchand (NC), South Region Representative
10. Dale Dodd (NM), West Region Representative
11. Trudy Gregorie, Victims' Representative

Committee Members Not in Attendance:

1. Peter Sprengelmeyer (OR), Treasurer
2. Becki Moore (MA), East Region Representative

ICJ National Office Staff & Legal Counsel in Attendance:

1. MaryLee Underwood, Executive Director
 2. Jenny Adkins, Operations and Policy Specialist
 3. Emma Goode, Training and Administrative Specialist
 4. Leslie Anderson, Logistics and Administrative Coordinator
 5. Rick Masters, Legal Counsel
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Call to Order

Chair Connor (ID) called the meeting to order at 1:05 PM ET.

Roll Call

Executive Director Underwood called the roll and a quorum was established.

Agenda

N. Dalton (VA) made a motion to amend the agenda to move the Legal Counsel Report to follow the National Office Report and approve the agenda. C. Frieberg (SD) seconded. The motion carried.

Minutes

C. Frieberg (SD) made a motion to approve the February 28, 2019 meeting minutes as amended. J. Rader (NE) seconded. The motion carried.

Commission Chair Report

- Chair Connor (ID) thanked the Executive Committee, National Office staff and facilitator Derek Young for their participation and contributions toward the upcoming Strategic Action Plan. A draft of the Strategic Plan will be made available for committee review and commentary prior to the April Executive Committee meeting.
- Chair Connor reported that C. Smith (TN), C. Alfonso (NJ), A. Connor (ID) and ex-officio Judge John Romero presented workshops at the NCJFCJ Conference last week. The presentation was very well received with great feedback. ICJ also sponsored a booth to distribute resources.
- Chair Connor (ID) reported the unexpected passing of Onome Edukore, former Deputy Compact Administrator of Florida. An announcement was released in the weekly ICJ Newsletter, the National Office drafted a resolution for the family, and the 2019 Annual Business Meeting will be adjourned in memoriam of Mr. Edukore and his service.

National Office Report

Executive Director Underwood reported the following updates:

- Compact Administrators and Commissioners
 - **Appointments**
 - In Arizona, Howard Wykes has been appointed as the new Deputy Compact Administrator. He expected to be appointed as a Part-Time designee by the Arizona State Council.
 - In Utah, Neira Siaperas has been appointed as the new Compact Administrator and Commissioner.
 - **Vacancies**
 - In Washington, D.C., the Commissioner position is still vacant with no change in status since the previous meeting. A letter was sent to the Mayor on March 19, 2019 from the Legal Counsel regarding appointment.
 - In Arkansas, the Commissioner position is currently vacant. A letter has been mailed to the Governor regarding appointment.
 - In Idaho, the Commissioner position remains vacant. A letter has been mailed to the Governor regarding appointment.
- TA and Requests for Interpretation of Rules
 - A request was received for informal discussion this month from VA and VT regarding the “mandatory acceptance clause” cited in Rule 4-104: Authority to Accept/Deny Supervision with regard to juveniles who had met the age of majority. After discussion with the Legal Counsel and Chair

Connor (ID), an informal interpretation was provided highlighting that the “mandatory acceptance clause” is intended to ensure that juveniles are not denied the opportunity to live with guardians legally responsible for their care. However, when individuals have passed the age of majority, they are capable of administering his/her own affairs. Thus they do not have guardians and the “mandatory acceptance clause” does not apply. The Executive Committee discussed the interpretation and expressed agreement, but also noted that the issue of whether there should be “mandatory acceptance” guidelines in such cases warrants further review. The matter was referred to the Rules Committee for discussion at their April 2019 meeting.

- Assistance was provided to four (4) states requesting assistance in preparation for their State Council meetings on issues related to quorum, approval of designees, topics related to Real ID and human trafficking.
- Requests were also received from states requesting more information on JJDPa and the ICJ exception. The National office will update the ICJ white paper which references JJDPa. C. Smith (TN) noted that the training materials should also be updated to reflect the new code reference to the new the ICJ Exception (34 U.S.C. § 11133(a)(11)(A)(i)). The National Office will ensure appropriate changes are made.

- Hiring Process for Systems Project Manager
 - Over 60 applications were received for the position. Three interviews have been held to date, with two additional interviews to be held next week.
 - The National Office has also been approached by a party interested in taking the position on as a consultant. Executive Director Underwood opened the floor to the Committee for discussion on this possibility.
 - The committee discussed potential concerns, including the perception of conflict of interest. Legal Counsel Rick Masters indicated that it would not be a conflict of interest, but that it is wise to consider that it might be perceived as such.
 - Executive Director Underwood will report back at the April 25, 2019 meeting.

- Personnel Policies Update
 - Executive Director Underwood presented a draft revision of ICJ’s Personnel Policies. The revision maintains essentially the same policies, with primary edits to include more specific information regarding benefits and how those are managed, educational assistance, work place safety reporting procedures, telecommuting request procedures and the extension of funeral and bereavement leave. There were also

editorial and language changes made to provide more consistency throughout the document.

- Chair Connor requested that a document be provided to the Committee highlighting where the edits were made for more efficient reference. The National Office will provide this to the Executive Committee.
 - **C. Smith (TN) made a motion to adopt the Personnel Policy as amended and presented. D. Dodd (NM) seconded. The motion carried.**
- Collaborations
- Coalition for Juvenile Justice (CJJ) Organizational Membership
 - ICJ's membership includes access for 20 affiliates to CJJ resources and webinars. The Executive Committee members have been listed as affiliates, and will receive related emails within the next week regarding current and upcoming resources now available to them.
 - NCIC Meeting
 - The National Office continues to work with the FBI NCIC Operations and Policy Unit staff to update the NCIC 2000 Training Manual regarding the entry of individuals that are subject to the Compact. On March 13, 2019, Kim Lough, Management and Program Analyst (FBI, CJIS Division) met with the National Office staff and four (4) Compact office representatives representing each region: J. Hawkins (MO), N. Lawson (OH), T. Casanova (VT) and T. DeJesus (CA). The meeting focused on how ICJ and NCIC interact and possible solutions to common concerns. Issues discussed include: lack of access and knowledge of ICJ staff regarding NCIC; differences between social service based agencies and correctional based agencies procedures and policies; the three (3) available files and uniform offense codes in the NCIC system for ICJ use and how they can be utilized to best meet the needs of the ICJ; issues around non-uniformity related to age of emancipation; ICJ Rules related to nationwide extradition; and entry into relevant NCIC files between states.
 - Some potential improvements to Rule 7-104 were discussed to mirror NCIC terminology especially, regarding bond and extradition.
 - K. Lough (FBI/CJIS Division) was invited to be a Special Guest Speaker for the 2019 Annual Business Meeting (ABM). She has agreed to provide a presentation and answer questions from members.
 - Executive Director Underwood opened the floor for discussion on possible topics of focus to provide to K. Lough.
 - The committee discussed several topics, including: state concerns with use of NCIC for confidentiality purposes around juveniles, concerns regarding states not participating in NCIC

queries/entries unless an ongoing investigation is being conducted and access to the system in general by ICJOs.

- 2019 ABM Agenda
 - The draft 2019 Annual Business Meeting Agenda was presented to the committee for review and approval.
 - **C. Frieberg (SD) made a motion to approve the draft 2019 ABM Agenda for posting. J. Pelander (WA) seconded. The motion carried.**
- 2018 Annual Business Meeting Minutes
 - The draft 2018 Annual Business Meeting minutes were presented to the committee for review and approval.
 - **J. Rader (NE) made a motion to approve the draft minutes for final approval at the 2019 ABM. C. Smith (TN) seconded. The motion carried.**

Legal Counsel Report

- Rick Masters presented draft Advisory Opinion 02-2019, addressing the issue brought forth by the state of Maine regarding a state's obligation to inform juvenile that he/she may not be returned to the home state and whether the Form III may be withdrawn.
- **D. Dodd (NM) made a motion to approve publication of Advisory Opinion 02-2019. T. Marchand (NC) seconded the motion. The motion carried.**

Committee Reports

- Information Technology – Tony DeJesus (CA)
 - Chair DeJesus (CA) reported that the committee met on March 19, 2019.
 - The committee approved a JIDS enhancement to the Juvenile Return Workflow. The enhancement will generate an email to the holding state upon completion of a juvenile return. The enhancement will be tested soon and should go live shortly after.
 - Chair DeJesus (CA) reported that the committee discussed the status of the Request for Proposals (RFP) for a new data system, including recommendations from SEARCH; continued research on the File Bound product; and discussions with InStream. Representatives of the RFP Team met with InStream on March 12, 2019 to ask questions related to the highest scoring proposal. The RFP Team and Technology Committee agreed not to accept any of the proposals submitted and to issue a revised RFP and continue the search for a proposal that meets the needs and requirements of the ICJ.
 - **C. Frieberg (SD) made a motion to accept the recommendation by the committee to issue a revised Request for Proposal. D. Dodd (NM) seconded. The motion carried.**
 - The committee is scheduled to meet again on April 16, 2019.
 - Traci Marchand (NC) requested information on the role of SEARCH up to this point and in the future in continuing the search for a viable vendor.

- Executive Director Underwood advised that SEARCH assisted with assessment of the current JIDS system; the creation and publication of the original RFP; responding to questions from vendors; scoring proposals; and drafting of responses to vendors. As the work continues for a viable vendor, SEARCH is assisting in drafting and advertising the revised RFP, and providing assistance with a Vendor Information Day. Executive Director Underwood reported that she is also collaborating with the Director of Integrated Justice Information Systems Institute (IJIS) to assist in promoting the revised RFP to a broader spectrum of vendors.
- Compliance Committee – Jacey Rader (NE)
 - Chair Rader (NE) reported that the committee has not met since the last Executive Committee meeting, but is scheduled to meet April 4, 2019. The committee will discuss revisions to clarify the Compliance Policies *ICJ 2009-03: Guidelines for Compliance*; *ICJ 2009-02: Compliance Enforcement Investigation Process*; and *ICJ 2009-01: Compliance Enforcement Investigation Allegation*.
 - Chair Rader (NE) reported that the first quarter Performance Measurement Assessments (PMA) have been completed and that the committee will review Corrective Action Plans (CAP). Of the 13 states reviewed during the first PMA group, four (4) required CAPs.
 - All of the State Council reports have now been submitted. The committee will work with the Training Committee to help provide resources and training to assist states with the development and operation of their State Councils.
- Finance Committee – Jedd Pelander (WA)
 - Chair Pelander (WA) reported that the committee is scheduled to meet on April 23, 2019. At that meeting the committee plans to review the current budget and expenditures, as well as review the draft budget for 2021 for presentation to the Executive Committee at their next meeting.
- Training, Education & Public Relation Committee – Cathlyn Smith (TN)
 - Chair Smith (TN) reported that the committee met on February 21, 2019.
 - Chair Smith (TN) applauded the committee for the work and participation in the submission of numerous example scenarios for the 2019 ABM training session. A sub-committee created to review training scenarios met March 14, 2019.
 - There were two (2) WebEx trainings for the month of March. Training I was presented on March 13, 2019 with 50 participants. Training II was presented on March 20, 2019 with 38 participants.
 - In response to Commission representation at the NCJFCJ National Juvenile Justice Conference, the Commission was invited to present at the Institute for Family Court Judges Conference in April 2019.
 - The committee reviewed a Draft Mentoring Policy and a Draft Best Practices. Both were tabled for continued review and revision at the next committee meeting.

- A request for TTA was received from Kentucky for booth materials to use at a statewide judicial conference. A request was also received from Nebraska for a statewide meeting to be held via WebEx.
- The next meeting is scheduled for April 18, 2019 with the Subcommittee to meet immediately following.
- Rules Committee – Jeff Cowger (KS)
 - Chair Cowger (KS) reported the committee has not met since the last Executive Committee meeting. It is scheduled to meet April 3, 2019. The committee will discuss the “mandatory acceptance” clause of Rule 4-104: Authority to Accept/Deny Supervision when a youth has passed the age of legal majority.
 - The Face-to-Face meeting is scheduled for June 5, 2019 in Lexington, KY to prepare the rules proposals for presentation and training for the 2019 ABM.
- Human Trafficking Ad Hoc Committee – Anne Connor (ID)
 - A. Connor (ID) reported on behalf of Chair Sprengelmeyer (OR) in his absence.
 - A. Connor (ID) reported that the committee met on March 12, 2019. The committee approved and adopted a Committee Purpose Statement for FY 2019. The purpose includes the review of practices currently used in states that have established internal policies regarding human trafficking and to develop a list of promising practices.
 - The committee also discussed: screening and assessment of ICJ human trafficking victims, promoting the human trafficking screening tools, provided regional updates to the Trafficking Matrix and reviewed an outline for the foundation of the development of promising practices.
 - The next meeting is scheduled for May 14, 2019.

Region Reports

- South Region – Traci Marchand (NC)
 - Representative Marchand (NC) reported the South Region has not met since the last Executive Committee meeting and is scheduled to meet on April 9, 2019.
- West Region – Dale Dodd (NM)
 - Representative Dodd (NM) reported that the West Region has not met since the last Executive Committee meeting and is scheduled to meet on May 7, 2019.
- Midwest Region – Chuck Frieberg (SD)
 - Representative Frieberg (SD) reported that the Midwest Region has not met since the last Executive Committee meeting and is scheduled to meet on May 9, 2019.
- East Region – Executive Director MaryLee Underwood (N.O.)

- Executive Director Underwood reported for Representative Moore (MA) in her absence.
- Executive Director Underwood reported that the East Region has not met since the last Executive Committee meeting and is scheduled to meet on April 11, 2019. The committee plans to discuss topics such as gangs and human trafficking at the upcoming meeting.

Victims Representative Report – Trudy Gregorie

- T. Gregorie reported that she had located a contact Kristin Griggs at the TSA Ombudsman’s Office for the ICJ to collaborate with regarding concerns and issues the ICJ has related to Real ID.
- T. Gregorie also recommended reaching out to the OJJDP to help assist in the collaboration with K. Griggs (TSA).
- J. Rader (NE) recommended providing K. Griggs (TSA) with statistical information regarding the number of commercial returns the ICJ conducts on a yearly basis.

Old Business

No Old Business was discussed.

New Business

- D. Dodd (NM) requested input on working with juveniles who are wanted in multiple states and determining the procedures for prioritizing the order in which the juvenile is to serve their time for those states.
- The committee discussed prioritizing by which state has the most egregious charges and communication between all involved states.

Adjourn

Chair Connor (ID) thanked everyone for their participation and adjourned the meeting by acclimation at 3:05 PM ET.