

**INTERSTATE COMMISSION FOR JUVENILES
EXECUTIVE COMMITTEE**

Minutes

February 20, 2020, 12:00 PM ET

WebEx



Committee Members in Attendance:

1. Jacey Rader (NE) Chair
2. Jedd Pelander (WA) Treasurer
3. Anne Connor (ID) Immediate Past Chair
4. Natalie Dalton (VA) Compliance Committee Chair
5. Nate Lawson (OH) Finance Committee Chair
6. Tony De Jesus (CA) Technology Committee Chair
7. Agnes Denson (FL) Training Committee Chair
8. Tracy Hudrlik (MN) Rules Committee Chair
9. Charles Frieberg (SD) Midwest Region Representative
10. Traci Marchand (NC) South Region Representative
11. Dale Dodd (NM) West Region Representative

Committee Members Not in Attendance:

1. Becki Moore (MA) East Region Representative
2. Trudy Gregorie Victims Representative Ex officio

ICJ National Office Staff & Legal Counsel in Attendance:

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

Call to Order

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

Roll Call

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

Agenda

- **T. Hudrlik (MN) made a motion to approve the agenda. A. Connor (ID) seconded. The motion carried.**

Minutes

- **C. Frieberg (SD) made a motion to approve the January 16, 2020 meeting minutes as amended. T. Hudrlik (MN) seconded. T. Marchand (NC) abstained. The motion carried.**

Commission Chair Report

○ Vice Chair Election

- Chair J. Rader (NE) reported that due to the recent resignation of C. Smith (TN) as Commission Vice Chair, the position will need to be filled by committee election.
- The committee discussed historical approaches that were used to fill the vacancy and individuals who had expressed interest in the position.
- The floor was opened for nominations.
- **A. Connor (ID) made a motion to nominate J. Pelander (WA) for the position of Commission Vice Chair. N. Dalton (VA) seconded.**
- No further nominations were brought forward and the floor was closed for nominations.
- **C. Frieberg (SD) made a motion to elect J. Pelander (WA) as Commission Vice Chair by acclamation. T. Hudrlik (MN) seconded. The motion carried.**

○ Treasurer Election

- Chair J. Rader (NE) reported that due to the election of J. Pelander (WA) as the Commission Vice Chair the position of Commission Treasurer was now vacant.
- The committee discussed potential options on how to fill the current vacancy and any individuals who had expressed interest in serving in the position.
- The floor was opened for nominations.
- **A. Connor (ID) made a motion to nominate N. Lawson (OH) to serve as Commission Treasurer in conjunction with his current role of Commission Finance Committee Chair. T. Hudrlik (MN) seconded.**
- No further nominations were brought forward and the floor was closed for nominations.
- **A. Connor (ID) made a motion to elect N. Lawson (OH) as Commission Treasurer by acclamation. J. Pelander (WA) seconded. N. Lawson (OH) abstained. The motion carried.**

○ Committee Guidelines Policy 03-2012

- Chair J. Rader (NE) presented the draft Committee Guidelines Policy for discussion and suggestions.
- The committee discussed preliminary approval of the Committee Guidelines Policy and then presentation to the regions for review prior to a final vote to approve at the April Executive Committee meeting.
- **A. Connor (ID) made a motion to preliminarily approve the draft Committee Guidelines Policy 03-2012 pending final approval after review by the region members. N. Lawson (OH) seconded. The motion carried.**
- The National Office staff agreed to place the draft Committee Guidelines Policy 03-2012 on all upcoming region meeting agendas and the April Executive Committee meeting agenda for discussion and review.

- **Spring Face-to-Face Meeting**
 - Chair J. Rader (NE) reported that the face-to-face meeting is scheduled for Tuesday April 14, 2020 at the Hyatt Regency in Cincinnati, OH.
 - From 8:30 am ET to 12:00 pm ET Hasan Davis will be presenting to the Executive Committee on Leadership Development.
 - From 12:30 pm ET to 4:30 pm ET the Executive Committee will be meeting and a UNITY demonstration will be conducted for the committee.
 - The UNITY Core Meeting will follow in the same location on April 15 and April 16, 2020.

National Office Report

- Executive Director Underwood provided reports on behalf of the National Office.
- **New Rules and Forms Effective March 1, 2020**
 - The Amended Rules will go into effect March 1, 2020. The National Office and several committees have been diligently working to ensure the website and forms are all updated and prepared for release.
 - The two (2) Rules Amendment Trainings have been presented. The PowerPoint and On Demand training are available on the ICJ website.
 - The instructor-led series will begin on March 11 and March 12, 2020. Both two (2) hour modules will be provided monthly.
 - After today, all updated Advisory Opinions will be ready to post. The Technology Committee will be presenting a recommendation regarding Advisory Opinion 02-2015. The Juvenile Adult Issues Ad hoc Committee is still reviewing Advisory Opinion 04-2018 with a recommendation to be forthcoming. There were no significant changes triggered by the rule amendments and does not require action at this time.
 - *ICJ Compliance Policy 03-2009: Dispute Resolution*, required a technical amendment to reflect the new title of *Rule 9-101: Initial Dispute Resolution and Interpretation of the Rules*.
 - **A. Connor (ID) made a motion to approve the technical amendment to *ICJ Compliance Policy 03-2009: Dispute Resolution* to reflect the new title of *Rule 9-101: Initial Dispute Resolution and Interpretation of the Rules*. J. Pelander (WA) seconded. The motion carried.**
- **Instream Update**
 - An update was provided regarding the previously discussed web security maintenance issues with JIDS. The service agreement and AWS support agreement have been amended. They are procuring the necessary licensing agreements this week and will make final agreements on that the week of March 8, 2020 to avoid any potential impacts on the Rule Amendments and impacted forms and resources to be released March 1, 2020.

- **State Updates**
 - Hawaii's Commissioner position remains vacant at this time. A third correspondence was mailed requesting an appointment be made. If no appointment is made by February 22, 2020, the issue will be referred to the Compliance Committee for determination on what action should be taken at their March 5, 2020 meeting.
 - New Jersey's Commissioner position remains vacant at this time. A third correspondence was mailed to the appointing authority requesting an appointment be made. If no appointment is made by March 10, 2020 the compliance issue will be referred to the Compliance Committee for determination on what action should be taken at their following meeting.
 - Tennessee and Mississippi have current Commissioner vacancies. Initial correspondences have been mailed to both states appointing authorities at this time requesting action.
- **State Council Reports**
 - All State Council Reports have been submitted at this time. A formal report will be presented to the Compliance Committee at their upcoming meeting. After Compliance Committee review, the report will be presented to the Executive Committee.
- **Code of Conduct Forms**
 - Seventy-one (71) forms from forty-nine (49) states were submitted by Commissioners and their Designees. Reminders have been sent to those members who have not submitted the form have been sent. There is no further action outlined in the policy.
- **2021 ABM Planning**
 - Planning is underway for the 2021 ABM. L. Anderson completed a site visit in January to Billings, Montana. The hotel will accommodate all meeting space required easily and there are ample sites and dining locations within walking distance. The hotel and Visit Billings staff were eager to host our meeting and provided some great information and suggestions of materials for the attendees.
 - **A. Connor (ID) made a motion to approve the DoubleTree by Hilton Hotel Billings (MT) as the location for the 2021 Annual Business Meeting. C. Frieberg (SD) seconded. The motion carried.**

Committee Reports

Compliance Committee – Natalie Dalton (VA)

Chair N. Dalton (VA) reported the committee met January 30, 2020. The committee focused on review of the submitted Corrective Action Plans (CPA) from the Group 4 Performance Measurement Assessment (PMA) and Quarterly Progress Reports (QPR) from Groups 1 through 3. The next meeting is scheduled for March 5, 2020 to review the draft three (3) of the Sanctioning Guidelines Policy, which will be presented by the designated work group.

Finance Committee – Nate Lawson (OH)

N. Lawson (OH) reported the committee last met on February 13, 2020 and discussed the following topics:

- As of December 31, 2019, the Commission has expended 40.96% of the FY 2020 budget, which is 9.04% below budget for the first half of FY2020. There was a line item related to the insurance expenditures that reflected a rather high percentage due to a double billing issue. However, a refund has been received, so that line item should reflect a significant decrease in the next quarter.
- The committee voted to recommend to the Executive Committee an amendment be made to strike the word “original” from ICJ Policy 06-2019: Travel Reimbursement (V) allowing the submission of electronic receipts for reimbursement requests.
 - A. Connor (ID) inquired if this change would affect the current audit process.
 - Executive Director Underwood advised that this process is in line with the ICAOS procedures and that the auditors have not raised concern regarding that procedure.
 - **N. Dalton (VA) made a motion to approve the recommendation from the Finance Committee to strike the word “original” from ICJ Policy 06-2019: Travel Reimbursement (V). J. Pelander (WA) seconded. The motion carried.**
- Executive Director Underwood researched options to ensure that the Commission has access to the financial expertise needed for funds management. Three (3) proposals were received from three (3) potential financial management providers: Vanguard Institutional Investors Group, Nonprofit Solutions; 5th/3rd Investment Services; and Wealth South. The committee was presented with each of the three proposals and voted to recommend engaging with Vanguard Institutional Investor Group, Nonprofit Solutions to provide financial direction regarding long-term single-fund investment solutions. If the recommendation is accepted by the Executive Committee a representative from Vanguard will meet with the Finance Committee to assist in the development of investment policies and the transfer of the current funds to a single-fund option that automatically rebalances to pre-determined ratios.
 - **A. Connor (ID) made a motion to recommendation to engaging Vanguard Institutional Investor Group, Nonprofit Solutions to provide financial direction regarding long-term single-fund investment solutions. J. Pelander (WA) seconded. The motion carried.**
- The committee reviewed the current dues formula and calculation schedule and the related enforcement policy and discussed if any amendments to the procedure were required. The committee unanimously agreed to retain the current five (5) year dues recalculation schedule and for the ICJ Rule 2-101: Dues Formula be included in ICJ Policy 2009-08: Dues Enforcement. The committee will review these documents for potential amendments at their upcoming meeting and provide any recommendations as necessary.

- The committee will be holding an additional meeting on April 6, 2020 to conduct a review of the FY 2021 and FY 2022 budget proposal development for presentation at the April Executive Committee meeting.

Information Technology Committee – Tony De Jesus (CA)

- Chair T. De Jesus (CA) reported the Committee met February 11, 2020. The committee was provided UNITY system updates for all three (3) teams.
 - The Business Analysis Team, reported that the team met in Covington, KY from January 21-24, 2020, with staff from Optimum Technology to review the work they have made to data element requirements, preliminary workflows and to ensure understanding of the architectural and conceptual requirements. The team first worked on Travel Permit work flows and now are working on a draft layout of the Transfer of Supervision workflows and discussing the base line scenarios.
 - The Training Team held a Kick-Off Meeting on January 16, 2020. The Reporting Team held a Kick-Off Meeting on January 15, 2020. These meetings were orientation meetings to discuss the future responsibilities for each team as they continue meeting on a regular basis until the system goes live.
- The committee reviewed Advisory Opinion 02-2015, regarding signatures on the Form IA/VI. While under review and amendment to update the language to reflect the rules amendments, Legal Counsel Rick Masters suggested review of whether the judge/court should be required to sign in probation cases.
 - The committee discussed the use of the Form IA/VI as a waiver in transfer of supervision cases where the transfer either fails or new violations are committed by the juvenile. Some committee members expressed concerns regarding whether there would be greater reluctance to proceed based on the waiver if it was not initially signed by a judge.
 - **A. Connor (ID) made a motion to approve the committee recommendation to strike the language “While the better practice might be to eliminate the need of the judge’s signature,” from the last paragraph of page 4 of the Advisory Opinion 02-2015 and to recommend that the Rules Committee review the use of Form IA/VI as a waiver. T. De Jesus (CA) seconded. The motion carried.**
- The committee also discussed two Rule Proposals developed by the Business Analysis Team.
 - A proposal to amend Rule 4-104(6): Authority to Accept/Deny Supervision for consistency with Rule 5-103(4)(b): Reporting Juvenile Non-Compliance, Failed Supervision and Retaking. The proposal would allow for greater clarity in the UNITY data system regarding cases where supervision is denied by the receiving state. The Technology Committee approved to recommend the Rule Proposal to the Rules Committee for consideration.

- A proposal to amend ICJ Rule 8-101: Travel Permits to address a lack of clarity in the current rule regarding juveniles who are relocating pending a request of supervision. The amendment would clarify steps to be utilized in the UNITY data system to specify that travel permits shall be submitted for all juveniles proceeding to the receiving state prior to acceptance of the case. It also provides time limits for travel permits and referral packets for cases about which the rules are currently silent, noting the importance of limiting the time juveniles are unsupervised in the receiving state. The Technology Committee approved to recommend the Rule Proposal to the Rules Committee for consideration.
- The committee discussed concerns regarding whether a definition of “proceed” would be needed.

Rules Committee – Tracy Hudrlik (MN)

- Chair T. Hudrlik (MN) provided the following updates:
 - The committee presented the Rule Amendments Trainings. The PowerPoint presentation is available on the ICJ website and the new Rules will be published and available March 1, 2020.
 - The committee is scheduled to meet March 3, 2020 with a focus on the recommendations from the Technology Committee, a review of the definition of “Court,” and continued systematic review of all Rules.

Training, Education & Public Relations Committee – Agnes Denson (FL)

- Chair A. Denson (FL) provided the following updates:
 - The Rules Amendment Training held on February 13, 2020 included ninety (90) attendees representing twenty-nine (29) states and the February 19, 2020 training included seventy-four (74) attendees representing twenty (20) states for a total of one hundred sixty-four (164) total attendees. The training was recorded and will be available on the ICJ website soon.
 - The ICJ Resources and Training Materials Survey was completed by ninety-six (96) individuals. The committee will be reviewing the survey results at their February 27, 2020 meeting.
 - The ICJ Rules Part I and Part II trainings are scheduled for March 11 and 12, 2020 at 2:00 pm ET.

Region Reports

East Region – Becki Moore (MA)

Representative B. Moore (MA) was unavailable to attend the meeting.

Midwest Region – Chuck Frieberg (SD)

Representative C. Frieberg (SD) reported that the Midwest Region last met on February 6, 2020 and provided the following updates:

- The region discussed the States in Transition/Succession Plans that are due February 28, 2020. Any states that have not submitted their plans will be contacted directly to provide assistance in completion and submission.

- The committee also discussed standards of supervision regarding Rule 5-101 (1): Supervision/Services Requirements as well as preparations for the upcoming REAL ID roll out by the TSA in October of this year.

South Region – Traci Marchand (NC)

Representative T. Marchand (NC) reported that the South Region last met on February 4, 2020 and provided the following updates:

- The committee discussed Executive Committee updates, UNITY system updates, state updates and training initiatives.
- The committee is scheduled to meet again on April 8, 2020 to discuss the draft Committee Guidelines Policy.

West Region – Dale Dodd (NM)

Representative D. Dodd (NM) reported that the West Region last met on February 18, 2020 and provided the following updates:

- The region discussed the States in Transition/Succession Plans that are due at the end of February. Any states that have not submitted their plans have been emailed directly to provide assistance in completion and submission.
- The committee also discussed Executive Committee updates and UNITY system updates.
- Region members were encouraged to be thinking about potential Rule Proposals to bring forward to the Rules Committee for consideration for FY 2021.

Legal Counsel Report

- R. Masters presented a draft White Paper regarding the transfer of jurisdiction not being authorized pursuant to the Compact.
 - **A. Connor (ID) made a motion to approve for publication the White Paper entitled “Transfer of Jurisdiction Not Authorized Pursuant to the Interstate Compact for Juveniles. T. De Jesus (CA) seconded. The motion carried.**
- R. Masters presented Advisory Opinion 01-2020 to address whether a sending state can require the sending state to submit a Form IA/VI when a juvenile makes an intrastate move after an ICJ transfer request has been granted.
 - Committee members noted that the ICJ Rules do not directly address whether a state must submit a new Form IA/VI in cases when there is an intrastate move. The committee noted it might be helpful to amend the ICJ Rules in the future, but suggested approval and publication of the Advisory Opinion to provide clarification in the interim. The committee discussed conducting a review of the Form IA/VI to ensure it meets the qualifications for use as a due process waiver.
 - T. Marchand suggested further review of Form IA/VI to ensure it meets the qualifications for use as a due process waiver and any related rules. T. Hudrlik (MN), T. De Jesus (CA) and A. Connor volunteered to participate.

- Executive Director Underwood reported that the Technology Committee had submitted a recommendation to the Rules Committee regarding Form IA/VI and that both concerns could be addressed during their discussion.
- **C. Frieberg (SD) made a motion to approve for publication Advisory Opinion 01-2020. N. Lawson (OH) seconded. T. Marchand (NC) abstained. The motion carried.**

Victims' Representative Report – Trudy Gregorie

T. Gregorie was not in attendance.

Old Business

- **Strategic Plan 2B5**
 - Chair J. Rader (NE) recommended that the “Committee Fair” at the Annual Business Meeting to educate and recruit members be tabled until after the new data system is in place.
 - The committee agreed to table the action item for later discussion.
- **Strategic Plan 2C2**
 - Chair J. Rader (NE) noted that some members reported challenges experienced recruiting members to serve as committee vice chairs and alternate region representatives.
 - Executive Director Underwood noted that most of the committees and regions now have vice-chairs/alternative representatives but that there is still a need for recruiting mentors. She suggested placing this action item on the upcoming region meeting agendas to encourage member involvement.
 - The region representatives agreed that the action item will be placed on the upcoming meeting agendas for discussion.
- **Strategic Plan 4B3**
 - Executive Director Underwood provided the following updated regarding this action item:
 - The National Office assisted Kim Lough (FBI/CJIS) with the development of a topic paper regarding codes used in their data system to indicate ICJ juveniles. K. Lough will present the topic paper at the spring Advisory Policy Board Process meeting in March. If the topic paper is approved, it will be recommended to the NCIC Sub-committee for review and consideration at their April meeting. A representative from ICJ has been invited to attend this meeting. The FBI is also working to provide a nationwide directory of state NCIC contacts to the Commission.

- During the 2019 Annual Business Meeting Stacey Sanders (TSA) suggested the Commission develop a form that can be utilized at TSA checkpoints as an alternate form of identification for ICJ juveniles that do not hold a REAL ID. The Technology Committee developed and reviewed a form incorporating those suggestions. The National Office is currently working to establish a new TSA contact to review the form and discuss training for TSA checkpoint staff regarding the form.

New Business

- Warrant Notification Project
 - Executive Director Underwood provided an update regarding the Justice Reinvestment Initiative (JRI) grant.
 - The Commission drafted a letter of support for SEARCH in December 2018. SEARCH was awarded the three (3) year federal grant and has begun work developing an automated subscription/notification service (SNS) that will provide supervision officials with immediate, automated notifications when arrest warrants are issued for offenders under their supervision.
 - The grant includes numerous partners including ICAOS, ICJ, SEARCH, NLETS and the FBI/CJIS Division. An orientation meeting was held last week and a meeting with the Technical Assistance provider is scheduled for February 26, 2020. A meeting is scheduled for April 8-10, 2020 for the grant partners to begin establishment of requirements.
 - The grant provides the opportunity for ICJ to build the UNITY data system for future data sharing capabilities.

Adjourn

A. Connor (ID) made a motion to adjourn. J. Pelander (WA) seconded. Chair J. Rader (NE) adjourned the meeting at 1:45 PM ET.