

# INTERSTATE COMMISSION FOR JUVENILES EXECUTIVE COMMITTEE



## ***Minutes***

**September 9, 2019, 1:00 PM ET**

**Sheraton Indianapolis City Centre Hotel, 21<sup>st</sup> Floor, Panorama A**

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### **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 De Jesus (CA) Technology Committee Chair
6. Cathlyn Smith (TN) Training Committee Chair
7. Jeff Cowger (KS) Rules Committee Chair
8. Becki Moore (MA) East Region Representative
9. Traci Marchand (NC) South Region Representative
10. Charles Frieberg (SD) Midwest Region Representative
11. Dale Dodd (NM) West Region Representative
12. Trudy Gregorie, Ex officio Victims Representative

### **Guests in Attendance:**

1. A.J. Sharp, Hicks and Associates, CPAs (present via teleconference)
2. Kim Lough, FBI CJIS Division
3. Frank Xavier, Optimum Technology
4. Carla Fults, Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC)

### **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 A. Connor (ID) called the meeting to order at 1:01 PM ET.

### **Roll Call**

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

### **Agenda**

- **N. Dalton (VA) made a motion to approve the agenda. J. Pelander (WA) seconded. The motion carried.**

## **Minutes**

- **C. Frieberg (SD) made a motion to approve the July 25, 2019 meeting minutes as amended. J. Rader (NE) seconded. The motion carried.**

## **Commission Chair Report**

- Chair A. Connor (ID) welcomed and introduced the guests present at the Executive Committee meeting: Kim Lough Management and Program Analyst for the Criminal Justice Information Services Division of the FBI; Frank Xavier Vice President of Optimum Technology; and Carla Fults APSHA Director of the Association of Administrators of the Interstate Compact on the Placement of Children.

## **National Office Report**

- Executive Director Underwood provided reports on behalf of the National Office.
- **FY 19 Auditor Report**
  - Executive Director Underwood reported that the Fiscal Year 2019 audit had been completed. She introduced A.J. Sharp of Hicks and Associates, CPAs, who presented the draft independent audit findings. He reported that findings included an unmodified opinion, and explained that means no significant concerns were identified. There were no recommendations made by the auditors for improved policies and procedures for the upcoming FY 2020. The for (4) of the five (5) recommendations made for FY 2019 had been successfully implemented. The Executive Committee previously decided not to implement the fifth recommendation.
  - **D. Dodd (NM) made a motion to approve the draft audit report. J. Rader (NE) seconded the motion. The motion carried.**
- **Data System Development Project Contract**
  - Executive Director Underwood reported that, once the contract was approved, work on the new data system project would begin within a month. The Commission will form three (3) work teams to assist with business analysis, reporting/data analytics, and training. The system is expected to be launched in the fall of 2020.
  - The contract has been reviewed by the National Office staff; Legal Counsel Rick Masters; Candice Alfonso, NJ DCA and attorney; and an affiliated contract specialist in Idaho.
  - Executive Director Underwood present the projected timeline and budget for the contract process over the next 5 years. The floor was opened for committee discussion.
  - Committee members and Optimum Technology Vice President F. Xavier discussed the anticipated programming and testing hours that would be completed, the number of developers that would be assigned to the project, data migration, software maintenance and support, future hosting and software maintenance, and manual regression testing by the Optimum Technology Quality Analyst.

- **J. Rader (NE) made a motion to approve the signature of the contract with Optimum Technology for development of the ICJ's new data system. N. Dalton (VA) seconded. The motion carried.**
- **Budget Revisions for FY 20 and FY 21**
  - Executive Director Underwood presented the budget revisions for FY20 and FY21 to include the new data system contract and non-contractual costs such as business analysis reporting/data analytics, training, staff travel costs, additional software, and data migration.
  - Executive Director Underwood presented the ICJ Fiscal Outlook with a summarizy of operational funds, current checking and savings account balances, current and future plans for investment holdings, and the expected income for FY21.
  - The committee discussed future market trends, the potential financial risks and gains of halting the transfer of funds from savings to investments, adjusting the balances held in Long-Term Stocks versus Short-Term bonds, and adjusting the stock/bond ratio.
  - **J. Pelander (WA) made a motion to halt the transfer of funds from the Commission's Savings Account to the Vanguard Investment Accounts. T. De Jesus (CA) seconded. The motion carried.**
  - **J. Pelander (WA) made a motion to modify the investment portfolio to a lower risk profile by transferring \$815,000.00 from the Long-Term Stock Account to the Short-Term Bond Account. T. De Jesus (CA) seconded. The motion carried.**
  - Executive Director Underwood discussed the long-term impact of the new data system to the Commission's budget for hosting and maintenance. Possible reductions to specific line items and potential future raises in state dues were discussed to compensate for any deficits.
  - Executive Director Underwood presented the Budget Worksheet for FY19, 20 and 21 budgets with proposed amendments reflecting the approval of contracting with Optimum Technology for the new data system, changes in the investment strategy, and data migration expenses.
  - **J. Pelander (WA) made a motion to accept the amendments as presented for the FY 20 budget and the FY 21 proposed budget. T. De Jesus (CA) seconded. The motion carried.**
- **State Updates**
  - In Georgia Tyrone Oliver has been appointed as Commissioner.
  - Hawaii's Commissioner position remains vacant at this time.
- **Dues Updates**
  - FY 20 dues have been received from all but 8 (eight) states at this time. Three (3) states are past due and five (5) states are due at a later date due to variances in their fiscal year calendar.

## **Region Reports**

### **East Region – Becki Moore (MA)**

Representative B. Moore (MA) reported the East Region last met on July 18, 2019 and provided the following updates:

- The region discussed pending rule proposal recommendations from the Rules Committee for Rule 4-102: Sending and Receiving Referrals. The region voted to amend the proposal as recommended by the Rules Committee.
- The region also discussed Rule 8-101: Travel Permits and voted to withdraw the proposal as suggested by the Rules Committee.
- Two (2) new Commissioners have been appointed in the region, Caitlyn Bickford for the state of New Hampshire and Jessica Nash for the state of Rhode Island.

### **Midwest Region – Chuck Frieberg (SD)**

Representative C. Frieberg (SD) reported that the Midwest Region met on August 1, 2019 and provided the following updates:

- The region discussed pending rule proposal recommendations from the Rules Committee for Rule 6-102: Voluntary Return of Runaways Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders. The region voted to withdraw the proposal to conduct additional research and collaboration for proposal during the next rulemaking cycle as recommended by the Rules Committee.
- The region discussed reimbursement options for states that provide ICJ airport surveillance services to other states to receive reimbursement. The four (4) Region Representatives discussed the topic and concerns during their Face-to-Face meeting and agreed that no changes were warranted at this time. After Representative Frieberg (SD) reported the Region Representatives concerns to the Midwest region, the Region decided not to advance a proposal at this time.
- Region members also discussed utilization of a standard form for reporting runaways/AWOL returns to expedite and streamline the returns. The Region Representatives discussed the suggestion at their Face-to-Face meeting and agreed that most states had already developed and were utilizing a form for reporting runaways/AWOL returns with-in their states and agreed that no changes were warranted in the current process. This was reported back to the Midwest region members, who agreed not to advance a proposal at this time.
- The state of Indiana has appointed Mary Kay Hudson as Commissioner.

### **South Region – Traci Marchand (NC)**

Representative T. Marchand (NC) reported the South Region met on July 11, 2019 and provided the following updates:

- The committee discussed Executive Committee updates, state updates and training initiatives. Also discussed was the development of a South Region Sub-work Group to discuss and research reimbursements for states providing airport surveillance. That Sub-work Group met on August 13, 2019 for discussion. Due to the numerous concerns

discussed the Sub-work group agreed not to advance a proposal at this time.

- Two (2) new Commissioners have been appointed in the region, Tyrone Oliver for the state of Georgia and Jefferson Regis for the District of Columbia.

### **West Region – Dale Dodd (NM)**

Representative D. Dodd (NM) reported that the West Region met July 30, 2019 and provided the following updates:

- The region discussed the new proposed Rule 2-107: State Councils that had been brought forward by the Idaho State Council had been recommended by the Rules Committee to move forward for consideration by the Commission during General Session.
- Two (2) new Commissioners have been appointed in the region, Cathy Gordon for Montana and Maureen Clifton for Wyoming. The Commissioner position for the state of Hawaii remains vacant. Nina Belli has been appointed a full-time designee for the state of Oregon.

### **Committee Reports**

#### **Compliance Committee – Jacey Rader (NE)**

Chair J. Rader (NE) reported the committee met on August 8, 2019 and provided the following updates:

- The committee reviewed and discussed the Sanctioning Matrix Guidelines, as was previously suggested by the Executive Committee.
- The committee discussed two viable options. One very descriptive version outlining the sanctions and fines that are most appropriate based on providing points to determining factors of the severity of the violation. The other would be descriptive but would be more broad-based and general so that it could also be utilized for cases outside the matrix. Chair J. Rader (NE) expressed that either option that is pursued in the future would need to be transparent and fair.
- The Committee suggested that the draft amendments should be vetted through the regions so that Commission members can provide feedback with a proposal being brought forward in the future.
- Review and amendment of the Sanctioning Matrix Guidelines will continue through the next year by the committee.

#### **Rules Committee – Jeff Cowger (KS)**

Chair J. Cowger (KS) reported the committee last met on August 7, 2019 and provided the following updates:

- The committee reviewed the fifteen (15) proposals that will be presented to the Commission for consideration. Thirteen (13) of the proposals are supported by the Rules Committee. The committee prepared for a presentation that will cover each proposal and the justification behind the proposal for Tuesday, September 10, 2019.

- There will be a Public Hearing held on Monday, September 9, 2019 at 4:30 E.T. for the public and members to ask questions and make comments regarding the proposed rules.
- On Wednesday, September 11, 2019 the proposed rule amendments will be presented to the full Commission for voting.

### **Legal Counsel Report**

R. Masters presented draft Advisory Opinion 04-2019 to address whether utilization of an outdated Form IA/VI is a legitimate basis for the receiving state to treat the referral of a supervision case as an incomplete referral. The rejection of the referral is pursuant under ICJ Rule 4-102: Sending and Receiving Referrals (2) (b).

- **N. Dalton (VA) made a motion to approve for publication Advisory Opinion 04-2019. D. Dodd (NM) seconded. The motion carried.**

### **Victims Representative Report – Trudy Gregorie**

T. Gregorie reported there were no current updates to discuss.

### **Old Business**

- **Mentoring Program Policy**
  - Chair A. Connor (ID) presented the Mentoring Program Policy and reported that an amendment was proposed to address an oversight to enable Deputy Compact Administrators (DCAs) and other experienced staff to be mentors. This was included in one section of the policy and should have been included in another section of the policy for consistency.
  - **C. Smith (TN) made a motion to approve the proposed amendment to the Mentoring Program Policy. J. Rader (NE) seconded. D. Dodd (NM) abstained. The motion carried.**
- **FBI Collaboration**
  - Chair A. Connor (ID) welcomed guest K. Lough (FBI CJIS) and reported that 36 states completed the FBI Collaboration Survey with a total of 42 responses. The floor was opened for discussion.
  - K. Lough and committee members discussed “wanted juvenile/missing person” entries into the National Crime Information Center (NCIC); whether entries were being completed appropriately; mandatory fields and requirements for entry into to the NCIC system; access issues to the system for ICJ compact field staff; issues with state statutes around juvenile confidentiality; and usage of the Supervised Release File in the system to assist in tracking juveniles under supervision that may be crossing state lines.

## **New Business**

### ○ **ABM Updates**

- Chair A. Connor (ID) reported the following 2019 ABM updates:
- A total of 97 participants registered to attend the 2019 ICJ Annual Business Meeting. Each state and territory sent a voting representative, with the exception of HI that currently has a vacant Commissioner position, for a total of 51 voting members.
- The name badges were redesigned to include the agenda with room assignments for each day on the back. A scan code was added on the front that allows for downloading the new 2019 ABM application for smart phones and tablets. The app includes the agenda, directory of attendees, restaurants nearby, shuttle information, reimbursement forms, and other pertinent information.
- Changes to the Afternoon Presenters Luncheon and the New Commissioners luncheon have been made to help facilitate discussion and collaboration.

### ○ **Region Meetings and Elections**

- This year's election will be held for chairperson, vice chairperson and treasurer as the region representative positions are held for two (2) years. None of the current officers are interested in serving another term. Eligibility, nomination procedures and voting procedures were discussed.
- The national office staff will be utilizing WebEx for the first time to record region meetings this year. This requires the utilization of a sensitive microphone so region representatives are asked to encourage attendees to keep side conversations limited and to speak one at a time.

### ○ **Ex officios**

Eight (8) ex officio members will be attending this year from several affiliated organizations.

### ○ **Committee Sign-Ups**

This year re-introduction of committee sign-up sheets will be utilized to assist in the establishment of committees in a timely manner. Region representatives are asked to encourage region members to sign-up for committees while they are present at the ABM.

### ○ **Ad Hoc Committee on Juvenile/Adult Issues**

- Chair A. Connor (ID) presented the proposed purpose statement for the Ad hoc Committee on Juvenile/Adult Issues that was suggested bby the Rules Committee and incorporated into the FY 2020-2022 Strategic Plan. This would be a temporary committee tasked with researching and making recommendations for cases that involve an individual who may be considered a juvenile in some cases or states and an adult in others. The focus will be to address the intersection between adult and juvenile courts with regard to due process and returns.
- **D. Dodd (NM) made a motion to create an Ad hoc Committee on Juvenile/Adult Issues for FY 20. C. Frieberg (SD) seconded. The motion carried.**

- **2019 Annual Report**

- Chair A. Connor (ID) presented the draft FY 2019 Annual Report. The report highlights the 10 year anniversary, final achievements under the FY 2016-2019 strategic plan, work of the RFP team on the development project for the new data system, and the FY 19 audit summary report.
- **C. Smith (TN) made a motion to approve the FY 19 Annual Report for publication and distribution. J. Pelander (WA) seconded. The motion carried.**

- **Adjourn**

Chair Connor adjourned the meeting by acclamation at 3:15 PM ET.