



## INTERSTATE COMMISSION FOR JUVENILES

### Midwest Region Meeting

#### *Minutes*

September 26, 2017

2:45 p.m. PDT

#### **Regional Commissioners/Designees in Attendance:**

1. Nina Belli (OH) Representative
2. Tomiko Frierson (IL) Commissioner
3. Jane Seigel (IN) Commissioner
4. Jeff Cowger (KS) Commissioner
5. Roy Yaple (MI) Commissioner
6. Tracy Hudrlik (MN) Commissioner
7. Jacey Nordmeyer (NE) Commissioner
8. Charles Frieberg (SD) Commissioner
9. Shelley Hagan (WI) Commissioner

#### **Regional Commissioners/Designees Not in Attendance:**

1. Tracy Fliger (IA) Designee
2. Mike Rempe (IA) Commissioner
3. Lisa Bjergaard (ND) Commissioner

#### **Compact Office Staff in Attendance:**

1. Tami Hoffman (IA)
2. Nita Wright (IN)
3. Rebecca Hillestead (MN)
4. Jessica Wald (ND)
5. Harvey Reed (OH)

#### **Guests in Attendance:**

1. Marron Mahoney (IL)
2. Maureen Blaha, Ex Officio
3. Matthew Reece, California Challenge
4. Rick Masters, Legal Counsel

#### **ICJ Staff in Attendance:**

1. Jenny Adkins, Project Manager

#### **Call to Order**

Representative Belli called the meeting to order at 2:47 p.m. PDT

#### **Roll Call**

J. Adkins called the roll and a quorum was established.

## Agenda

- Representative Belli welcomed attendees to the Midwest Region meeting.
- **S. Hagan (WI) made a motion to approve the agenda. J. Seigel (IN) seconded. The motion passed.**

## Minutes

- T. Hudrlik (MN) made a motion to approve the minutes dated March 16, 2017.**
- R. Yaple (MI) seconded. The motion passed.**

## Discussion

### Executive Committee Updates

- Representative Belli updated that both the House and Senate approved bills regarding the Reauthorization of the Juvenile Justice Delinquency Prevention Act (JJDP). The House version contains the same language as last year which included the 15-day ICJ exception language proposed in the House version. The National Office will monitor progress and keep us posted on any developments.
- Representative Belli highlighted that the fiscal year 2018 budget contains a new line item of \$150,000 for Special Projects. Funds for this line item were made available due the savings realized from the disaffiliation from the Council of State Governments in December 2016. The Executive Committee is reviewing the Strategic Initiatives for direction on how to use the funds to further the goals of the Commission.
- Representative Belli commented that the Technology Committee's website redesign product is complete and existing users are required to update their passwords prior to logging in. Representative Belli thanked Ms. Jenny Adkins, the National Office and the Technology Committee for all of their contributions to this successful upgrade. S. Hagan (WI) noted that the Commission will realize substantial savings due to a decrease in yearly web hosting costs.

### Sanctions Guideline

- S. Hagan (WI) presented a draft Sanctions Guideline, which is the result of two-years of work by the Compliance Committee to provide a framework for imposing fines for non-compliance. She explained that while the Compact inherently authorizes enforcement and imposition of fines, the guideline provides fine limits by incident-type. Regarding application of the guideline, she noted that fines are imposed only after all other means to cure non-compliance are exhausted such as the use of Training and Technical Assistance and mediation and opened the floor for comments and suggestions to the document.
- R. Yaple (MI) inquired if the policy had already been approved, or if not, would it be approved by the Executive Committee at a future date, and when it might go into effect. Representative Belli noted that in an effort to be transparent and solicit feedback from the Commission, the Executive Committee chose to present the guidelines at the face-to-face region meetings. S. Hagan (WI) added that the Executive Committee will review comments at their next meeting and noted that they could approve the policy which could be effective within this calendar year.
- J. Cowger (KS) said that the Sanctions Guideline would assist states in enforcing compliance with their local field staff. J. Seigel (IN) added that when the ICJ was enacted in Indiana, their state statute intentionally included language that held local offices responsible for violating the Compact within their state.

- R. Yaple (MI) commented that states can use the guidelines to impress upon judges and others the severity of violating the ICJ Rules and voiced support for the fine limits outlined in the guideline. Additionally, the amount of the fine may not be the issue, but rather the fact that a fine is imposed shows that nothing else to remedy the non-compliance has worked. R. Masters responded that there have been two cases where fines have been levied on states for violating the Compact and that while a judge may be immune from a lawsuit, a state can still be fined.
- J. Cowger (KS) noted that having a guideline in place for fines negates any argument that fines assessed are arbitrary.
- J. Nordmeyer (NE) commented that on the adult side, the sanctions matrix is referred to as an educational piece and having a similar document would assist on the juvenile side.
- R. Yaple (MI) questioned setting a precedent for fines and asked that if one state is fined, if a second state with the same issue would also necessarily be fined. Representative Belli answered that the assessment of any fine is at the direction of the Executive and Compliance Committees.
- T. Hudrlik (MN) added that the process was similar on the adult side, where the issue is first considered by the Compliance Committee, sometimes resulting in a recommendation to the Executive Committee which sometimes leads to a referral to Legal Counsel.
- Representative Belli thanked S. Hagan for presenting the Sanctions Guideline to the region.

## **2017 Rule Proposals**

Representative Belli opened the floor for discussion on the 2017 proposed rule amendments.

### **East Region Proposals: 1-101, 4-103, and 8-101**

- S. Hagan (WI) brought up the East Region proposals to Rules 1-101, 4-103, and 8-101 and asked other region members if they were concerned about supervision preceding the submission of the transfer packet and other applicable information. T. Frierson (IL), Representative Belli, and R. Yaple (MI) voiced concern over the proposals.
- T. Hudrlik (MN) explained that the proposals would make the transfer process more similar to the adult side regarding continuity in supervision which is in the interest of public safety.
- J. Seigel (IN) added that the Indiana State Council supports the proposals because they would ensure no lapse in supervision.
- R. Yaple (MI) said the Michigan State Council was concerned that the proposed language changes to 4-103(3)(c) potentially contradict language in 4-103(d) regarding the sending state's responsibility to supervise until supervision is accepted by the receiving state.
- S. Hagan (WI) commented that the East Region's proposed change to 8-101 requiring mandatory reporting instructions for travel permits issued to test a residence is complicated by the language in Rule 4-103(d). She stated that reporting instructions are currently discretionary and requiring them for all travel permits issued to test a residence could be cumbersome.
- J. Cowger (KS) said that issuing reporting instructions should be discretionary and handled on a case-by-case basis.

### **New Rule 2-106: Request for Juvenile Information**

- R. Yaple (MI) explained that at first, he was not in favor of the amendment and prefers to reference the Advisory Opinion 01-2015 regarding the authority for ICJ offices to

conduct record checks for another state. However, he referenced a comment by Mike Lacy (WV), made during a previous meeting, which highlighted that the proposed rule language says “may share information” and emphasized that states retain the right to refuse to provide any information to other states on non-compact juveniles.

- T. Frierson (IL) stated that she only shares whether or not the juvenile is on probation or parole and no other information is provided.
- N. Belli (OH) echoed T. Frierson’s comments and said when she receives requests of this nature, she will only advise if the juvenile has active court involvement with her local court such as if the juvenile has any active warrants, pending cases and/or is on probation/parole

### **State Updates**

- In addition to the state council updates, the Midwest Region States reported the following:
  - T. Frierson (IL) updated that the state will host a judges training in April and is working on state council appointments.
  - J. Seigel (IN) updated that the ICJ Indiana Compact office restructuring is complete and Nita Wright is the DCA for probation. In addition, J. Seigel recently trained a group of public defenders.
  - T. Hoffman (IA) announced that Traci Fliker retires on September 29 and Tami will cover ICJ until the new DCA assumes the position. Tami updated that Traci also trained court officers at a state conference.
  - J. Cowger (KS) updated that the state is trying to fill state council vacancies.
  - R. Yapple (MI) updated that former Commissioner Dale Murray retired. He updated that the state-wide audit is almost complete. He asked the region about how other states appoint Commissioners, either by governor or state council. He also asked if it was possible for JIDS to email users a reminder that their passwords are overdue. N. Belli (OH) and Ms. Adkins indicated that JIDS is unable to perform this function. Lastly, R. Yapple brought up as a discussion topic the issue of juveniles moving out of state just after committing crime and asked if this was a trend for other states.
  - T. Hudrlik (MN) shared that the ICJ office is fully staffed and they have a state council meeting in November.
  - J. Nordmeyer (NE) updated that their state conducted a joint ICJ-ICAOS training via WebEx, reaching over 800 staff.
  - J. Wald (ND) updated that their state has seen an increase in absconders and that other state’s ICJ offices have been helpful with these cases. J. Wald added that they conduct human trafficking training and have developed training curriculum on the topic.
  - C. Frieberg (SD) reported that they had a state council meeting in September and will meet again in January.
  - S. Hagan (WI) updated it has been 2 years since Wisconsin has had a fully-functioning state council. She explained how the state determines aftercare supervision and updated that as of July 1, Milwaukee County is functioning as an independent unit.
  - Representative Belli updated that she has conducted a multi county ICJ training with her locals which resulted in her being asked to present at a 2018 statewide court conference. N. Belli indicated that additional upcoming ICJ trainings are scheduled with her local courts as well as their state’s next council meeting.

### **Officer's Slate**

- There were no nominations for Vice Chair, Chair, or Treasurer.

### **Old Business**

- No old business.

### **New Business**

- Representative Belli presented the newly approved ICJ Transition/Succession Plan Template as a tool for states to prepare for changes in ICJ office staff and to share information about their state's contacts and policies. The document is voluntary and will be retained by the regional representatives.
- S. Hagan (WI) questioned what format the template would be made available. J. Adkins updated that the national office will send states an Excel document so they can fill in as much information as needed in each field.
- J. Seigel (IN) asked what was meant by "law enforcement." Representative Belli will follow-up and email the region with clarification.
- The next Midwest Region meeting will be held on December 12<sup>th</sup>, 2017.

### **Adjourn**

- Representative Belli adjourned the meeting without objection at 4:05 p.m. PDT.