

INTERSTATE COMMISSION FOR JUVENILES

West Region Meeting Minutes



May 04, 2022
3:00 p.m. ET
Via Zoom

Voting Members in Attendance:

1. Michael Farmer (CA), West Region Representative
2. Dale Dodd (NM), West Region Alternate Representative
3. Howard Wykes (AZ), Commissioner
4. Summer Foxworth (CO), Commissioner
5. Kristin Davidson (HI), Commissioner
6. Anne Connor (ID), Designee
7. Nina Belli (OR), Commissioner
8. Raymundo Gallardo (UT), Designee
9. Jedd Pelander (WA), Commissioner
10. Maureen Clifton (WY), Commissioner

Voting Members Not in Attendance:

1. Shannon Dilley (AK), Commissioner
2. Cathy Gordon (MT), Commissioner
3. David Laity (NV), Commissioner
4. Neira Siaperas (UT), Commissioner
5. Dawn Bailey (WA), Designee

Compact Staff in Attendance:

1. Shirleen Cadiz (HI)
2. Jen Baer (ID)
3. Gladys Olivares (NV)
4. Kelsey Hewit (OR)
5. Kimberly Heywood (UT)
6. Krysta Van Woert (WA)
7. Brandon Schimelpfenig (WY)

Guest in Attendance:

1. Stephen Horton (NC)

National Office Staff & Legal Counsel in Attendance:

1. MaryLee Underwood, Executive Director
2. Emma Goode, Logistics and Administrative Specialist
3. Jenny Adkins, Policy and Operations Specialist
4. Amanee Cabbagestalk, Training and Administrative Specialist

Call to Order

Representative Farmer called the meeting to order at 3:00 p.m. ET.

Roll Call

Director Underwood called the roll and quorum was established.

Agenda

M. Clifton (WY) made a motion to approve the agenda as presented. N. Belli (OR) seconded. The motion carried.

Minutes

S. Foxworth (CO) made a motion to approve the February 16, 2022 meeting minutes as presented. H. Wykes (AZ) seconded. The motion carried.

Discussion

Rule 7-104: Warrants and No-Bail Issue

- Representative Farmer invited Stephen Horton (NC), ICJ Rules Committee Chair, to provide an update on an issue referred to the Rules Committee regarding the ICJ Rule 7-104, paragraph 4. Last year, Idaho raised a concern that ICJ Rule 7-104 conflicts with several state constitutions that require issuance of bail in pre-adjudicated cases. The issue stemmed from a case between Idaho and Washington wherein a Washington judge released a non-adjudicated Idaho juvenile, citing the Washington State Constitution's provisions which do not allow holding without bail.
- Stephen Horton (NC) shared that he spoke with both J. Pelander (WA) and A. Connor (NV) about the matter. The Rules Committee discussed the matter and tabled discussion to acquire additional information about the frequency of the issue, particularly in the West Region. Representative Farmer opened the floor for input on the issue from other states.
- A. Connor (ID) shared details regarding the two cases involving accused Idaho youths who were 18 years of age and were released on bail in Washington. An ICJ Form II (Requisition) was submitted for each juvenile. One case was resolved after much communication behind the scenes. In the other case, the youth was never picked up.
- A Connor (ID) noted that state Compact office staff have been trained that the Compact takes precedence over state laws. However, the [ICJ Statute Article XIII, Section A, 2.](#) states differently with regard to the state constitutions and other compacts. She suggested acknowledging there is an issue, as there is impact to both states. She also noted the issue cannot be addressed through a change in the ICJ Rules. Since the concerning provision is part of the ICJ statute, the only way to change it would be to have an amendment adopted by all 52 states/territories.
- J. Pelander (WA) shared that the Washington judge noted the case to be a pre-adjudicated misdemeanor, and cited the Washington Constitution's prohibition against holding without bail. He advised that other State Constitutions have been reviewed and include similar language. While there have been only a few instances, such issues could become more common in the future. It appears the juvenile would have been held if there had been a prior conviction; however, the cases were pre-adjudication.
- S. Horton (NC) shared his concerns about judicial authority and posed the question of how a holding state judge would have authority to issue bail on a case that did not originate in his jurisdiction. A. Connor (ID) agreed that determining jurisdiction would be an excellent place to start. Director Underwood updated that Rick Masters, Legal Counsel, has been asked to research the matter as it relates to pre-adjudicated cases.
- A. Connor (ID) suggested that the Commission acknowledge the issue and share information with Commission members to prepare them for similar situations.

- Representative Farmer added it would be interesting to know why the Interstate Commission for Adult Offender Supervision (ICAOS) did not include the language in the ICJ Article XIII Section A. 2. which reads: "All compacting states' laws other than state Constitutions and other interstate compacts conflicting with the compact are superseded to the extent of the conflict." He also was trained that the ICJ trumps all other laws.
- Several West Region states indicated via chat message that they had not encountered the problem.
- S. Horton (NC) thanked the West Region for their time and information. The Rules Committee looks forward to hearing what the case law research by Legal Counsel reveals.

Committee Updates

Executive Committee

- Vice Chair Belli (OR) provided updates from the Executive Committee. First, the ICJ Strategic Plan is being updated and will be finalized in June. Regarding the resource improvement project, research was completed for the addition of a Compact Online Resource Encyclopedia (CORE) for the ICJ similar to the ICAOS resource. It was determined that CORE cannot be replicated for ICJ due to the differences in website platforms. Jenny Adkins is updating the website and has already increased the online search capability for many ICJ pdf documents. The annotated rules resource created by Jen Baer (ID) is also being reviewed as a strategy to improve access to resources.
- Collaboration with the FBI that started in 2019 has resulted in NCIC field changes that will help ICJ. A new indicator will be added to the Wanted Person File, Missing Persons File, and Supervised Release File. The field for bond amount was previously numeric and will be changed to allow alpha-numeric characters, which will allow for entry of "not eligible".
- After reviewing the 2022 Annual Business Meeting (ABM) survey results and much discussion, the Executive Committee agreed that the 2022 ABM will be conducted in person with unlimited attendees. For those who cannot attend in person, training sessions and the General Session will be presented online via live stream. As the date approaches, COVID safety precautions recommendations from Vermont and the CDC will be monitored and announced.

Compliance Committee

- J. Pelander (WA) updated that the Compliance Committee issued a video and memorandum regarding changes to the annual ICJ Performance Measurement Assessment (PMA). This year, states will not receive a state-specific PMA Report. Instead, states should now monitor their progress real-time via UNITY/Tableau Reports. This year, a UNITY National Data Assessment will be conducted to assess nationwide trends and issues.

Technology Committee

- Representative Farmer reminded members that UNITY is approaching its one-year anniversary and direct access to JIDS will cease. He reminded states to gather any information needed from JIDS prior to May 17.

Training Committee

- Director Underwood provided an update on the Training Committee. Currently, approximately 1,000 courses per month are being completed via ICJ.TalentLMS. The monthly UNITY workshops continue, often focusing on UNITY tips and tricks. Individuals were encouraged to contact Amanee Cabbagestalk at the National Office to share ideas for future workshops.
- Three training presentation recordings are now available on ICJ.TalentLMS:
 - “Introduction to the ICJ Rule Making Process;”
 - “2022 ICJ Rule Amendments;” and
 - “Transportation ID Form Training.”
- The 2022 ABM Agenda training topics for the 2022 ABM include:
 - Communication and Leadership - Dr. Mark Nelson
 - Human Trafficking – ICJ Panel
 - Racial Equity - Dr. Maryam Jernigan-Noesi
- The Committee is discussing development of a white paper on sex offender registration. Please forward any related questions or information for the new document to Amanee Cabbagestalk.
- The *ICJ Training and Technical Assistance Policy* was updated for clarity. Training and Technical Assistance continues to be available by completing the online request form.
- A new *ICJ Best Practice: Communication Guidelines with Juveniles and Family Members* has been developed, and will be reviewed by the Training Committee soon. This new resource will provide guidance for both Compact and field staff.

State Updates

California

- Representative Farmer (CA) updated that he has been meeting regularly with the Division of Adult Parole Operations regarding the transition of ICJ to that division. The division is housed under the California Department of Corrections and Rehabilitation with dedicated staff for juveniles.
- The position left vacant by Tony DeJesus two years ago has remained vacant and will be posted soon. The transition will begin July 1, 2022. Major changes are not initially anticipated.

Hawaii

- K. Davidson (HI) updated that the Hawaii ICJ State Council recently met.
- S. Cadiz (HI) shared a recent human trafficking case involving a New York youth who traveled to California and then to Hawaii. She acknowledged the collaboration and assistance by California for a successful return to California.

Idaho

- A. Connor (ID) updated the Idaho State Council met in May and the next meeting is scheduled for October. Currently, there is one vacant seat due to the retirement of a long-time judicial member.
- Idaho had a complex human trafficking youth return recently. She expressed her appreciation to the Compact staff involved and the ICJ human trafficking resources available.

New Mexico

- D. Dodd (NM) reported an increase in human trafficking cases. The largest current issue in New Mexico is the lack of detention beds for juveniles. The

number of detention facilities has been reduced from 17 to 3 with a total of 119 beds for the entire state.

Oregon

- N. Belli (OR) updated that a virtual Oregon State Council meeting is scheduled for May 13.
- She also complimented Representative Farmer and the California staff for their assistance to resolve one of the most challenging ICJ cases.

Washington

- J. Pelander (WA) acknowledged Utah and Idaho for their assistance with recent Washington return cases.

Old Business

Strategies for Coping with Limited Detention Options for Non-Delinquent Runaways

- Representative Farmer update that he previously agreed to keep the topic: *Strategies for Coping with Limited Detention Options for Non-Delinquent Runaways* on the agenda for the meeting for any new information to share.
- Representative Farmer will remove the issue from future agendas, as no new information was reported.

New Business

Annotated ICJ Rules

- Representative Farmer requested that the National Office provide an update about plans for development of an annotated ICJ Rules and/or a CORE resource.
- Director Underwood commented that the resource improvement project is part of the ICJ Strategic Plan mentioned earlier by Vice Chair Belli. She asked Jenny Adkins to share more information about her work and the findings.
- Jenny Adkins updated on a couple options being considered for a more robust searchable website feature.
 - Many of the ICJ resource documents in PDF format on the website have been restructured. This update allows PDF documents to be identified using the “search” feature, which expands the spectrum of resources identified on particular topic.
 - An “annotated ICJ Rules” resource involves the addition of links to other resources, similar to the document developed by Idaho. Jenny Adkins provided a quick overview of a potential format. This format would provide links at the bottom of each rule within the history section.
- Representative Farmer suggested that the annotated rules format is particularly useful for novice users and others who may not know what terms to search for in the ICJ Rules.
- Director Underwood encouraged members to use the updated search to experience the wealth of resources found from the search.

Adjourn

- Representative Farmer reminded members that he will be completing his 2-year tenure as West Regional Representative in October and asked members to

consider running for the West Regional Representative position that will be vacant in October.

- **H. Wykes (AZ) made a motion to adjourn. Representative Farmer adjourned the meeting by acclamation without objection at 4:11 p.m. ET.**