

INTERSTATE COMMISSION FOR JUVENILES

West Region Meeting Minutes



October 5, 2021

3:30 p.m. ET

Via Zoom, in tandem with 2021 Annual Business Meeting

Voting Members in Attendance:

1. Michael Farmer (CA), West Region Representative
2. Shannon Dilley (AK), Commissioner
3. Howard Wykes (AZ), Designee
4. Summer Foxworth (CO), Commissioner
5. Kristin Davidson (HI), Commissioner
6. Anne Connor (ID), Designee
7. Cathy Gordon (MT), Commissioner
8. Dale Dodd (NM), Commissioner
9. David Laity (NV), Commissioner
10. Nina Belli (OR), Designee
11. Raymundo Gallardo (UT), Designee
12. Jedd Pelander (WA), Commissioner
13. Maureen Clifton (WY), Commissioner

Voting Members not in Attendance:

1. Jeff Hood (AZ), Commissioner
2. Neira Siaperas (UT), Commissioner

Compact Staff in Attendance:

1. Nichel Saceda-Hurt (AK)
2. Shirleen Cadiz (HI)
3. Gladys Olivares (NV)
4. Diane Grass (NV)
5. Kimberly Haywood (UT)
6. Dawn Bailey (WA)
7. Krysta Vanwoert (WA)

Guests in Attendance:

1. Marlena Allen (NM)
2. Tannan Birmingham (NV)

National Office Staff & Legal Counsel in Attendance:

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

Call to Order

Representative Farmer called the meeting to order at 3:30 p.m. ET.

Roll Call

Director Underwood called the roll and quorum was established.

Agenda

A. Connor (ID) made a motion to approve the agenda as presented.

M. Clifton (WY) seconded. The motion carried.

Minutes

N. Belli (OR) made a motion to approve the July 20, 2021 meeting minutes as presented. S. Foxworth (CO) seconded. The motion carried.

Discussion

- Executive Committee Updates
 - Chair Farmer noted that much of Executive Committee's recent work has been or will be discussed at other sessions during the Annual Business Meeting (ABM).
 - Chair Farmer noted an [Advisory Opinion](#) was recently released.
 - Director Underwood noted that the Annual Report was distributed via email. She added that printed copies are available upon request. Also, the FY 2021 Fiscal Audit was completed and can be described as a "good clean audit."
 - Chair Farmer noted that a "PDF print version" of the Annual Report is also available upon request. The charts in this PDF document have been reoriented for better printing.
 - Chair Farmer encouraged members to sign up for committees using the link available through the SpotMe page used for the ABM.
 - Chair Farmer noted that elections would be held the following day, and that Nina Belli (OR) is a candidate. He noted that the West Region has a large number of potential leaders and encouraged members to pursue leadership and committee participation.

- Roundtable
 - Holding Non-Delinquent Minors
 - Representative Farmer (CA) advised that challenges with holding non-delinquent minors have been increasing for several years. As juvenile justice reform efforts are advanced, many detention centers are being closed or re-purposed. It is increasingly hard to arrange for juveniles to be held securely pursuant to ICJ.
 - J. Pelander (WA) noted that recent changes to state law are resulting in more challenges in having youth taken into custody pursuant to ICJ. However, the changes are relatively recent and it is too soon to understand the full impact.
 - D. Dodd (NM) shared that detention centers have been closed throughout the state, in part due to the pandemic. In New Mexico, there are only five (5), which are located only in urban settings. This means law enforcement must drive up to 200 miles each way. The burden has been eased somewhat by the use of videoconferencing for hearings.

- D. Laity (NV) added that detention centers in Nevada are being retooled into smaller residential units to serve youth who are homeless and in need of services.
 - S. Foxworth (CO) reported that challenges are most significant in smaller counties. When a youth refuses to voluntarily return or has a family member in the state, officials are less likely to hold the non-delinquent in detention. There are ongoing discussions of closing facilities and combining efforts in smaller communities.
 - A. Connor (ID) stated that two facilities in eastern Idaho are using beds that were earmarked for juvenile sex offender treatment and other specialized treatment. Facilities are somewhat flexible in how they use them. For example, a juvenile whose first language was Spanish was recently relocated for better language access.
 - M. Clifton (WY) noted that Wyoming court officials have always been reluctant to hold non-delinquent minors.
 - Director Underwood inquired whether any action should be taken by the Commission.
 - M. Farmer (CA) noted that he would be interested a survey to find out how other states are addressing the issue. He also suggested that the rule requiring non-delinquent runaways to be held only when a “danger to self or others” should be reviewed. He added that this challenge may lead to better relationships with social services agencies.
 - N. Belli (OR) noted that the Commission’s White Paper on [“Temporary Secure Detention of Non-Adjudicated Juvenile Runaways”](#) has been helpful in educating courts about the importance of detaining minors in secure settings.
 - M. Clifton (WY) suggested making more resources available.
 - National Office staff provided links to the [White Paper](#) and the [relevant section of the ICJ Bench Book](#) in the Zoom chat box.
 - Anne Connor (ID) noted that the Juvenile Justice Delinquency Prevention Act (JJDP A) now includes a provision requiring states to develop plans for housing human trafficking victims outside of detention centers. She added that this is very challenging, even for “in-state” youth.
- Unaccompanied Minors
 - M. Farmer (CA) asked region members to share recent experiences using unaccompanied minors resources with airlines. He noted that it is difficult to arrange payment and determine what information is needed.
 - D. Dodd (NM) shared about case from the day before. At the airport, he was required to provide information about the address to which the youth was traveling. He was able to accompany the youth through the security check point, and waited with the youth until he boarded.
 - J. Pelander (WA) noted that personnel in a Washington airport were recently advised that they will no longer be able to move ahead of others in line. This will pose additional barriers for staff, as it can take three (3) hours to get through the security line.

- M. Farmer (CA) noted that sometimes a gate pass is required for the family member who is receiving the child, and may only be available if the accompanied minor resource was utilized. In a recent case, no arrangements were made for the family to meet the youth at the gate and a juvenile subsequently eluded his parents for approximately one day.
 - A. Connor (ID) noted that some airlines charge for gate passes. In a recent case, a \$50 fee was charged.
 - D. Dodd (NM) noted that parents in New Mexico have received gate passes at no charge.

- State Updates/Concerns
 - Oregon – N. Belli (OR) reported that State Representative Anna Williams has been appointed to State Council. N. Belli has provided information to her and will meet with her soon. Next state council meeting will be held virtually in November.
 - Utah – R. Gallardo (UT) reported Utah is experiencing high levels of COVID transmission, which has resulted in limitations on probation staff. Hearings continue to be conducted remotely. Parole officers have been able to meet with youth more regularly. Kimberly Haywood has joined ICJ staff and can be reached by phone now. The State Council will be held soon.
 - Washington – J. Pelander (WA) reported that COVID-19 vaccinations are now mandated for all state employees. This may result in staff shortages after October 18. Dawn Bailey has been providing in-state training regarding UNITY and is working to get all field workers on board. J. Pelander reported that they are waiting to see how new laws regarding the picking up youth are going to impact others. In a recent case, law enforcement officers refused to pick up youth, citing new laws.
 - Wyoming – M. Clifton (WY) noted that vaccine mandates have been strongly opposed in Wyoming. She requested 5 to 10 printed copies of the 2021 ICJ Annual Reports to share at State Council meeting in January. She noted that sharing the reports often leads to important discussions.
 - Alaska – S. Dilley (AK) thanked Washington for sharing about airport issues. She noted that Alaska is now experiencing its largest COVID surge. All ICJ personnel are deemed essential, therefore are continuing to work in the office. Law enforcement officials have been very collaborative.
 - Arizona – H. Wykes (AZ) reported Arizona is experiencing a COVID spike. AZ State Council recently met and will meet again in December. Currently, the ICJ Office is focused on judicial training.
 - California – M. Farmer (CA) reported that the state council met July 31. He noted they are awaiting appointment of a victims' representative. COVID rates vary widely from place to place. Though the ICJ office was short staffed earlier in the year, all staff have now returned to work and Norm Gary is preparing to retire at end of the year. A formal transition plan for ICJ to move to another agency has been filed. Final approval is pending. Therefore, the major transition is expected to occur in 2022.
 - Colorado – S. Foxworth (CO) noted that there are vaccine mandates for all state and city employees. The impact of these mandates is not yet known, but many are concerned about impact on detention facility staffing. CO State Council will meet in December.

- Hawaii – S. Cadiz (HI) reported that Hawaii has been busier than usual with the return of runaways. Hawaii also has state mandate for COVID vaccinations for all state and city employees. It is not yet known what the impact will be. A Hawaii State Council meeting will be scheduled soon.
- Idaho – A. Connor (ID) reported that there are no state vaccine requirements in Idaho. ICJ staff are working blended schedules. The Idaho State Council met in May and are expected to meet again soon. Their state council is linked to the board of juvenile corrections, i.e. they share members.
- Montana – C. Gordon (MT) reported that COVID rates are very high, but there are no mandates. COVID infection rates in detention centers are high. The Montana State Council will meet before the end of the year. There are only 3 detention centers in the state. Staff often drive over 200 miles for detention and it is very difficult to find placements, unless it is a violent offense or sex offense. S. Foxworth (CO) asked if juveniles are being tested for COVID. C. Gordon (MT) replied that she is unsure, but offered to get testing for juveniles prior to release upon request.
- Nevada – D. Laity (NV) reported that there is a vaccine mandate for state employees only. Mandates do not apply to parole employees because they are county employees (not state employees). The impact of the mandates is not yet known. Diane Grass has been hired and trained as a new ICJ staff member. D. Laity complimented Gladys Olivares for her excellent work. G. Olivares indicated that supervision has largely returned to normal. Nevada is able to provide airport supervision.
- New Mexico – D. Dodd (NM) reported that New Mexico has multiple mandates, which have resulted in some loss of staff. COVID positivity rates have declined. New Mexico's first state council meeting will be held later this month. D. Dodd (NM) indicated that he is eligible to retire.

Old Business

There was no old business.

New Business

- D. Dodd (NM) asked to discuss Advisory Opinion 03-2021 regarding communications. He noted some members of other regions have expressed concerns about its implications.
- A. Connor (ID) stated that if communication is about supervision, then it should go through the system in place. However, if that communication is not related to supervision, then ICJ is not relevant. She suggested that there should be a clear demarcation regarding whether the communication is related to supervision or not.
- M. Farmer (CA) noted that is most likely to arise in California whereby cases involving extended foster care require additional documentation.
- Director Underwood noted that the opinion addresses the question: "Does the prohibition against communication between ICJ member states provided in ICJ Rules 2-104 forbid all communications between a supervised juvenile and prior cases workers in the sending state once supervision is accepted." She encouraged members to review the opinion, particularly the analysis and conclusion section. She reiterated that it does not prohibit all communications with the juvenile and family members.

- R. Masters, Legal Counsel, added that advisory opinions are interpretations of current rules, and not intended to create additional requirements. State ICJ Offices have ultimate authority for how implement the Compact in their states. He stressed that the opinion is not intended to bar all communications with juveniles or family members. Instead, it is meant to add clarity regarding whether Rule 2-104 applies to family members or just to ICJ-related personnel in the receiving state. If further clarification is needed, a rule amendment proposal might be advisable.
- M. Clifton (WY) noted that there are more issues near borders. She noted that ICPC allows for creation of border agreements, and that this may create additional confusion.
- A. Connor (ID) asked M. Farmer if there is a letter or other document that outlines requirements for extended foster care. M. Farmer (CA) said that he did not know whether such a document is available. A. Connor (ID) suggested that extended foster care is a good example of additional requirements not related to supervision that require ongoing communication.

Adjourn

A. Connor (ID) made a motion to adjourn. C. Gordon (MT) seconded. Representative Farmer adjourned the meeting by acclamation at 4:48 p.m. ET.