

INTERSTATE COMMISSION FOR JUVENILES

West Region Meeting Minutes



November 18, 2020

3:00 p.m. ET

Via WebEx

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. David Laity (NV), Commissioner
8. Dale Dodd (NM), Commissioner
9. Nina Belli (OR), Designee
10. Raymundo Gallardo (UT), Designee
11. Jedd Pelander (WA), Commissioner
12. Maureen Clifton (WY), Commissioner

Voting Members not in Attendance:

1. Jeff Hood (AZ), Commissioner
2. Cathy Gordon (MT), Commissioner
3. Neira Siaperas (UT), Commissioner

Compact Staff in Attendance:

1. Shirleen Cadiz (HI)
2. Gladys Olivares (NV)
3. Kelsey Hewitt (OR)
4. Dawn Bailey (WA)

Guests in Attendance:

None

National Office Staff in Attendance:

1. MaryLee Underwood, Executive Director
2. Emma Goode, Logistics 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

- **A. Connor (ID) made a motion to approve the agenda as presented. M. Clifton (WY) seconded. The motion carried.**

- Representative Farmer noted that the October 20, 2020 minutes from the Annual Business Meeting would be available at the next meeting.

Discussion

Rule Proposals

- Representative Farmer opened the meeting for discussion of possible proposed rule amendments from the West Region and highlighted the proposals guidelines noting the two options for submissions:
 1. Submit in the rule proposal format with justification to the Rules Committee for a recommendation.
 2. Submit a concern and justification for the Rules Committee to consider drafting a proposed rule or rule amendment.
- A. Connor (ID) noted that the deadline for proposals is March 31, 2021. She suggested states may wish to include ICJ rule proposals on the agenda of their next state council meeting.

Rule 4-104(4)

- A. Connor (ID) commented that the ICJ Rules have historically embedded processes within the rules which brings cause to interpretation of rules time and time again. She referenced Rule 4-104(4) and suggested that the West Region propose to the Rules Committee for consideration the issue of: *How does mandatory acceptance apply when a juvenile is past the age of majority, but still subject to juvenile jurisdiction.*
- Director Underwood provided legal analysis, noting that mandatory acceptance is based on the fact that a legal guardian has constitutional rights to have a child with them. However, the rationale does not apply to a person who has reached the age of majority.
- The West Region discussed the issue and reached a consensus to draft possible language to address the issue and discuss at the next meeting. A couple suggestions stated were:
 - “The rule does not fully apply if the juvenile has reached the age of majority.” *or*
 - “The rule does not apply to juveniles who are above the age of majority.”

Rule 5-103(4)(a)

- Representative Farmer shared the confusion in a recent case in regards to Rule 5-103(4)(a) (i.-iv) regarding when a legal guardian remains in the sending state and the supervision in the receiving state fails. The confusion was around applying the subsections:
 - (a) A legal guardian remains in the sending state and the supervision in the receiving state fails as evidenced by:
 - i. When a juvenile is no longer residing in the residence approved by the receiving state due to documented instances of violation of conditions of supervision; or
 - ii. When an alternative residence is determined to be in the best interest of the juvenile due to documented instances of violation of conditions of supervision and no viable alternatives exist in the receiving state; or

- iii. When an immediate, serious threat to the health and safety of the juvenile and/or others in the residence or community is identified; and
 - iv. The receiving state has documented efforts or interventions to redirect the behavior.
- A. Connor (ID) commented that the first statement must apply before consideration is giving to i, or ii, or iii and iv.
 - Representative Farmer noted that the bigger question where the answer varies in each state is “*Who determines the placement is in the best interest of the juvenile?*”
 - N. Belli (OR) offered to share her notes from the Midwest Region’s rule proposal in 2014 when she was the Midwest Region Representative.

Rule 6-102(1)

- D. Bailey (WA) updated on recent discussions between Washington and Idaho regarding Rule 6-102(1) which includes the language: “...*a danger to themselves or others shall be detained in secure facilities... The holding state shall have the discretion to hold who may be a danger to themselves or others...*” She expressed concern that the language is unclear as to who in the holding state has the discretion to make the decision. In some states, the Compact offices make the decision and others the detention facility makes the decision.
- Representative Farmer commented that an interpretation could be when the danger rises to the level of hospitalization. He suggested that perhaps a few states continue the discuss offline and bring back more specific questions and suggestions to the next meeting that may be shared with the Rules Committee.

State Updates/Concerns

- The West Region provided updates on the status of COVID in their states. All states reported an increase in the number of positive COVID cases. Many states were returning to earlier shut down phases; 10-12 days quarantine requests; and minimal staffing availability in state facilities.
- Representative Farmer reminded states to update the state-specifics restrictions on the Commission’s website. In addition to the COVID updates, states reported the following:
 - S. Foxworth (CO) reported a state furlough implemented for the following Friday and noted that detailed information regarding emergency contacts will be added to her email replies.
 - A. Connor (ID) reported the Idaho State Council has met once and has another meeting scheduled soon.
 - D. Laity (NV) echoed the increase in COVID and decrease in staff, and added that the Governor of Nevada too had tested positive.
 - D. Dodd (NM) reported New Mexico is in “lock down” with all non-essential businesses closed and stay-at-home order issued. Further, Commissioner Dodd stated that: “New Mexico kids picked up in other states have been released by the district attorney and New Mexico is not bringing back.”
 - N. Belli (OR) reported that the Oregon State Council will conduct its second meeting of the year virtually on Friday.
 - R. Gallardo (UT) reported a positive and informative Utah State Council Meeting.

- J. Pelander (WA) reported the Washington ICJ office has a new administrative assistance, Krysta Van Woert. The Washington Supreme Court issued a Court Order that juvenile courts are not allowed to issue warrants due to COVID, unless there is a risk to community safety. D. Bailey (WA) noted that outstanding warrants for failure to appear are being quashed.
- M. Clifton (WY) reported that Wyoming will conduct its fourth ICJ State Council Meeting this week. She commended Wyoming for combining the ICJ State Council with the Wyoming Advisory Council for Juvenile Justice. Also, Wyoming has not issued a statewide mask mandate.
- S. Dille (AK) reported an emergency alert was issued that hospitals are reaching capacity which may trigger village restrictions to visitors. She reported a first when a return from Utah was cancelled due to the Utah “close contact” restrictions, when the officers were not allowed to return with the youth.
- Representative Farmer (CA) updated that according to the Chief Probation Office, most county offices are now open and officers are learning their new role of trying to provide “a balance between compliance and wellness.”

Roundtable

Representative Farmer presented a new forum for roundtable discussion on specific topics of interest to the West Region. He shared the topics for discussion were areas mentioned recently and requested that states submit to any additional roundtable discussion topics for the of interest for the West Region and he will add to the agenda for the next meeting.

Detaining non-delinquent runaways

- Representative Farmer shared that California has progressively move towards not holding non-delinquent runaways. He opened the floor for any additional comments around the topic and there were none.

Working with non-compacting territories

- Representative Farmer updated that Hawaii encountered a juvenile (not a runaway) from Guam (a non-Compact US territory) and had requested guidance on how to handle.
- S. Cadiz (HI) briefed on the situation, which has now been resolved, stating that the juvenile came to Hawaii to live with a guardian and ran away from the guardian. There was also human trafficking involved and Guam was not taking responsibility to have her returned.
- Other members shared past experiences and limited experience working with non-member territories.
- A. Connor (ID) questioned if Hawaii maintained the old Compact language and noted Rick Master’s outreach in the past.
- Director Underwood updated that Legal Counsel Rick Masters was in Guam working on another Compact and met with a judge Guam’s adoption of the Compact. Unfortunately, to date Guam has not move forward to become a member of the ICJ. Director Underwood also noted that another source that could be used in the future when human trafficking is involved is the federal government. The incident also resurfaces outreach to the other US territories as a further ICJ Goal.

- J. Pelander (WA) shared the success he experienced working with the Guatemala Consulate in Seattle.
- M. Clifton (WY) suggest that ISS (International Social Services) would be a reference to acquire a contact person. Director Underwood suggested working with the attorney general's office to find a contact in other US Territories.

Juvenile weapon possession

- H. Wykes (AZ) updated that Arizona is experiencing a huge spike in parolees in possession of weapons with many posting photos with weapons on social media. Additionally, they are seeing an increase in the total disregard for the discharge of hand guns and a disregard for law enforcement. He was open to hear if other states were experiencing the same trends and what they are doing to address the issue as Arizona is exploring options.
- Representative Farmer and D. Dodd (NM) updated they have reached out in their states for input and will forward information when received.

Old Business

There was no old business.

New Business

There was no new business.

Adjourn

- The next West Region Meeting will be January 19 @ 3 pm ET.
- **Representative Farmer adjourned the meeting by acclamation at 4:07 p.m. ET.**