

## **Other Problems**

- Some states seem to "dump" juveniles and do not cooperate in finding acceptable solutions.
- No rights for receiving states to refuse inappropriate transfers.
- Lack of adequate funding to serve Compact cases.

## **Problem Areas Identified by Agency Administrators**

Forty-four (44) agency administrators representing 39 states provided the following responses to the identification of problems with the Compact. The responses are paraphrased and listed in order from most to least frequently mentioned issue.

### **10 Responses**

- The slow, cumbersome process of conducting business through the Compact.
- Complications stemming from some states' unwillingness or inability to return violators/runaways, or to appropriately respond to cases recommended for return to sending states.

### **9 Responses**

- Lack of effective mechanisms to enforce compliance with Compact rules or to hold participating jurisdictions accountable.
- Youth being allowed to relocate to states before investigation and acceptance of receiving states, sometimes with extensive periods elapsing before receiving jurisdictions are aware of the moves.
- Inadequate resources dedicated to Compact cases, resulting in slow follow-up and substandard service for some case management.

### **6 Responses**

- Lack of training for local judges and other officials.

### **5 Responses**

- Poor management of high risk populations, especially sex offenders, moving between states.

### **4 Responses**

- Inadequate resources and training for staff of some state Compact offices.
- Inconsistencies in levels of service among states in delivery of Compact-related services.
- Lack of understanding of Compact rules by local officials and judges.
- Failure to provide adequate resources for adequate investigative and supervision services to Compact cases in some states.
- Inconsistencies among states' approaches to the Compact caused by different interpretations of the Compact and constantly changing state statutes.

### **3 Responses**

- Conflicts created by parental relocations with home plans that may conflict with state laws (such as sex offender residences) or with state risk guidelines.
- Compact is not a high priority with policy makers in some states.

### **2 Responses**

- Liability created by some jurisdictions' and officials' failure to comply with the Compact.
- Ineffective mediation process.
- Lack of uniformity regarding the age of youth to be managed under the ICJ.
- Lack of clarity in current policies and guidelines for the Compact.
- No national database, lack of technology applications, for improving communication and case tracking.
- Lack of authority of receiving states to impose sanctions to violators.
- Overlapping jurisdiction with the Compact on Placement of Children.

### **1 Response**

- Lack of substantive case law to reinforce Compact.
- Incomplete or inaccurate information provided with transfer records.
- Sending states will not pay for mandated treatment services.
- Requiring escorts with youth moving to receiving states.
- Limited options available to receiving states in dealing with violators.
- Housing expenses related to processing runaways return to state of origin.
- Compact does not reflect current public policy focus on public safety.
- Security surveillance for flight layovers of youth being transferred.

### **Problem Areas Identified by Field Staff**

Summarized below are the responses from field staff regarding problems with the Compact. The responses are also paraphrased to allow clustering of similar themes. If one or more of the field staff identified the issue within the state, it is represented as an "Issue of Concern" for that state. The issues are arranged from most to least frequently identified issues within a state.

#### **Issue of Concern in 33 of 36 States**

- Conducting business through the Compact is slow and cumbersome.

#### **Issue of Concern in 24 of 36 States**

- Responses to violations of Compact cases are problematic. Some states will not return violators, some will delay response for recommendations, or inappropriately react by dismissing cases.

#### **Issue of Concern in 18 of 36 States**

- Youth are allowed to relocate to states before any notice, investigation, or approval of the transfer request and are in the community for months (in some cases) before receiving states are aware of the relocation.

**Issue of Concern in 12 of 36 States**

- Receiving states do not provide adequate or timely reporting of progress/problems of cases being supervised through the Compact.

**Issue of Concern in 11 of 36 States**

- In some states, judges and other officials do not follow Compact rules in processing transfers and movement of adjudicated youth.
- Since jurisdiction of Compact cases remains with the sending states, receiving states have limited options to respond to violations or use of intermediate sanctions without approval from sending states.

**Issue of Concern in 9 of 36 States**

- There is confusion and inconsistency regarding the age of youth to be managed through the Compact.
- Local officials are not able to communicate directly with the local officials of other states involved in a case, slowing and complicating the transfer of information needed for case management.
- Forms and information needed for cases processed through the Compact are too often incomplete or inaccurate.

**Issue of Concern in 8 of 36 States**

- Processing and management of high risk cases through the Compact (especially sex offenders) is inadequate.
- Criteria for acceptance/rejection of transfer requests is not clear and varies among states.
- Services and supervision of youth lapses for long periods during the processing of transfers.
- Conflicts frequently arise between the rights of parents/guardians to relocate to other states with their children, and the rights of states to deny transfers based on unacceptable living arrangements or risks presented to receiving states.

**Issue of Concern in 7 of 36 States**

- Local agencies do not have adequate resources to manage/serve Compact cases.

**Issue of Concern in 6 of 36 States**

- Inconsistencies result in Compact services among states due to state laws that conflict with the rules or intent of the Compact, and measures to resolve those conflicts are ineffective.

**Issue of Concern in 4 of 36 States**

- Local officials experience problems with the transportation and transfer of runaways and violators.

**Issue of Concern in 3 of 36 States**

- Some states will not enforce the court-ordered conditions of sending states.
- The process of conducting transfers, and services for Compact cases, vary within a state.

**Issue of Concern-in 2 of 36 States**

- The Compact is unable to enforce compliance with its rules.
- The Compact is inappropriately involved with non-adjudicated youth.
- Youth transferred through the Compact do not have access to essential medical services.
- Out-of-home placement decisions and procedures become unnecessarily complicated with Compact cases.
- Field staff and local officials do not receive adequate training regarding the Compact.
- Detention or housing costs of violators and runaways managed through the Compact places financial burdens on receiving states.
- Restitution orders are not enforced with Compact cases.
- Some sending states expect levels of service for transferred cases that are higher than required or expected of receiving states through Compact regulations.

**Issue of Concern in 1 of 36 States**

- The Compact does not provide a vehicle to transfer status offenders needing service or supervision.
- There is confusion with some cases as to whether social services or juvenile justice agencies should manage the transferring youth.
- Policies and procedures for managing warrants of youth processed through the Compact need to be revised to avoid complications in detaining and transferring youth from other states.
- Compact procedures become unnecessarily complex in dealing with youth who frequently move back and forth between parents/guardians in different states.
- The Compact offices are not accessible in non-business hours to respond to arrests and other emergencies requiring immediate action.
- Some states misuse travel permits in allowing movement of youth across state lines.
- The state Compact office does not provide technical assistance and is not always responsive to needs of field staff.

## **Recommendations From the Field**

Compact administrators, agency administrators, and field staff were all asked through an open-ended question to provide their recommendations to address Compact problems. The three audiences clearly had different priorities in their recommendations, but in their top seven recommendations, three common themes emerged from the survey groups that are summarized in the box to the right.

### ***Improve the Compact by:***

- 1. Developing better enforcement and accountability measures.**
- 2. Providing more training to local and state juvenile justice officials.**
- 3. Improving the speed and quality of communication - - - use technology.**

- 1) The recommendation that all three agreed was one of their highest priorities was the development of provisions to enforce compliance with rules of the Compact and measures to hold states accountable. The Compact is perceived as currently having little or no ability to address non-compliance. As previously mentioned, the lack of consistent data collection and reporting also complicates clear documentation of problem areas or levels of non-compliance.
- 2) All three groups agreed that training for local officials, including juvenile court judges, needed to be improved.
- 3) A third priority recommendation was to speed up communication within the Compact, especially with the use of information technology to replace the reliance on written reports through the mail.

Following are summaries of the recommendations provided by the three survey audiences.

## **Compact Administrators Recommendations**

Thirty-five (35) of the 46 state Compact administrators and deputy Compact administrators responding to the survey offered recommendations in this open-ended question. Their responses are listed below, paraphrased and ranked in order of most to least frequently mentioned issue.

### **15 Responses**

- Improve the procedures for responding to violation reports and returning violators. (Including adherence to time frames, safer methods of transportation, adequate funding for travel, and provisions to avoid discharge or other inappropriate responses to reported violations and recommendations for return of violators to sending states.)

### **13 Responses**

- Strengthen the rule enforcement and accountability provisions for jurisdictions involved in the Compact.
- Improve the management of special offender populations, especially sex offenders, transferred through the Compact. (Including better treatment and transitional preparation, closer review of home placements involving prior victims, and elimination of transfers prior to receiving state investigation of proposed residence.)

### **10 Responses**

- Review and clarify Compact rules and regulations to avoid misinterpretation and to update the Compact manual.

- Revise the rules on transfer acceptance criteria to establish a uniformity and to address the conflict between parental rights vs. state's rights to deny transfer based on risk factors.

#### **9 Responses**

- Provide more training to judges, court staff, law enforcement, detention personnel, and other local officials involved in the Compact to increase awareness and understanding of Compact rules and procedures.

#### **8 Responses**

- Provide adequate resources for state Compact offices to conduct Compact business in a timely, efficient manner.

#### **7 Responses**

- Make better use of information technology to improve the speed and quality of interstate communication and Compact management. (Initiatives to address this area are currently being addressed by AJCA's Technology Committee, including an evolving website for the Compact.)

#### **6 Responses**

- Establish funding sources to return runaways and status offenders in a timely manner. (This includes a recommendation to formally include managing interstate movement of status offenders and runaways, since no other authority is now formally involved with this population. The recommendation conflicts with other administrators' opinions that the Compact should not formally be involved with status offender/runaway issues.)

#### **5 Responses**

- Eliminate the Compact's involvement in status offenders and runaways. (See preceding paragraph.)
- Expand operations of a national Compact office to include resources for legal advice on Compact issues for state offices.
- Develop new alternatives and responses to sanction and support violators when sending states are not inclined to return violators.
- Provide increased authority for states to reject transfers when dangerous home placements are proposed, especially for high risk offenders (including sex offenders).

#### **4 Responses**

- Develop improved legal analysis and interpretation of legal questions arising from the interface of state statutes with Compact rules, especially questions raised by local judges.
- Establish mandatory data collection and reporting requirements of state offices to better document Compact activity, including a national database to track cases.
- Clarify the age of offenders that are to be managed under the Juvenile Compact and the compact for adult parolees and probationers, with clear procedures for coordination between the two.
- Involve representatives of all states in national meetings and participation in rule making of the Compact.
- Restrict the movement of youth (especially high risk cases) to sending states before transfer notices and investigations are complete.

### **3 Responses**

- Increase the speed of communications involving transfers, including family relocations.
- Involve higher level officials in Compact policy formulation to increase awareness, commitment, and potential for enforcement of rules.
- Revise and update forms currently used by the Compact.

### **2 Responses**

- Unify Compact offices in states where they are divided to establish a single point of contact and improve efficiency of operations.
- Clarify policies and funding responsibilities of state and local governments related to placement of violators in secure and non-secure facilities pending processing and return to sending states through the Compact.
- Elevate the status of state Compact offices within their agencies and systems.
- Address safety concerns in the use of commercial airlines for transporting unaccompanied youth through the Compact during transfers or return as violators.
- Develop a national fund to be used for emergency Compact cases to purchase detention, monitoring, or other special services.

### **1 Response**

- Increase awareness of policy-makers of the importance and potential problems of the Compact.
- Seek uniformity and full participation of all jurisdictions on Compact amendment issues of Runaways, Rendition, and Out-of-State Confinement.
- Expand the use of an appeal process for reconsideration of rejected transfer requests.
- Provide more timely notice of changes within state Compact offices, such as changes in address, phone numbers, contacts, etc.
- Make better use of existing grievance and enforcement provisions of the Compact.
- Increase training for staff of state Compact offices.
- Clarify the jurisdictional boundaries of the Juvenile Compact with those of the Interstate Compact for Placement of Children.
- Receive more assistance from federal agencies such as OJJDP and NIC.
- Empower smaller, executive committees to make more policy decisions for the Compact.

### **Juvenile Justice Agency Administrators' Recommendations**

Forty-four (44) administrators of executive and judicial branch agencies involved in the delivery of juvenile justice services offered recommendation to improve the Compact. The responses are paraphrased and listed in order from most to least frequently mentioned issue.

### **13 Responses**

- Establish better enforcement and accountability measures for the Compact, with some recommending use of fines or withholding federal funds for non-compliance.
- Improve training for local judges and officials regarding the Compact and ICJ rules.

## **10 Responses**

- Use technology to improve the speed and quality of communication among jurisdictions.

## **6 Responses**

- Allow direct communication between local jurisdictions to improve and speed up their interactions.
- Provide adequate resources for state Compact offices.
- Revise, clarify and simplify the operating guidelines and manual of the Compact.

## **4 Responses**

- Improve the training provided for staff of state Compact offices.

## **3 Responses**

- Ensure that information packets involving Compact cases are complete and accurate.
- Provide adequate resources to deal with returns of runaways and violators.
- Clarify the roles and jurisdiction of the ICJ and the Interstate Compact for Placement of Children (ICPC) – possibly the ICJ managing all delinquent youth and the non-delinquent youth managed by the ICPC.

## **2 Responses**

- Standardize the age groups to be managed by the ICJ and the compact managing adult offenders.
- Transfer “jurisdiction,” not just “supervision,” of delinquent youth through the Compact.
- Establish a central office with legal counsel to manage the Compact.

## **1 Response**

- Establish a more effective grievance process to resolve transfer conflicts.
- Increase the level of federal financial support for the Compact.
- Establish a central fund to deal with emergency Compact case expenses.
- Enact federal laws to clarify the authority and responsibilities of states regarding detention of delinquent youth from other states.
- Provide reporting instructions for youth allowed to travel to other states if prior notice is provided to receiving states.
- Place Compact administration in appropriate state agency to elevate its status.
- Improve the national forums in which Compact affairs are addressed.
- Provide for more frequent and efficient means to review and modify Compact rules.

## **Juvenile Justice Field Staff's Recommendations**

### **Recommended by Field Staff in 17 or 36 States**

- Permit staff of local agencies involved in an interstate case to communicate directly with each other without all communication routed through state Compact offices.

### **Recommended by Field Staff in 14 of 36 States**

- Speed up the communications within the Compact, and use better information technologies to conduct business.

### **Recommended by Field Staff in 13 of 36 States**

- Provide more training to local officials, field staff, and state Compact administrators regarding operation of the ICJ.

### **Recommended by Field Staff in 11 of 36 States**

- Enforce provisions of the Compact and hold non-compliant jurisdictions more accountable.
- Require sending states to be more responsive in dealing with violators being supervised in other states.

### **Recommended by Field Staff in 9 of 36 States**

- Develop a broader range of responses for receiving states to employ with Compact violators, with consideration to transfer full case jurisdiction (not just supervision functions) to receiving states.
- Revise and streamline the forms used in transferring cases between states.

### **Recommended by Field Staff in 7 of 36 States**

- Establish a consistent policy on age of youth to be supervised through the ICJ.
- Ensure that accurate and complete information needed with case transfers is provided with information packets (discharge dates, special conditions, etc.).

### **Recommended by Field Staff in 6 of 36 States**

- Provide adequate resources for state Compact offices.
- Require notification to receiving state and reporting instructions for youth permitted to travel prior to approval of a transfer request.

### **Recommended by Field Staff in 4 of 36 States**

- Establish and enforce minimum service standards for states providing supervision of Compact cases.
- Make more resources available for supervision and management of Compact cases.
- Establish clearer policies regarding the criteria to accept or reject transfer requests.

### **Recommended by Field Staff in 3 or 36 States**

- Improve reporting procedures from receiving to sending states on case progress.
- Provide additional resources for local agencies to process and return runaways.

