



ASSOCIATION OF JUVENILE COMPACT ADMINISTRATORS
2008 Annual Meeting
August 6, 2008
Boise, Idaho

Meeting Minutes

Officers Present:

Paul Gibson, Kentucky, President
Michael B. Lacy, West Virginia, Vice President
Cindy Pittman, Georgia, Treasurer

Secretariat:

Kristine C. Prince

Members Present:

Barbara Murray, Alaska
Judy Miller, Arkansas*
Summer Foxworth, Colorado*
Michele Holden, Delaware
Joann Rohan, D.C.
Jean Hall, Florida
Linda Kiyatoki, Hawaii
Wendell Kikuchi, Hawaii
Alicia Ehlers, Idaho
Sherry Jones, Maryland
Fred White, Massachusetts Parole
Mike Reudisale, Michigan
Jennifer Baer, Idaho
*Board Members

Christine Townsend, Mississippi
Molli Davis, Nevada*
E. Wayne Carmack, New Hampshire
Dale Dodd, New Mexico*
Traci Marchand, North Carolina
Pamela A. Helbling, North Dakota
Robyn Peterson, Ohio*
Helen Killian, Oklahoma
Carol L. Gillespie, Oregon*
Amanda Behe, Pennsylvania
Donna Bonner, Texas
Dawn Melzo, Washington
Randall Wagner, West Virginia
Mary Keyes, Wisconsin
Lindee Wiltjer, Wyoming

Guests:

Hon. Denton Darrington, Senator, State of Idaho and Idaho ICJ Advisory Council Member
Larry W. Callicutt, Director, Idaho Department of Juvenile Corrections
Christopher Lobanov-Rostovsky, Director, Office of DV and Sex Offender Management, Colorado
Richard Masters, Special Counsel, The Council of State Governments (CSG), Lexington, Kentucky
Keith A. Scott, Director, National Center for Interstate Compacts (CSG), Lexington, Kentucky
Barry Black, Idaho ICJ Advisory Council Member
Representative Jim Clark, Idaho ICJ Advisory Council Member
Nancy Wolff, Idaho ICJ Advisory Council Member
John Triplett, Idaho ICJ Advisory Council Member
Hon. John Valo, Idaho ICJ Advisory Council Member
Tim Fleming, Idaho ICJ Advisory Council Member
Shaun Hill, Idaho ICJ Advisory Council Member
Brent Reinke, Director, Idaho Corrections Department
M. Jody Taylor, Idaho ICJ (retired)

1. WELCOME

President Paul Gibson called the meeting to order at 8:30 am. He welcomed everyone and thanked them for attending the Annual Meeting in Boise. The Pledge of Allegiance was led by Summer Foxworth (CO). The Secretariat conducted the Roll Call of States. President Gibson thanked Alicia

Ehlers (Idaho) for hosting this year's Annual Meeting and for making all of the logistical arrangements. He also thanked Robyn Peterson (Ohio) who provided the new staff training yesterday.

Larry W. Callicutt, Director of the Juvenile Justice Department in Idaho, welcomed everyone to Boise and introduced Hon. Denton Darrington, Senator from the State of Idaho. Senator Darrington talked about why he feels that the passage of the new Interstate Compact for Juveniles is so important. Because many young people are increasingly more violent at a younger age and are more mobile, the passage of the new compact should not be considered optional and public safety demands it. He talked about they developed their State Council in Idaho and how well it is functioning. He offered some encouragement regarding the changes on the horizon with the new compact and stated that the book *The Power of Positive Thinking* had a profound influence on his life and it can have that same impact in the lives of those in the audience as well. He stated that positive thinking will make this new compact successful.

Mr. Callicutt provided an overview of the Idaho Department of Juvenile Corrections and stated that their overarching philosophy is that of the balanced approach and the restorative justice model. He said they use the Functional Family Therapy model in working with juveniles and their families and that their mission is to prevent and reduce juvenile crime in partnership with the community.

President Gibson thanked both Senator Darrington and Larry Callicutt for their remarks and gave them a token of appreciation from AJCA.

2. SILENT AUCTION

Molli Davis (Nevada) introduced the concept of the Silent Auction and said that the proceeds from the Silent Auction this year will go to the Ada County Boys and Girls Club. She encouraged everyone to participate and to bid high.

3. UPDATE ON PASSAGE OF INTERSTATE COMPACT FOR JUVENILES

Keith Scott, Esquire, provided an update on the passage of the new Interstate Compact for Juveniles. Currently, thirty-four states have become signatory to the compact. The bill enacting the compact in the thirty-fifth state, Illinois, is currently on the Governor's desk (since June 30). If he does not act to veto the bill, it will become law with or without his signature sixty days later. Mr. Scott does not foresee that there will be anything to cause the Governor to veto the bill. Therefore, with the passage of the new compact in Illinois the end of August, the thirty-five state threshold will be met and the new compact will immediately be enacted as federal law.

Mr. Scott outlined what CSG sees happening in the transition phase to full operation of the new compact (the first eighteen months after the new compact is enacted):

Where Are We Going?:

- CSG will continue tracking and outreach to non-signatory states and onsite support
- Transition (interim committees, leadership)
- The first meeting of the National Commission will be held (after 35th state)
- Rules and Bylaws development; committees

- Full-time staff will be hired
- A data system will be developed
- Normal operations will begin

Pre-Commission Transition Activities:

- State notification of passage of compact
- Transition advisory group formed
- National Commission members appointed by Governors
- Assist states with development of state councils
- Year One state dues will be assessed
- Meeting planning
- Appoint an interim Commission Chair
- Public notification
- Draft interim Bylaws and Rules adoption procedures
- Develop preliminary Commission structure, i.e., committees, officers' roles, budgets, agreements, etc.

First Organizational Meeting:

- Approval of interim chair
- Adopt Commission Bylaws
- Adopt committee structure
- Select committee membership
- Elect officers and regional representatives
- Ratify interim budget
- Adopt transition timeline and work plan
- Adopt dues formula and budget
- Adopt interim and transition rules
- Develop/adopt strategy for information gathering/sharing
- Other business

Interim (Early) Transition Activities:

- Hire staff and establish home office
- Assist states with state council development
- Committee membership selection/finalization
- Committee meetings scheduled
- Draft rules (amend Bylaws if needed)
- Draft training curriculum
- Develop information technology and information sharing plan
- Draft budget for next cycle
- Draft compliance plan and actions
- Conduct mid-year committee meetings
- Conduct state promotion as needed

First Annual Commission Meeting:

- Adoption of official rules and bylaws
- Adoption of compliance procedures

- Adoption of training plan (to be developed after rules adopted)
- Standing committee reports
- Regional reports
- Adoption of budget for next year
- Appointment of committee members

Follow-up and Regular Operations:

- Standing committee meetings
- Training (Compact administrators, DCAs, State Councils, Judiciary, etc.)
- On-going compliance monitoring
- Implementation of information sharing system
- State by state visits and onsite assistance
- Staff expansion as needed
- Assist with ongoing state council issues

Possible Standing Committees:

- Compliance
- Executive
- Finance
- Information Technology
- Intergovernmental affairs
- Regional committees
- Rules
- Training, education and public relations

4. LEGAL MATTERS DURING TRANSITION TO THE NEW COMPACT

After lunch, Rick Masters, Special Counsel, The Council of State Governments (CSG) answered questions about legal matters during the transition to the new compact. He stated that CSG has funding from OJJDP to continue their work with the new compact through the time of the first annual meeting. Questions arose about dues and he stated that the dues amounts will be decided upon by the new National Commission. The year 2010 is likely the first fiscal year that actual dues charges will be assessed.

The 1955 Interstate Compact on Juveniles will continue in force and remain binding until it is repealed by each state. The duties and responsibilities of a renouncing state will continue for those current parolees and probationers residing in their state at the time of withdrawal from the 1955 compact until retaken or discharged.

The new compact will become effective and binding upon legislative enactment of the compact into law by no less than thirty-five states. Thereafter, it is effective and binding for all compacting states. The governors of the non-compacting states can appoint someone to attend the commission meetings on a non-voting basis.

The existing rules governing the operation of the 1955 compact which will be superceded by the new compact will be null and void twelve months after the first meeting of the Interstate Commission

created by the new compact. Because an interstate compact is a contract, it ceases to exist once the number of those states contracting with each other is reduced to one state. At that same time, the Association of Juvenile Compact Administrators will also cease to have the authority to promulgate rules and regulations for the interstate compact and for all intents and purposes, it will dissolve.

As AJCA is a non-profit organization under Section 501(c)(3) of the Internal Revenue Code, upon its dissolution, assets should be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the IRS. Assets should be distributed to the federal government, or to a state or local government for a public purpose. If not, the assets should be disposed of by the Court of Common Pleas of the county in which the non-profit organization's principal office is then located (the home state of the current AJCA President which will be West Virginia). Any distribution by the court shall be made in such manner as, in the judgment of the court, will best accomplish the general purposes for which the Association is organized.

Questions then arose about electing Board members from compacting states if it is likely the new compact will go into effect the end of August. Some thought it is pointless to elect a Board member from one of those states. Mr. Gibson clarified that some compacting states have language in their legislation that states that the 1955 compact will automatically be repealed when the new compact is enacted. Some compacting states do not have that language. Therefore, technically, a person from a compacting state who does not automatically repeal the old compact could serve on the Board until their state repeals the old compact. For the purposes of elections tomorrow, the following states are either not signatory to the new compact or do not currently have any provision in their law that repeals the old compact immediately: Georgia, Arkansas, Hawaii, District of Columbia, Maryland, Massachusetts, California, North Carolina, Pennsylvania, Ohio, Oregon, New Hampshire, Mississippi, Vermont, Indiana, Minnesota, Nebraska, Iowa, New York, Illinois, West Virginia and North Dakota.

5. IMPACT OF NEW ADAM WALSH CHILD PROTECTION AND SAFETY ACT (2006)

President Gibson welcomed and introduced Chris Lobanov-Rostovsky, Program Director, Colorado Sex Offender Management Board. Mr. Lobanov-Rostovsky was invited to speak to the membership about the implementation of the Adam Walsh Child Protection and Safety Act (AWA) which was signed into law by Congress on July 27, 2006 and how it will impact ICJ offices will do business.

Mr. Lobanov-Rostovsky explained that Title I of the AWA is the sex offender registration and notification Act (SORNA). The goal of the Act is the protection of the public from sex offenders and the protection of the public against offenders who have offended against children. A Sex Offender Monitoring, Apprehending, Registering and Tracking (SMART) Office was created by the U. S. Attorney General's office which published its final guidelines on July 2, 2008. Those jurisdictions responsible to implement the new law are the fifty United States, the District of Columbia, authorized tribal jurisdictions and the five principal territories of Puerto Rico, Guam, American Samoa, Northern Mariana Islands and Virgin Islands. Sovereignty has posed some issues with the tribal jurisdictions, but the SMART office has been authorized to take over implementing the Act within the tribes if they do not act themselves.

The penalty for non-compliance with SORNA is a ten percent reduction in a state's Byrne Grant funding which is *cumulative* each year a state is non-compliant.

The Act creates three separate tiers for sex offenders and ties duration and frequency of registration requirements to those tiers. It also creates a national sex offender *public* website.

The Act stipulates that an appropriate official must notify the following groups within three days about a new sex offender registration: The Attorney General's Office; law enforcement where the offender currently or formerly resides, works or attends school; any agency responsible for employment-related background checks; social service entities; volunteer organizations in which contact with minors or vulnerable persons might occur; and, any organization, company or individual who requests such notification.

Currently, those states who have passed implementation legislation are: Delaware, Florida, Louisiana, Mississippi, Nevada, New Hampshire, Ohio and Utah. However, there aren't any states who have been deemed "substantially compliant" at this time.

6. OVERVIEW OF IDAHO'S INTERSTATE COMPACT STATE ADVISORY COUNCIL

Since the State of Idaho has developed a model Interstate Compact State Advisory Council, members were asked to give an overview of their Council and answer questions.

Alicia Ehlers asked each Council member to introduce themselves and talk about their role on the Council. The following Council members participated in the discussion: Barry Black, county prosecutor; Representative Jim Clark, Chair, Legislative Judicial Rules Committee; Nancy Wolff, private attorney; John Triplett, Director of Court Services in northern Idaho; Judge John Valo, a retired juvenile court judge and a senior judge; Tim Fleming, county prosecutor; Larry Callicutt, Director of the Department of Juvenile Corrections; Shaun Hill, juvenile probation administrator and supervising probation officer; and Brent Reinke, Director of Adult Corrections. They also want to get a victim advocate on the Council. Alicia Ehlers, Deputy Juvenile Compact Administrator staffs the committee.

Members explained that the process they used to develop their State Council was to take an already functioning board which was the "Board of Corrections" and added three to four more members involved in juvenile justice and interstate compact. They said they think that Council has helped the justice family work together in a smarter way.

Barry Black said that one of the first things they did was to develop a series of tasks for the Council. Then they developed Bylaws for the Advisory Council and also a detailed, written protocol of how all should interface and operate. Now that they have finalized their protocol, they plan to go out and train stakeholders. At this point, they are ready to begin developing a protocol for law enforcement officers who transport juveniles. Once the new compact is enacted, this State Council will become the Interstate Council in Idaho.

A question arose as to how receptive the judges are to the Council and members stated that judges can be the weak link in the organization; therefore, it is critically important that a state put in a significant effort to funding the process of educating the judiciary on the interstate compact. Their goal is to develop bench cards for all judges with protocol based on the Rules and Regulations. Currently, any funding needed for the Council comes out of the budget of the Director of Juvenile Corrections.

Fred White (Massachusetts Parole) asked them to give a recommendation about bifurcated states who currently have the compact housed in two branches of government: probation with the judiciary and parole with the executive branch. Is there a need for two separate councils in those states? The unanimous response was that there is no need for two councils. One of the results of Idaho's Council creation was to knock down barriers that currently existed between all three branches of government and having two separate councils would nullify that positive result.

7. ADJOURNMENT

President Gibson thanked the Idaho State Council members for their presentation. The meeting was then adjourned until tomorrow morning.