



ASSOCIATION OF JUVENILE COMPACT ADMINISTRATORS
2008 Annual Meeting
August 7, 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 Kiyotoki, Hawaii
Wendell Kikuchi, Hawaii
Alicia Ehlers, Idaho
Sherry Jones, Maryland
Fred White, Massachusetts Parole
Mike Reudisale, Michigan
*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*
Carol L. Gillespie, Oregon*
Amanda Behe, Pennsylvania
Dawn Melzo, Washington
Jennifer Baer, Idaho
Randall Wagner, West Virginia
Mary Keyes, Wisconsin
Lindee Wiltjer, Wyoming

Guests:

Larry W. Callicutt, Director, Idaho Department of Juvenile Corrections
Richard Masters, Special Counsel, The Council of State Governments, Lexington, Kentucky
Shaun Hill, Idaho ICJ Advisory Council Member
Dawn A. Peck, Manager, Idaho State Police Bureau of Criminal Identification
M. Jody Taylor, Idaho ICJ (retired)

1. WELCOME

President Paul Gibson welcomed everyone to the second day of the AJCA Annual Meeting. The Secretariat conducted the Roll Call of States. President Gibson then asked for committee chairs to report on their committee activities during the past year.

2. COMMITTEE REPORTS

- A. *Budget and Finance Committee:* The Budget and Finance Committee Chair, Summer Foxworth, distributed an expenditure report and recommended that yearly dues for membership in the Association remain fixed at \$400 (and \$200 for split states) for the calendar year 2009. However, she recommended that because of the situation with the likelihood of the passage of the new compact the end of August, dues notices not be sent out because there is sufficient money remaining in the AJCA treasury to cover expenses

for next year. The President asked for a motion on Ms. Foxworth's recommendation.

Motion: *Mark Boger made a motion that the membership approve the 2009 budget as presented by the Budget and Finance Committee Chair, Summer Foxworth. Mary Keyes seconded the motion. The motion passed.*

- B. *Rules and Rules Compliance Committee:* Paul Gibson reported that during this past year he was contacted regarding an issue of a state holding a juvenile in an adult facility and was able to successfully mediate this issue between the states of New York and New Jersey. However, the jurisdictional issue between adult and juvenile corrections continues to fester and needs to be resolved by the new national commission. Another issue that needs to be resolved is that of states honoring (or not honoring) juvenile warrants. A third issue is that of juveniles who are placed in adult jails being able to “bond” out of the jail before they can be picked up by the demanding state. President Gibson is hopeful that these and similar issues will be able to be resolved once both new adult and juvenile compacts are up and running.
- C. *Nominations Committee:* The Nominating Committee chairperson, Molli Davis, reported that the slate of candidates for this year's elections was sent out to the membership on July 2. Currently, there are no nominations for the offices of Vice President or Secretary. There are five vacant seats on the Executive Board and there are five nominations. Those nominees are: Barbara Murray (AK), Art Gonzales (AZ), Judy Miller (AR), Fred White (MA) and Margo Bryce (VT). In addition, nominations will be taken from the floor. Ms. Davis has asked Sherry Jones (MD) and Mike Reudisale (MI) to be the election tellers. Ms. Davis reported that several resolutions and awards will be made tonight at the Awards Banquet at Angel's Bar and Grille in downtown Boise.
- D. *Bylaws Committee:* The Bylaws Committee chair, Dale Dodd (NM) reported that during this past year the Bylaws Committee was asked to consider a change to the Bylaws which would correct the conflicting language in Article XII and Rule 7-101 as follows:

The Rules and Regulations promulgated pursuant to Article XII of the Interstate Compact on Juveniles shall govern the operations of the Interstate Compact on Juveniles. The Rules and Regulations shall be promulgated and approved by the Association by a ~~two-thirds~~ majority of the members present and voting at an annual meeting. Any proposed revisions to the Rules and Regulations shall be distributed to the membership at least thirty days prior to the commencement of the annual meeting.

President Gibson asked for a motion on this proposed change to the Bylaws.

Motion: *Cindy Pittman made a motion to approve the proposed change to the Bylaws as presented by Dale Dodd, the Bylaws Committee chair. Molli Davis seconded the motion. The motion passed.*

- E. *Partnerships Committee:* Paul Gibson reported that recently the Board has discussed terminating the official “affiliation” between AJCA and NCJFCJ because there does not appear to be a cost benefit to continue it. NCJFCJ will no longer waive the \$750

exhibitor's fee at the National Juvenile Justice Conference and this year they did not invite AJCA to present on the interstate compact on their agenda for the conference. In addition, the Board thinks that exhibiting at this conference may not be the best way to educate judges about the interstate compact because very few actually stop by the AJCA exhibit. The better approach is to provide training to judges in their states rather than at a national conference. President Gibson advised that the Board recommends to the membership that the expense for affiliation with NCJFCJ be terminated. He asked for a motion from the floor.

Motion: *Molli Davis made a motion that the membership accept the recommendation from the Board and terminate the affiliation between NCJFCJ and AJCA. Christine Townsend seconded the motion. The motion passed.*

- F. **Site Selection Committee:** Cindy Pittman reported that the Board has discussed four possible sites for the Mid-Year Meeting in 2009:
Lexington, Kentucky
Atlanta, Georgia
Savannah, Georgia
Albuquerque, New Mexico

Mike Lacy asked the membership to consider holding the meeting in Orlando, Florida. There was some discussion about which of the four sites mentioned are "compacting" or "non-compacting" states with the new interstate compact and whether any of these states have language in their legislation that would automatically repeal the 1955 compact. Fred White suggested that once the new compact goes into effect (likely the end of August), the Board try to accommodate those states remaining as members of AJCA with an appropriate location.

Motion: *Cindy Pittman made a motion that the selection of the site for the 2009 Mid-Year Meeting be deferred to the new Board for a decision. Mike Lacy seconded the motion. The motion passed.*

3. ELECTIONS OF NEW OFFICERS AND BOARD MEMBERS

The Secretariat distributed the election ballots. Molli Davis facilitated the elections. She advised that only one person, Paul Gibson, has been nominated for President. There are no nominations for the offices of Secretary and Vice President. Cindy Pittman has been nominated for Treasurer. Ms. Davis asked for nominations from the floor for the office of President. There were none. Therefore, Paul Gibson was elected President by acclamation. Ms. Davis asked for nominations for Vice President. Wayne Carmack (NH) nominated Fred White (MA Parole) and Amanda Behe (PA) nominated Christine Townsend (MD) who declined the nomination. Ms. Davis then asked for nominations for Secretary. Mark Boger (NH) nominated Traci Marchand (NC) and Wayne Carmack (NH) nominated JoAnn Rohan (DC). There were no further nominations for Treasurer, so Cindy Pittman was re-elected as Treasurer by acclamation.

Molli Davis asked for nominations for positions on the Executive Board. Jean Hall (FL) nominated Robyn Peterson (OH). Ms. Peterson declined the nomination. Traci Marchand (NC) nominated Amanda Behe (PA). Jean Hall (FL) nominated Wayne Carmack (NH) who declined the nomination due to his planned retirement in the next six months. Carol Gillespie (OR) nominated Mary Keyes (WI) who also declined the nomination. Dale Dodd (NM) nominated Robert Champion (IN Probation) who is not in attendance at this meeting but who has already stated that he would run if nominated. Cindy Pittman (GA) suggested that Fred White (Mass Parole) remain on the ballot for the Board in case he is not elected as Vice President.

A discussion ensued about those who have been nominated for officer and Board positions and who would remain as a member of AJCA once the new compact is enacted. Paul Gibson reported that his state (KY) is a compacting state and will automatically repeal the 1955 compact when the new compact is enacted. However, he said that in that event, he would resign as President and the Vice President would take over as President. The membership discussed the fact that if there are only 15 states left as AJCA members after the new compact is enacted, perhaps there is not a need to have ten Board members.

Molli Davis asked if there were further nominations for the Board and there being none, the nominations were closed.

Elections were held and the following individual were elected to officer and Board positions:

Mike Lacy was elected to serve as Vice President (term of office: 2008-09)
Traci Marchand was elected to serve as Secretary (2008-09)
Judy Miller was re-elected to serve on the Board (2008-10)
Barbara Murray was elected to serve on the Board (2008-10)
Amanda Behe was elected to serve on the Board (2008-10)
Margo Bryce was re-elected to serve on the Board (2008-10)
Fred White was elected to serve on the Board (2008-10)

The following Board members have one year remaining on their terms of office:

Mark Boger (ME)
Julie Hawkind (MO)
Molli Davis (NV)
Dale Dodd (NM)
Carol Gillespie (OR)

4. UPDATE ON INTERSTATE COMPACT LEGISLATION

Rick Masters (CSG) advised that he has just spoken with the Lt. Governor in Illinois and that the Lt. Governor does not foresee any problems with the Governor signing the interstate compact bill in his state before the end of August. Therefore, Mr. Masters' projection that the 35 state threshold will be met when the Governor of Illinois signs the bill in Illinois by the end of August appears to be holding true. When this event does happen, the new compact will immediately be enacted as federal law and CSG will send immediate email notification to the Governors, Compact Administrators and other stakeholders in each state. CSG has already prepared a packet of information that will be sent out to each state as well.

5. REGIONAL MEETINGS

The membership was then divided into regions and asked each region to consider the following questions in their discussions:

- (1) With the new compact on the horizon, how many states in your region will be subject to the new interstate compact immediately? Of those states, how do you plan to encourage the remaining states to adopt the new compact as soon as possible?
- (2) Do any of you have a plan for how you will do business with those states who will still be functioning under the 1955 compact?
- (3) Are there any issues related to the National Crime Information Center (NCIC) that you are experiencing? If so, how have you attempted to resolve those issues? Are there any of the 1955 compact rules that might need changes in the future in order to resolve those issues?
- (4) Have any regional members had any recent problems with airport surveillance? Have any of you experienced any significant changes in airport protocol/procedures that have made this task more difficult? If you are using field staff for this task, how are these staff being trained?

After meeting in regions, the following individuals reported back to the larger group on their group's responses to the above listed questions:

SOUTHERN REGION - Presented by Randall Wagner (WV)

- (1) There are several states in this region that are non-compacting states with the new compact.
- (2) We discourage states from entering into Memorandums of Understanding (MOU) with other states.
- (3) Things will continue on as normal—we will make it work.
- (4) Old warrants are still in the NCIC system and need to be cleared up. We need to train our locals on how to put warrants into the system.
- (5) There are no problems with airport surveillance, but there are issues with luggage. We recommend shipping a juvenile's luggage COD to parents before the flight. Also, it would be nice if Pittsburgh Airport would provide surveillance.

NORTHERN REGION - Mary Keyes (WI)

- (1) Wisconsin, Michigan and Kentucky will repeal the 1955 compact immediately.
- (2) They said they have twelve months to figure out how they will work together with non-compacting states. They discourage entering into MOUs. States should not create ways to delaying passing the compact legislation. They questioned what will happen to the three amendments to the 1955 compact with the new compact. The membership responded that there is no need for the rendition amendment in the new compact. This region discussed ways to encourage other states in their region to become signatory to the compact legislation. They also discussed the importance of open communication between the states.

- (3) Nothing.
- (4) Nothing of significance. Checked luggage continues to be an issue and also unescorted minors on the airlines as well as medical expense reimbursements. Kentucky has a two-page document that they use to train locals for airport surveillance. Paul Gibson said he would be happy to share it with other states.

EAST REGION - Robyn Peterson (OH)

- (1) Four states in this region have not passed the compact legislation.
- (2) They don't anticipate any problems. They don't expect to do business with those states who are not part of the new compact.
- (3) NCIC issues: How to put youth warrants on nation-wide pickup? They decided they can't solve their NCIC issues because the ICJ office is not part of the NCIC system and they have no input on how NCIC is managed.
- (4) No problems with surveillance. Some airports don't provide surveillance, but it isn't required—it's only a "courtesy."

WESTERN REGION - Dale Dodd (NM)

- (1) Alaska, Hawaii, California and Oregon have not passed the compact. This region does not want to enter into MOUs with non-signatory states. They are hoping that the building pressure of not being able to do business with non-compacting states will force these states to become signatory to the new compact.
- (2) Pressure to join the new compact will be enough. Rick Masters (CSG) will continue to work with California and other states to get them to pass the legislation. However, California is a priority because of the size of this state.
- (3) To get surveillance in Denver airport, you have to contact the airport police directly.
- (4) None
- (5) None

6. NATIONAL CRIME INFORMATION CENTER DISCUSSION

Alicia Ehlers introduced Dawn A. Peck, Manager, Idaho State Police Bureau of Criminal Identification Department. Ms. Peck was asked to talk about NCIC generally and how those working with the Interstate Compact on Juveniles can work together more effectively with NCIC. Ms. Peck explained that NCIC is a nationwide, computerized information system established as a service to all criminal justice agencies (local, state and federal).

Ms. Peck reviewed the criteria for entry of a juvenile warrant into the NCIC system and said that the juvenile status is determined by the laws of the state of residence of the parent, guardian, or person or agency entitled to the legal custody of the juvenile. A juvenile who has been adjudged delinquent and is subject to the jurisdiction of the court making such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court and who has escaped or absconded while on probation or parole can be entered into the system. Entry of a record must be supported by a copy of the judgment, formal adjudication or order of commitment which places the juvenile on probation or parole status. Status offenders are excluded from this category. In addition, a juvenile who has been charged with the commission of a delinquent act that would be a crime if committed by an adult and who has fled the state where the act was committed can be added. However, only agencies in states where the

Rendition Amendment to the Interstate Compact on Juveniles has been signed will be permitted to enter these records on NCIC.

A temporary felony want record may be entered to establish a "want" entry when a law enforcement agency needs to take prompt action to apprehend a juvenile who has committed a felony. This juvenile may seek refuge by fleeing across state boundaries while circumstances prevent the immediate acquisition of a warrant.

Agencies that can enter records into NCIC are agencies that must be able to within a specific amount of time, confirm the record with an agency who has received a hit on the record (10 minutes). This confirmation process must be available 24 hours a day, 7 days a week.

7. HIPAA INFORMATION

A question had come up regarding application of HIPAA requirements for ICJ offices and Rick Masters clarified that generally, state agencies are not a covered agency under HIPAA unless your state has specifically elected to be a covered entity. In those situations, even if your agency is covered, there is a law enforcement exemption and Interstate Compact offices are exempted through the law enforcement exemption. Mr. Masters advised that recently there has been a federal case decided that there is no private right of an offender to sue under HIPAA.

8. ADJOURNMENT

President Gibson thanked everyone for their participation in the Annual Meeting. The meeting was then adjourned.

9. THE WILLIAM L. FREDERICK AWARD BANQUET

At 7:00 pm, the William L. Frederick Award Banquet was held at Angel's Bar and Grille in downtown Boise. Ryan Pinto (Wa) who has now accepted another position within his department and is no longer working with ICJ was awarded an AJCA Lifetime Membership Award for his diligent service as Vice President of AJCA and as a Board member. Linda Ott (SD - retired) was also presented with an AJCA Lifetime Membership Award and Pamela S. Helbling accepted this award on her behalf. Nancy Wikle (MT) was also awarded a AJCA Lifetime Membership Award.

A Resolution of Appreciation was awarded to Alicia Ehlers (ID) for hosting the Annual Meeting this year. A second Resolution of Appreciation was awarded to Cindy Pittman (GA) for all her work in helping to plan the Annual Meetings and Mid-Year Meetings during the past several years and for all of her site coordination with the hotels.

A third Resolution was awarded posthumously to Kenneth K. M. Ling of Hawaii who passed away in March. Mr. Ling was a great supporter of AJCA and served as its President at one time. Wendell Kikuchi of Hawaii accepted this Resolution on behalf of Mr. Ling's family. Mr. Kikuchi stated that this award will be presented to the Ling family at their Annual Judicial Awards Ceremony in December.

The William L. Frederick Award was presented to Molli Davis (NV) for her service on the Executive Board of the Association of Juvenile Compact Administrators.