



**ASSOCIATION OF JUVENILE COMPACT ADMINISTRATORS
2009 ANNUAL MEETING**

August 5, 2009

**Offices of The Council of State Governments
Lexington, Kentucky**

Meeting Minutes

Officers Present:

Michael B. Lacy, President, West Virginia
Amanda Behe, Vice President, Pennsylvania
Traci Marchand, Secretary, North Carolina
Cindy Pittman, Treasurer, Georgia

Secretariat:

Kristine C. Prince, Secretariat, Utah

Members Present:

Rachel P. Rios, California
Ronald J. Leffler, Indiana Parole
Robert Champion, Indiana Probation*
Fred White, Massachusetts, Parole*
Rose Ann Bisch, Minnesota
Wayne Carmack, New Hampshire*
Catherine Laurie, New Hampshire
Robyn, Peterson, Ohio

*Board Members

Guests:

Paul Gibson, Kentucky ICJ Office
Karen King-Jones, Kentucky ICJ Office
Donna Bonner, Chair, Juvenile Interstate Compact Commission
Keith Scott, Director, National Center for Interstate Compacts, The Council of State Governments
Richard Masters, Special Council, The Council of State Governments
Sam Razor, Interstate Compact Offender Tracking System (ICOTS) Project Manager
Hasan Davis, Deputy Commissioner, Kentucky Department of Juvenile Justice

1. WELCOME/ROLL CALL

President Michael B. Lacy welcomed everyone to the second day of the Annual Meeting. He also extended a welcome to guests Keith Scott, The Council of State Governments, Donna Bonner, Chair, the Interstate Compact for Juveniles Commission, and Rick Masters, Special Council for The Counsel of State Governments. Roll call was taken by the Secretariat.

2. Roundtable Discussion Questions

President Lacy asked a number of questions to a panel consisting of Donna Bonner, Keith Scott and Rick Masters:

Question 1: *What do you see as the role of AJCA as an ex officio member of the ICJ Commission?*

Response from Donna Bonner (ICJ): “AJCA will always have a roll in disputes between non-signatory states. As we move forward to the second Commission meeting, we’ve looked at ways to work together with AJCA as we always have. There are two different governing boards, two different compacts, but we all still need to work with each other in making sure juveniles and communities are safe. Most immediately, the challenge is the new Transition Rule which will expire in December. Working together is the best idea, yet figuring out how to do that may be a bit more complicated.”

Response from Keith Scott (CSG): “CSG recognizes the value of both organizations working together. Right now AJCA is maintaining the statistical information on the numbers of transactions states have with one another. The Commission will use this information to assess fair dues amounts to the states.”

The question arose: *“Will the ex officio status terminate with the adoption of the compact by the 49th state?”*

Response from Rick Masters (CSG): “Yes, it will terminate at that time.”

Question 2: *Will the ICJ be open to paying ex officio travel expenses to the ICJ meetings, all or part?*

Response from Donna Bonner (ICJ): “OJJDP funding ran out earlier than anticipated. The Commission's budget is small right now because not all states have joined the compact and not all states have paid their dues. We are trying to hammer out an ex officio policy in order to work effectively with those organizations whom we have asked to be ex officio members. We are mandated by our compact to invite members of various organizations to be ex officio members. In the last couple of days, we have adopted a policy of scholarships and if there is proof that attendance of certain members at a commission meeting would be beneficial to ICJ, then it’s a consideration that we can make if our budget will permit it.”

Question 3: *What happens in December when the transition rule expires? Are there any plans to extend the transition rule?*

Response from Rick Masters (CSG): “In the absence of any action to the contrary, at the next meeting of the ICJ in December, the Transition Rule will expire. We will then be in separate worlds. There will be no rules in common. These two separate bodies will be governing themselves. Unless there are some independent agreements between separate states, AJCA will have no way to do

business with states who are not in the old compact. The question is: 'How do you monitor youth who come in to your state?' That present some concerns. The new ICJ Board is as concerned as this board is in the integrity of youth being supervised. Donna (Bonner) and I have been instructed by the ICJ board to advise you that the Executive Committee will make a recommendation to the Commission that the Transition Rule be extended for a year with the understanding that the old compact states will make good faith efforts to get the legislation passed in their states. This will make sure that we don't have another problems like this a year from now. The likelihood of a second extension is almost nil."

Question from Fred White (MA Parole): "What will happen in situations such as when a juvenile crosses state lines between a compacting and a non-compacting state and gets arrested. The home state isn't officially placing that person. But we will need to return them. If I understand you correctly, I won't be able to do business with the receiving state. But the reality is, the juvenile will need to be returned. What will happen in situations like this?"

Response from Rick Masters (CSG): "An arrest case is difficult. I'm not sure what we will do. It's a legal nightmare. The states who are not members of the ICJ would have to enter into contracts with other states. It's very complicated and it ends up being easier for states just to join the compact. The liability for states of lawsuits, the safety of society with the liabilities of failure to supervise all point to the fact that its important for all states to join the compact. The impetus needs to be that we get everyone on board and not try to come up with every problem scenario that we can think of."

Question 4: *In the event that all states have not joined ICJ by 2010, what do you see as the role of Memoranda of Understanding by that time? Do you see this as an effective measure until all states have joined?*

Response from Rick Masters (CSG): "Since Memoranda of Understanding (MOU) don't require legislative approval, it's a case of trying to do business when the legislature has not approved it. It's not legally valid. The reasonable solution is likely going to be to extend the transition rule."

Question from Wayne Carmack (NH): "There is some precedent for MOU's because New Hampshire has agreements with border states. Under the new ICJ, is it still possible for states to enter into these supplementary agreements?"

Response from Rick Masters (CSG): "No."

Response from Donna Bonner (ICJ): "Are you asking about institutionalization, because that is a different situation."

Response from Rick Masters (CSG): “Yes, you can have agreements with institutions within another state. But the legislature needs to sanction that agreement. This is my legal opinion.”

Response from Donna Bonner (CSG): “There will be a public review and comment period on the new rules before they are presented to the Commission in December.”

Question 5: *Will there be an effort to standardize who ICJ offices work with in each state. Example: In Michigan, we are referred to Traveler's Aid to help with runaways. It is important that each state communicates through only one voice.*

Response from Rick Masters (CSG): “Donna Bonner and I will take this issue back to the Rules Committee.”

Question 6: *What is the current role of CSG in getting new states to join the compact?*

Response from Keith Scott (CSG): “Our primary focus at CSG right now is to support the new Commission. Certainly if we have the opportunity to help other states to pass the compact, we will. We would work with the regional representatives to work with non member states to facilitate that process. There is a considerable interest by CSG in working for the Commission and in facilitating the process of helping new states, but that is a secondary objective.”

Response from Rick Masters (CSG): “I would attempt to help in the process if I am in a non-compacting state doing other business. I would make the attempt to talk to someone to help further the process of them joining the compact. With the cost of airfare, we just don't have the funding to fly anywhere to talk states into joining. But it is in the interest of the ICJ to get other states to join.”

Response from Donna Bonner (ICJ): “We can ask for outside funding to help with this in the future as part of our outreach efforts.”

Question 7: *Does the ICJ plan on maintaining an online state roster like AJCA currently does?*

Response from Donna Bonner (ICJ): “Yes, we are working on it right now. We already do have some information on our temporary website. It is limited right now, but we do expect to get on this soon. That is our hope and desire.”

Question 8: *At what point can extradition forms developed by various states be used to return juveniles? This is a significant problem for us because many states want to use adult extradition forms for juveniles.*

Response from Donna Bonner (ICJ): “We will let you know when the rules are out for public comment and you can look at them and comment. There will be some policy on the use of various forms. However, cybercrime is on the rise and our forms don’t anticipate this.”

President Lacy stated that this concluded the list of official questions from the AJCA membership. He opened the floor for further questions. The following questions were asked:

- *Question from Wayne Carmack (NH): “The issue of the differences in the age of majority in various states always causes problems because persons who are juveniles in one state may be considered as an adult in another state. There is a huge range of ages from 16 to 25 depending on which state the juvenile may land in. This creates all kinds of problems for us. Example: A juvenile warrant is issued. The juvenile is picked up in another state on an adult offense. Federal law stipulates that we cannot put an adult offender in a juvenile detention facility. So, how do we honor those juvenile warrants? In many states, juvenile warrants don’t expire. What do we do? This issue needs to be explored.”*

Response from Rick Masters: “We need to get another official legal opinion on this from John Wilson of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). I will work on getting this opinion. Remember, also, you can’t put bail on a compact offender and adult jails accept bail all the time.”

- *Question from Rose Ann Bisch (MN): “Receiving states are very limited in their authority to provide treatment to compact kids that live there. The receiving state only has jurisdiction if the juvenile commits another offense in the receiving state. Usually the sending state has no interest in bringing the juvenile back. We need a proactive method to deal with these kids who need treatment instead of waiting for them to reoffend.”*

Response from Donna Bonner (ICJ): “I will ask the Rules Committee to look at this issue.”

- *Question from Wayne Carmack (NH): “Right now the conditions of parole or probation can only be enforced by the sending state and the receiving state has no jurisdiction to deal with the violations. We need a rule to enable the receiving state to sanction probation or parole violators.”*

Response from Donna Bonner (ICJ): “We will look into that situation as well.”

There were no more questions and President Lacy thanked Ms. Bonner, Mr. Masters and Mr. Scott for participating in the panel discussion.

The group was dismissed for lunch. Hasan Davis, Deputy Commissioner, Kentucky Department of Juvenile Justice, was the luncheon speaker.

3. AJCA Legal Matters/Assets/Dissolution

President Lacy thanked Rick Masters for providing some legal information about the dissolution of AJCA. Mr. Masters stated that AJCA should give some thought now to developing a dissolution plan and that once the membership in AJCA was down to five or so states, the Association should activate the dissolution plan. Because AJCA received a tax exemption 501(c)(3) status, a dissolution plan is required by the federal government. President Lacy said that by that time, the only members left in AJCA will likely be non-active members. Mr. Masters suggested that AJCA adopt a resolution of what will be done in the “winding up” process before the next Annual Meeting and file that document with the appropriate entities, making sure the Internal Revenue Service (IRS) know that the Association is no longer functioning as an association.

The more important question is what to do with the funds remaining in the AJCA treasury. There is some case law that if you are using tax exempt funds, upon dissolution those funds must be transferred to an agency performing similar functions. The other alternative is to give the money back to the states, This really is not feasible, but it is an option. If there is no money left, it is self effectuated.

Again, Mr. Masters strongly encouraged the Association to make a resolution of this nature while there’s still a governing body in AJCA and make the date effective when there is no longer more than one state retaining membership in the Association. Mr. Masters stated that he would help draw up this document at no cost to the Association.

4. INTERSTATE COMPACT OFFENDER TRACKING SYSTEM (ICOTS) PRESENTATION

President Lacy welcomed Sam Razor, the Program Manager for the ICOTS system at CSG. Mr. Razor gave a general description of ICOTS, information on the basic navigation of the system, an overview of how to understand offender records in ICOTS, managing day to day activities in ICOTS, caseload management, and lessons learned.

ICOTS is a web based application which allows member states to facilitate the transfer process and all other compact based activities. They are currently tracking 184,775 offenders nationally. It is a near paperless system. There are 35,711 users nationally and each state compact office determines who the users will be within that state and is responsible for managing and maintaining their user base. They are getting close to releasing their public portals which would allow public access for victims, etc.

Some of the lessons learned from developing the ICOTS system are:

- **Design:** A standard database would have been easier. The managed workflow design increased the complexity of the project significantly. There is a need to be more specific in the design documents in the areas that we assumed to be industry standards (i.e., back buttons, data normalization, etc.).
- **Development:** Incremental development (agile or rapid), the “pros” are that (1) it is a cost effective solution; (2) it provided the ability to develop an application within the available timeframe; (3) it lends itself to input from the customer; (4) the testing is done

incrementally as opposed to all at the end; and, (5) ability to distribute development of modules, which allows more developers to work on the application at one time. The “cons” are: (1) the ambiguity in design documentation (cooperation has been heavily dependent on strong working relationship between the two organizations); (2) the inflexibility (the code is in testing when ICAOS is given the ability to review it); (3) feedback can be restricted and difficult to incorporate; (4) project management by committee complicates the process; (5) difficult to control change request; and, (6) difficult to keep development schedule on track.

- **The Legacy Data:** (1) should have been dealt with as a separate project; (2) insufficient resources (both ICAOS and Appriss); (3) 500 plus total number of files (tested/loaded to date); (4) insufficient authority to force compliance with project authority; (5) some states failed to properly clean their data; (6) some states failed to submit their data in accordance with the provided schedule with the result of excessive testing and reloading by Appriss; and, (7) a tool should have been provided for states to conduct “self testing.”
- **Training:** (1) training efforts were not uniform from state to state; (2) providing states with training options worked where states already possessed well-functioning/established training systems that were in place; (3) states that had a realistic understanding of the impact of ICOTS on business practices adopted more easily; (4) states were not utilizing the resources provided; (5) training videos were not available soon enough because of delayed development; (6) need to find effective ways to communicate what’s available and how users can benefit from it; (7) it was overly focused on field user operation; and, (8) data cleansing is an on-going issue.

President Lacy thanked Mr. Razor for his presentation.

5. ELECTIONS

Cindy Pittman conducted the nomination and election in Margo Bryce's absence. She explained that Margo sent out an email requesting nominations in June. The only nomination she received was that of Cindy Pittman for the office of Treasurer. Cindy advised that because of the decrease in the numbers of members of AJCA and the number of officer and board member positions, there is a slot on ballot for everyone.

The following nominations for officer positions were made from the floor:

- ★ Wayne Carmack nominated Fred White (MA) for President. Nominations for President then closed.
- ★ Rachel Rios (CA) was nominated for Vice President by Bob Champion. However, since the Bylaws state that a member has to have attended a minimum of two AJCA meetings in order to serve, she was not qualified to be nominated.
- ★ Rose Ann Bisch nominated Ron Leffler (IN) and the nominations for Vice President were closed.

- ★ Bob Champion nominated Traci Marchand (NC) for Secretary and then the nominations for Secretary were closed.
- ★ Cindy Pittman was previously nominated for Treasurer. At that point, the nominations for all officer positions were closed.

Motion: *Mike Lacy made a motion that all four persons who were nominated for officer position listed above be elected by acclimation of the AJCA body. Wayne Carmack seconded the motion. The motion passed.*

It was pointed out that Margo Bryce (VT) and Bob Champion (IN) still have one more year in their positions on the Board. The membership decided that due to smaller numbers, it was no longer necessary to have a ten-member Board and that five persons serving on the Board is sufficient. The following nominations for Executive Board positions were made.

- ★ Bob Champion nominated Robyn Peterson (OH)
- ★ Bob Champion nominated Rose Ann Bisch (MN)
- ★ Wayne Carmack (NH) volunteered to serve on the Board

Motion: *Bob Champion made a motion to close nominations and accept the ballot as submitted above. Fred White seconded the motion. The motion passed.*

The meeting was then adjourned until tomorrow morning.