ICJ Commissioner Training
Revision 09/23/09

History
- Original Juvenile Compact came about in 1955
- New Juvenile Compact written in 2000, enacted in 2008
- Law in 40 states with more to join (8/09)
- Provides for the welfare and protection of juveniles and the public
- Oversight is provided by the Interstate Juvenile Commission Office
- Is the only legal process for returning runaways

Problems with the Old Compact
- The compact authority and structure seriously outdated. Examples include:
  - Limited knowledge of who is moving, when and where they are going;
  - Limited agreement between states regarding what supervision means;
  - Limited ability and commitment to notify victims, communities and law enforcement officials of the movement;
  - The national Association of Juvenile Compact Administrators (AJCA) may identify failures to comply with established rules, but is severely limited in its ability to enforce compliance when that becomes necessary; and
  - No recognized authority to promulgate rules.

Primary Changes to the Original Juvenile Compact (1955) include:
- The establishment of an independent compact operating authority to administer compact activity, including a provision for staff.
- Gubernatorial appointments of representatives for all member states on a national governing commission.
- Rule-making authority, provision for significant sanctions to support essential compact operations.
- Mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, training/education, etc.)
- Compel collection of standardized information.
Purpose

- Promote public safety
- Protect rights of victims
- Control movement of youth
- Provide for effective tracking
- Supervision
- Rehabilitation

Interstate Compact for Juveniles

Legal

Interstate Commission for Juveniles

- The commission is a body corporate and joint agency of the compacting states.
- The commission consists of commissioners appointed by the appropriate appointing authority in each state.
- The commissioner is the compact administrator, deputy compact administrator or designee from each state.

Interstate Commission for Juveniles

- Each commissioner (or his/her designee) has one vote.
- The Interstate Commission includes non-commissioner members that are members of interested organizations.
- All non-commissioner members are ex-officio (non-voting) members.
Invited Ex-Officio Members

- National Governors Association
- National Conference of State Legislatures
- Conference of Chief Justices
- National Association of Attorneys General
- Interstate Compact for Adult Offender Supervision
- Association of Administrators of the Interstate Compact on the Placement of Children
- National Center for Victims of Crime
- American Probation and Parole Association
- National Council of Juvenile and Family Court Judges
- Council of Juvenile Correctional Administrators
- The Conference of State Court Administrators

Ex-Officio Members, continued

- National District Attorneys Association
- Office of Juvenile Justice and Delinquency Prevention
- National Institute of Corrections
- National Sheriffs’ Association
- National Juvenile Detention Association
- Child Welfare League of America
- International Association of Chiefs of Police
- National Association of Extradition Officials
- National Center for Missing and Exploited Children
- National Runaway Switchboard
- Interstate Commission on Educational Opportunity for Military Children
- Association of Juvenile Compact Administrators

Ex-Officio Representative’s Role

- Serve as principal liaison between the Commission and the designated organization.
- Serve in an advisory capacity to the Commission.
- Attend Interstate Commission meetings and committee meetings.
- Participate in Commission and committee meetings as requested by the Chair.
- Ex-Officio members are non-voting members.

National Structure

- National Commission
- Executive Committee
- Chair
- Vice Chair
- Treasurer
- Secretary (Executive Director)
- Rules Committee
- Eastern Region Rep
- Western Region Rep
- Technology Committee
- Midwest Region Rep
- Compliance Committee
- Southern Region Rep
- Finance Committee
- Training, Education, and PR Committee
National Commission Duties

- Establish by-laws to govern and direct the Commission’s actions or conduct.
- Establish rules to effectively and efficiently achieve the purposes of the Compact.
- Monitor compliance and initiate interventions to address and correct noncompliance.
- Coordinate training and education regarding regulations.
- Elect the Executive Committee and establish such other committees as necessary.

State Structure

- Provide mechanism for empowerment of Compact process;
- Assist in developing Compact policy;
- Determine qualifications for membership on Council;
- Appoint designee when Commissioner is unable to attend.

Role of the Commissioner

- Ensure appointment is in compliance with statute.
- Ensure State Council is functioning with appropriate appointed members.
- Develop good working relationship with Judiciary.
- Promote purpose and mission of Compact to ensure state operations are in compliance with Compact provisions and rules.
Duties, continued

- Participate on Commission Committees.
- Train line officers, court administrators, prosecutors, judiciary, etc.
- Act as liaison between national office, state compact office, and state council.
- Ensure dues are paid within requirements set by Commission.
- Attend Regional meetings.
- Attend Commission meetings.

Duties, continued

- Respond to requests, communication and surveys from national office.
- Request advisory opinions from Executive Director within set guidelines (when available).
- Coordinate the implementation of Compact rules and national data base system.

Organizing Compact Office

- Is there adequate staffing?
- Does the office have the resources it needs to effectively carry out its duties?
- Are processes in place to ensure accountability?
- Is information provided in a timely manner?
- What are the technology capabilities of the Compact Office?
- Have all compact staff received training?

Accessing Legal Counsel

- Commissioners, Compact Administrators, Deputy Compact Administrators, and all others engaged in the business of the Compact shall access the legal counsel through the Chair.  *(ICJ Commission Administrative Policy #1-2009.)*
ICJ Commission

Executive Committee

Chair: Donna Bonner, Texas
Vice Chair: Ray Wahl, Utah

Members

- Dennis A. Casarona, KS, Treasurer
- Summer Foxworth, CO, Chair, Compliance Committee
- Ray Wahl, UT, Chair, IT Committee
- Gary Hartman, WY, Chair, Rules
- Jean Hall, FL, Chair, Training, Education and PR
- Lisa Bjergaard, ND, Chair, Finance Committee, Midwestern Regional Representative
- Terry Clark, PA, Eastern Regional Representative, Chair of the Regional Representatives
- Judy Miller, AR, Southern Regional Representative
- Dale Dodd, NM, Western Regional Representative

Executive Committee

- The Executive Committee acts on behalf of the Commission during periods when the Commission is not in session; with the exception of having rulemaking authority and/or power to amend the Compact.
- Members include:
  - Chairperson
  - Vice-Chairperson
  - Treasurer
  - Regional Representative (East, South, Mid-West and West)
  - Committee Chairs (Appointed by the Chairperson)

Executive Committee

- Oversees the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff
- Administers enforcement and compliance with the provisions of the compact, its bylaws and rules
- Performs other duties as directed by the Interstate Commission or as set forth in the bylaws.
- The Executive Committee has monthly teleconferences the 4th Thursday of every month.
Role of the Executive Committee

- Executive Committee members are charged with the responsibility to manage the Commission in the same manner in which other national not-for-profit organizations are administrated.
- Areas of responsibility include:
  - Budget
  - Staff appointments and retention
  - Physical infrastructure
  - Long range planning

Regional Representatives

- Are elected every two years by a plurality vote of the commissioners of each region
- Shall serve for two years or until a successor is elected by the commissioners of that region
- Are members of the Executive Committee

ICJ Commission Regions

National Office
Role of National Office

- Secretary/Clearinghouse to the Commission
  - Documents
  - Meeting Minutes
  - Commission Business
- Resource Center
  - Training Assistance
  - Publications
  - Website
  - Directory of States Compact Offices
  - Legal Assistance/Opinions

Services Provided

#1 Priority is to serve the Commission
  - Assist Commission, Committees & Regions in carrying out respective missions/goals
  - Logistical support
    - Teleconference/Web conference
    - On-site Meetings/Trainings

Training Assistance (Hide)

- Materials up-to-date
  - Presentations
  - Student Manuals
  - Supplemental Materials
- On-demand
  - Rules
  - Judicial

Technical Assistance

- Manage national data collection project
- Use additional technologies
  - Surveys
  - Reports
  - Online Communication Tools (future plans)
    - Blogs
    - Discussion Forums
Contact

- John Mountjoy, Interim Secretariat
  Interstate Commission for Juveniles
  c/o Council of State Governments
  2760 Research Park Drive
  P.O. Box 11910
  Lexington, KY 40578-1910
  (859) 244-8256 phone
  (859) 244-8001 fax
- Commission Website (Temporary)

Finance Committee

Chair: Lisa J. Bjergaard, Commissioner, North Dakota
Treasurer: Dennis Casarona, Commissioner, Kansas

Members
- Michele Huntley, Designee, Delaware
- Alicia Ehlers, Ex-Officio, Idaho
- Dennis Casarona, Commissioner, Kansas, Commission Treasurer
- Paul Gibson, Commissioner, Kentucky
- Beth Meng, Commissioner, Louisiana
- Gloria Soja, Designee, Montana
- Susan Morris, Commissioner, Oklahoma

Roles
- With the assistance of the Executive Director, the Treasurer shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies.
**Finance Reports**

- The Executive Director shall submit financial reports to the Treasurer and Executive Committee.
- The Executive Committee approves the budget presented by the Executive Director.
- The Treasurer presents the budget to the Commission at the annual business meeting.
- Fiscal year is July 1–June 30.
- Executive Director shall submit invoices to the states for dues prior to the beginning of each fiscal year.
- The Commission shall be audited each year.
- The Council of State Government performs all accounting functions for the Commission.

Note: Hiring of the Executive Director is in progress.

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**ICJ Budget**

**SOCIAL NOTE**

**Budget Summary**

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<th>Category</th>
<th>Amount</th>
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<td>Meetings - Executive Committee</td>
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<td>Meetings (Commission &amp; Committee)</td>
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<td>Total Meetings</td>
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<td>Salary &amp; Wages</td>
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<td>Postage</td>
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<td>Total Salary &amp; Wages</td>
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<td>Rent &amp; Utilities</td>
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<td>Lodging/Food/Reception</td>
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<td>Total Rent &amp; Utilities</td>
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<td>Computers, Copiers, Furniture, Etc.</td>
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<td>Travel (9 members / 3 staff)</td>
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<tr>
<td>Total Travel</td>
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<td>Indirect Costs</td>
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<td>Telecommunications</td>
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<td>Total Indirect Costs</td>
<td>$108,139</td>
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<td>TOTAL:</td>
<td>$648,839</td>
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</tbody>
</table>

**Dues Formula**

Ranking Formula = State Population + Offenders transferred In & Out

Total US Offenders Transferred

2

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**Commission Dues**

- Based on formula developed by the Commission at the Inaugural Meeting in December 2008.
- Payable upon receipt of invoice from National Office.
- State dues range from $12K to $37K.
Training, Education & Public Relations Committee

Chair: Jean Hall, Commissioner, Florida

Members

- Pat Pendergast, Designee, Alabama
- Michele Huntley, Designee, Delaware
- Beth Meng, Commissioner, Louisiana
- Sherry Jones, Commissioner, Maryland
- Gloria Soja, Designee, Montana
- Dawne Gannon, Commissioner, South Carolina
- Sherry Bolden Rivers, Commissioner, Tennessee
- Margaret Carpenter, Commissioner, Wisconsin

Types of Training Available Now:

- PowerPoint Presentations for:
  - Commissioners
  - State Councils
  - Field Staff

Types of Training Available in the Future:

- On-Site (facilitated) Training
  - Probation & Parole Officers
  - Commissioners
  - Ex-Officios
  - State Council Members
  - Judicial
  - Workshop/Conference
Types of Training Available in the Future:

- On-Demand Training Modules
- Online Training

Requesting Training

- Commissioner contacts National Office – training can be on-site or special online modules
- National Office consults with Training Chair and then schedules and coordinates the training

Publications & Resources (future)

- Probation & Parole Officer Curriculum
- Commissioner Handbook
- Commissioner Training Presentation
- Legal Training Curriculum & Presentation
- State Council Presentation
- Bench Book for Judges & Court Personnel

Information Technology Committee

Chair: Ray Wahl, Commissioner, Utah
Members

- Alicia Ehlers, Ex-Officio, Idaho
- Paul Gibson, Commissioner, Kentucky
- Dale Dodd, Commissioner, New Mexico
- Susan Morris, Commissioner, Oklahoma
- Terry Clark, Designee, Pennsylvania

Rules Committee

Chair: Gary Hartman, Commissioner, Wyoming

Members

- Andy Snook, Ex-Officio, Idaho
- Billie Greer, Designee, Illinois
- Julie Hawkins, Commissioner, Missouri
- Fernando Serrano, Commissioner, Nevada
- Traci Marchand, Commissioner, North Carolina
- Lisa Bjergaard, Commissioner, North Dakota
- Terry Clark, Designee, Pennsylvania
- Cheryl Sullivan-Colglazier, Commissioner, Washington
- Dawn Melzo, Designee, Washington (when Commissioner unavailable)
- Mike Lacy, Commissioner, West Virginia

2009 ICJ Transition Rules

- The new Interstate Compact for Juveniles became a viable entity in 2008 when the 35th state (Illinois) joined.
- The Inaugural Meeting of the Interstate Commission for Juveniles was held in December 2008.
- The Commissioners voted to accept the 2009 ICJ Transition Rules, which are identical to the AJCA Rules.
- These Rules will be followed until the Commission votes and promulgates new Rules in December 2009.
- The Transition Rules allow old compact states to continue to interact with new compact states for one year.
Compact Requirements

Article VI: Rulemaking Functions of the Interstate Commission

A. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

Rulemaking Process


- When promulgating a rule, the Commission must:
  - Publish the text and reason for the proposed rule;
  - Allow written comment, to be publicly available;
  - Provide opportunity for an informal hearing if petitioned by 10 or more people; and
  - Promulgate final rule and effective date, based on input from state or local officials, or interested parties.

Process, continued

- Emergency rule-making procedure available
- Judicial review available in federal district court, upon a timely petition (within 60 days of promulgation)
- A rule will have no further force and effect if rejected by the legislatures in a majority of compacting states

Rulemaking Power

- Commission rules must be adopted in a manner that is substantially similar to the process of the Administrative Procedures Act.
- Once adopted, the rules have the force and effect of statutory law and supersede any inconsistent state laws.
- Majority of state legislatures can reject a proposed rule.
Compliance Committee

Chair: Summer Foxworth, Commissioner, Colorado

Members

• Judy Miller, Designee, Arkansas
• Dennis Casarona, Commissioner, Kansas
• Mark Boger, Commissioner, Maine
• Michael Ruedisale, Commissioner, Michigan
• Nancy Allard, Commissioner, South Dakota

The Compliance Committee is vested with:

• The authority to monitor member states’ compliance with the terms of the Compact and the Commission’s rules.
• The authority to develop appropriate enforcement procedures for the Commission’s consideration including:
  – Initiating interventions to address and correct non-compliance.

Dispute Resolution

Step 1
State Compact Administrators shall attempt to resolve disputes by communicating with each other.

Step 2
Parties shall submit a written request to the Commission’s Chair for assistance in resolving controversy or dispute.
Formal Resolution of Disputes and Controversies (hide)

Any dispute or controversy not resolved under Rule x may be resolved by alternative dispute resolution processes
- Mediation
- Arbitration

Enforcement Actions Against Defaulting States

- Penalties which may be imposed on defaulting states:
  - Remedial training and technical assistance
  - Alternative dispute resolution
  - Fines, fees, and costs in such amounts as are deemed to be reasonable by the Commission
  - Suspension and termination of membership in the Compact

Judicial Enforcement

- By majority vote of the Commission, legal action may be initiated to enforce compliance against a compacting state.
- In the event of judicial enforcement, the prevailing party shall be awarded all costs of such litigation including reasonable attorneys’ fees.

Interstate Compacts

Interstate compacts are contractual agreements between the states enacted through legislative means and adopted to resolve a dispute, study a problem or create an on-going administrative mechanism for managing an interstate affair.
Interstate Compacts, continued
• Agreements between states authorized under Article I, Section 10, Clause 3 of the U.S. Constitution – the “Compact Clause”.

• The U.S. Supreme Court has consistently held that Congressional consent is only required for compacts that tend to increase the political power of the states in a manner that encroaches upon or interferes with the just supremacy of the United States.

Compacts
• Approximately 200 compacts formed since the founding of the U.S.
  – About 38 are inactive
  – On average, each state is a member of 23 compacts

• Creation of the Port Authority of New York and New Jersey in 1922 signaled a new era in regulatory compacts.

Why are compacts so appealing?
Important Advantages:
• Flexible, enforceable means of cooperation.
• Interstate uniformity without federal intervention – i.e., best of both worlds
• States give up right to act unilaterally, but retain shared control (“collective sovereignty”).
• Alternative/deterrent to federal intervention and preemption.
• Power sharing among the states.

Crime Control Act 4 U.S.C. Section 112 (1065)
Authorizes and encourages states to form interstate compacts for cooperative efforts and mutual assistance in the prevention of crime.
Implications of Congressional Consent

- Congressional consent:
  - Transforms an interstate compact into federal law under the “law of the union doctrine.” This transformation is not only for jurisdictional or interpretative purposes. Consent makes a compact substantive federal law.
  - Makes a compact enforceable under the Supremacy Clause and the Contract Clause.

Implications, continued

- Places ultimate responsibility for interpretation and enforcement in the federal courts, and ultimately the U.S. Supreme Court.
- Requires that all courts give effect to a compact even to the extent that state law (constitutional or statutory) must yield to its terms and conditions.
- Makes available to aggrieved parties the full range of federal court enforcement including not only the relief authorized by the compact but also federal injunctive relief where necessary.
- A state court cannot declare an interstate compact to be invalid on state constitutional grounds without subjecting that normally un-reviewable decision of state law to further U.S. Supreme Court review to protect the federal interest and the interests of the other signatories.

Legal Authority Summary

- Article I, Section 10, Clause 3 of the U.S. Constitution authorizes compacts between states;
- A compact with Congressional consent becomes a “law of the United States.”
- The U.S. Supreme Court recognized that Congressional consent transforms a compact into federal law under the Compact Clause.
- Compact rules supersede any state laws in conflict with them.

Enforcement Power

- Commission has authority to enforce the compact and its rules upon the states by:
  - Requiring remedial training,
  - Requiring mediation/arbitration of dispute,
  - Imposing monetary fines on a state, and/or
  - Seeking relief in federal court, most likely by obtaining an injunction to curtail state action or compel compliance.
**Population Served**

- Delinquent youth (accused or adjudicated)
- Status offender youth (accused or adjudicated)
- Runaway youth who have left their state of residence

**Who is NOT Covered?**

- Children and youth going to another state for placement in residential or foster care;
- Children and youth going to another state for educational purposes; and
- Children and youth under a court order from another state for mental health treatment.

**Other Compacts**

- Interstate Compact on the Placement of Children (ICPC)
- Interstate Compact on Mental Health (ICMH)
- Interstate Compact for Adult Offender Supervision (ICAOS)
- Interstate Compact on Educational Opportunity for Military Children (MIC3)

**Compact Statute**

- Each compacting State has passed similar legislation becoming Signatories to the Interstate Compact.
- Each Commissioner should become very familiar with the language of their State Statute.
### Member States (as of 8/09)

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Serving Juveniles While Protecting Communities