

New juvenile compact

Strengthening the juvenile compact for the 21st century

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The new Interstate Compact for Juveniles proposes significant updates to the existing Interstate Compact on Juveniles, a 48-year-old mechanism for tracking and supervising juveniles. By providing enhanced accountability, enforcement, visibility and communication, the new compact seeks to update a crucial, yet outdated tool for ensuring public safety and preserving child welfare.

The original Interstate Compact on Juveniles was established in 1955 to manage the interstate movement of adjudicated youth (youth who have been tried and sentenced in the court system), the return of runaway youth, and the return of youth to states where they have a pending delinquency, neglect or dependency hearing. The compact was written before the Interstate Highway System existed, before air transportation was readily accessible and well before computer technology revolutionized communication.

Likewise, the population managed by the compact has dramatically grown and changed over the past four decades. "The juvenile population has changed in a number of ways," said Ray Wahl, Utah's Juvenile Court administrator and a member of the Juvenile Compact Advisory Group. "The prevalence of firearms in youth crimes, the accessibility of street drugs, such as methamphetamines, and the sheer growth in mobility and transportation issues have all contributed to juvenile offenses being more severe," according to Wahl. This evolving juvenile population, combined with an outdated compact structure, has given root to growing public safety and juvenile welfare concerns in the states.

In 1999, the federal Office of Juvenile

Justice and Delinquency Prevention conducted a detailed survey of the states, uncovering many contentious issues within the current compact structure, and asked for recommendations to address these growing concerns. Since then, The Council of State Governments and OJJDP have developed advisory and drafting groups that created the new Interstate Compact for Juveniles.

When formally adopted by the states, the new compact will not only change the name from The Interstate Compact on Juveniles to The Interstate Compact for Juveniles, it will address many deficiencies and inconsistencies within the current juvenile-compact system. The new agreement deals with enforcement, administration, finance, communications, data sharing and training. The revised compact will also

establish an independent operating authority, the Interstate Commission, which will be positioned to address future interstate problems and issues as they arise.

For reasons of public safety, the welfare of juveniles, and the protection of victims, it is in the best interest of all states, territories, the District of Columbia and the Commonwealth of Puerto Rico to consider joining this compact. In order for the proposed agreement to become an active interstate compact, 35 states must authorize cooperation under the agreement through the legislative process. State legislatures will begin considering the new compact language this session.

What is a compact?

Simply stated, a compact is an agree-





renounced by the state. Compact provisions take precedence over conflicting state laws and inconsistent provisions of existing laws of states in the compact.

The current compact: History and shortcomings

The original compact provides the procedural means to regulate the movement across state lines of juveniles who are under court supervision. Specifically, the compact provides for the monitoring or for the return of any juvenile who:

- has run away from home;
- is placed on probation or parole and wants to reside in another state;
- has absconded from probation or parole or has escaped from an institution and is located in another state;
- requires institutional care and specialized services in another state; or
- has a pending delinquency, neglect or dependency hearing and runs away to another state.

As currently written and used, The Interstate Compact on Juveniles is not an effective instrument for today's juvenile justice system. Some of its language and methods are antiquated, its rules and procedures are not widely agreed to, followed or understood, and its structure and overall management are powerless to meet the real needs of juveniles within the modern justice system.

"If a troubled youth does not get appropriate supervision, interventions and treatment early," said Wahl, "they will continue their delinquent behavior and ultimately become the responsibility of the adult system. Once that happens, the chance to make a difference in the life of that child is greatly diminished."

Key components of the original compact language differ from state to state, an obvious barrier to creating effective and binding interstate agreements. Since the original compact was adopted in 1955, compact administrators have proposed three different amendments. However, these amendments have not been adopted by all of the states, creating even more inconsistency.

Also, the compact's rules are problematic for juvenile justice practitioners and the judicial system, and they are also potentially detrimental to juveniles themselves. In addition, the current compact contains no

enforcement mechanism for its rules; nor is there a method for guaranteeing compliance among the compacting states.

And, the current compact encounters serious problems within the juvenile justice system, such as long processing times, lack of uniform rules and a lack of information exchange. "Part of the problem is the timely exchange of information," said Stephen White, chief of police for Doylestown, Pennsylvania, and a member of the Juvenile Compact Drafting Team. "The system is not currently set up to adequately share information, not only on juveniles but also adults. And we're not sharing the information that we do have on hand."

To further complicate the existing system, the Association of Juvenile Compact Administrators currently promulgates and maintains rules and procedures without vested authority. AJCA is a voluntary membership organization composed of the appointed compact administrators or their designees. Although the association operates under language contained in the compact, the agreement contains no provisions for staffing, national coordination and compliance or funding.

Road to change

In 1999, the Office of Juvenile Justice and Delinquency Prevention conducted a national survey to collect statistics on interstate activity and to solicit opinions from officials at various organizational levels. The survey targeted three specific audiences: compact administrators, juvenile justice agency administrators and field staff of juvenile justice agencies. The three most common recommendations to improve the compact were:

- develop better enforcement and accountability measures;
- provide more training to local and state juvenile justice officials; and
- improve the speed and quality of communication through the use of technology.

Beginning in June 2000, CSG and OJJDP began to develop and facilitate an Advisory Group to examine The Interstate Compact on Juveniles and determine a future course of action. Composed of 24 policy experts representing a diverse group of institutions and organizations, the Advisory Group met

ment between two or more states for cooperative effort, mutual assistance, management and regulation of public policy matters that transcend the boundaries of one state. Authorized under Article I of the U.S. Constitution and dating as far back as the 1780s, compacts have been created to address a wide variety of issues.

Many of the earliest compacts were designed to settle boundary disputes. Throughout the 20th century, compacts were increasingly relied upon to manage and regulate state concerns in diverse areas such as environmental-resource management, multistate taxation, transportation, corrections, crime control and juvenile justice.

A state that has ratified a compact is bound to observe the terms of the agreement until the compact is formally

Lawmakers learn about the compact

The Council of State Governments and the federal Office of Juvenile Justice and Delinquency Prevention hosted a legislative briefing on The Interstate Compact for Juveniles in December 2002 in Scottsdale, Arizona. This national gathering provided key state policy-makers the opportunity to:

- obtain valuable information on the proposed legislative language;
- learn about a host of issues from juvenile justice practitioners, corrections officials, court administrators, law enforcement officials and victims advocates;
- meet with legislators and legisla-

tive staff involved in the passage of other compacts; and

- Ask questions regarding adoption of this important legislation in their states.

For more information, please visit <http://www.csg.org> and follow the hyperlinks for "Policy," "Public Safety and Justice," and "The Interstate Compact for Juveniles." Information is available online regarding the legislative briefing, the current status of the compact in the states, revised compact language, an educational video and other resources. For additional information, contact Chad S. Foster at (859) 244-8032 or cfoster@csg.org.

twice in 2000-2001 to review and analyze information from the OJJDP survey and to develop strategies and recommendations to improve the compact.

The second phase in the revision process involved developing and facilitating a Drafting Team during the fall of 2001. Like the Advisory Group, the Drafting Team consisted of 15 policy experts from across the states who reviewed the recommendations made by the Advisory Group and translated those recommendations into specific compact language.

The final stage in revising the compact was the dissemination of the draft Interstate Compact for Juveniles to state officials and other interested stakeholder groups for review and comment. The draft

was circulated in April and May of 2002 and final review was completed in June.

Solutions for the future

The revised compact will address many deficiencies within the current juvenile compact system, including enforcement, administration, finances, communications, data sharing and training. The new compact will provide for:

- the establishment of an independent compact-operating authority to administer ongoing compact activity, including a provision for staff support;
- a national governing commission, with representatives from all member states appointed by the governors.

The commission will meet annually to elect the leaders and committee members and to attend to general business and rule-making procedures;

- a rule-making authority and a provision for significant sanctions to support essential compact operations;
- a mandatory funding mechanism sufficient to support essential compact operations, such as staffing, data collection, training and education;
- the collection of standardized information and information-sharing systems; and
- the coordination and cooperation with other interstate compacts, including the Interstate Compact for Adult Offender Supervision and Interstate Compact for the Placement of Children.

In summary, The Interstate Compact for Juveniles will provide the framework for promoting public safety, ensuring the welfare of juveniles, and protecting victims within the states through enhanced control and a better structure for the interstate movement of juveniles.

"The bottom line is that all juveniles are worth being redeemed, no matter what they may have done," White said. "I think that if you handle the problem as a juvenile and you can handle it effectively state to state, they will not end up in the adult system. This gives the juvenile a chance, more adequately protects the community and in the end, saves states money." ★

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Homeland security —

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What can states do?

One way or another, states will face difficult homeland security decisions this year. A timely decision and turnaround on federal funds will surely assist the states in focusing their efforts, time and resources on internal needs. Regardless of federal policy, states can take several measures to help prepare for these upcoming decisions:

- share and study other state practices and innovative funding solutions for homeland security;
- collaborate with other states and regions to create mutually beneficial solutions;
- increase collaboration with federal, local and private partners;
- use higher education institutions within the state to assist in research and development, self assessments and other homeland security needs; and
- explore all potential money-making and cost-saving options at the state

and local levels. Methods for raising revenue might include increasing or imposing new taxes, surcharges or fees. Options for realizing cost savings might include cross-border resource sharing.

Unfortunately, there is a price tag for preparedness. Funding homeland security will likely challenge all the states in the year to come. ★

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