

Interstate Compact for Juveniles

Created by Section 37-4-101, *Tennessee Code Annotated*
(Sunset termination June 2018)

1. Provide a brief introduction to the Interstate Compact for Juveniles, including information about its purpose, requirements, and the state officials and staff involved in the administration of the compact in Tennessee.

The purpose of the Interstate Compact for Juveniles (ICJ) is to provide a system under which juvenile offenders can be supervised in states, other than the one in which they were adjudicated for offenses, to assure safety for victims and the public. It provides for a legal transfer of supervision and care for youth on probation and parole from one state to another. The ICJ also provides guidelines for the safe return of runaway youth, those who run to and from Tennessee.

The original Interstate Compact on Juveniles was developed in 1955. Following the initial success revising the Interstate Compact for Supervision of Parolees and Probationers (revised into the Interstate Compact for Adult Offender Supervision), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) pursued a similar rewrite of the Interstate Compact on Juveniles. In 1999, OJJDP conducted a detailed survey which uncovered a number of contentious issues within the Compact's structure. In 2002 after finalizing the Compact language, an educational campaign began to help state, policymakers better appreciate and understand the need for a new Compact. The revised Compact reached its thirty-five state threshold when Tennessee and Illinois enacted in 2008, allowing for transition and operational activities to commence. Currently all fifty states and two US territories (District of Columbia and US Virgin Islands) are a part of the Compact. Puerto Rico is still not a part of the Compact. (<http://juvenilecompact.org/About/History.aspx>).

Participation in the ICJ requires that Tennessee adhere to the rules of the compact as outlined in TCA 37-4-101, part I. Under the auspices of Commissioner Bonnie Hommrich and Deputy Commissioner Debbie Miller, the ICJ is administered by the DCS Office of Juvenile Justice. Daily operations are under the purview of a DCS Director, ICJ Commissioner and a DCS Program Coordinator who is designated as the Deputy Compact Administrator. DCS case management staff, stationed in regional offices throughout Tennessee, provide the actual supervision of youth on probation/parole as well as track Tennessee youth who move to other states. Case management staff also help facilitate the return of runways at the direction of the ICJ Commissioner and Deputy Compact Administrator.

2. Provide a list of the states with which Tennessee currently have agreements under the compact.

As a party to the compact, Tennessee has agreements with all fifty states including the District of Columbia and Virgin Islands; however, we do not have an agreement with non-member territory of Puerto Rico.

3. In the past two years, how many juveniles have been returned to Tennessee and by Tennessee pursuant to this compact?

	FY 15-16 7/1/15-6/30/16	FY 16-17 7/1/16-6//30/17
Runaways Returned to TN	44	60
Runaways Returned to other states	52	55
Runaway Totals	96	115

The ICJ Office facilitates the return of youth who run away from home; abscond from community supervision or run from state custody. The data above reflects the total number of youth returned to Tennessee and other states for the last two fiscal years. Work to return runaways is facilitated by the Office of Juvenile Justice.

	FY 15-16 7/1/15-6/30/16	FY 16-17 7/1/16-6//30/17
Incoming Probation	116	124
Incoming Parole	14	24
Incoming Case Totals	130	148
Outgoing Probation	96	102
Outgoing Parole	32	28
Outgoing Case Totals	128	130
Total Cases	258	278

The ICJ Office also processes probation and parole cases coming into Tennessee from other states (incoming) and cases of youth moving to out of state (outgoing). These cases are transferred to the county in which the youth resides and are supervised by a DCS Juvenile Justice Family Service Worker.

4. How does the compact affect individual juveniles, as well as the operations of the Tennessee juvenile justice system?

The compact allows Tennessee Juvenile Courts, and courts in other states, the flexibility to hear cases and dispose of cases of youth breaking the law in their counties. It ensures that youth’s behavior and case will be monitored when he/she leave the state. The court retains jurisdiction over the case and has a mechanism to monitor whether or not the youth is complying with the orders of the court through the compact.

The compact also allows families, who may have to relocate out of state, the freedom to move yet still comply with the legal system. In some situations, parents are divorced and the children move from one parent to the other while still under the supervision of the court or the family has to move due to a job transfer or other circumstances.

The compact has strengthened its guidelines around the monitoring and supervision of youth by providing a State Sex Offender Matrix which provides a brief overview of each state’s registration requirements and timelines, public notification, risk assessment, residency, and electronic monitoring requirements regarding juvenile sex offenders.

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In 2016 the Human Trafficking Ad Hoc Committee of the Interstate Commission surveyed states and compiled a matrix for the four national regions. The matrices outline each states laws regarding Human Trafficking issues. All matrices are available under the resource tab at www.juvenilecompact.org.

5. What were Tennessee’s costs related to the compact during fiscal years 2016 and 2017? Please detail the sources and uses of those funds. How are the compact’s administrative costs allocated among participating states? What is the cost per day for supervising juveniles who were adjudicated in another state but live in Tennessee?

Operation of the ICJ is funded with state and federal dollars. The cost per day for supervising youth who were adjudicated in another state and live in Tennessee is the same rate as supervising youth adjudicated in Tennessee. The rate for those non-custody youth supervised in fiscal years 2015-2016 and 2016-2017 was \$23.19 per youth per day.

Based on this daily rate the total cost for supervising youth adjudicated in other states that moved to Tennessee during FY 15-16 was \$1,267,766 and for FY 16-17 was \$1,361,709 which includes the return of youth to Tennessee who had runaway, escaped, or absconded from supervision, interstate compact dues, the ICJ Commissioner and Deputy Compact Administrator’s salary.

Using the same cost per day formula it would have cost the State of Tennessee \$1,117,294 to supervise youth adjudicated in Tennessee that were transferred to other states in FY 15-16 and \$1,117,294 in FY 16-17. The Interstate Commission’s administrative costs per state are assessed based on the population of the state and the number of youth transactions that occur in that state. Below are figures from the Interstate Commission for Juveniles Annual Report for the last two fiscal years.

Fiscal Year 2015-2016			
Incoming Cases – from out of state		Probation	Parole
ICJ Cases received in Tennessee FY 15-16	130	116	14
Average number of youth supervised per month	132	120	12
Supervision Cost Incoming Cases FY 15-16	\$1,117,294		
Transportation Cost for return of Youth who had runaway, escaped, or absconded in FY 15-16	\$24,464		
ICJ Commissioner Salary	\$60,204		
Deputy Compact Administrator Salary	\$48,804		
Interstate Compact Annual Dues	\$17,000		
Total Costs Incoming Cases Supervised in TN	\$1,267,766		
Outgoing Cases – Tennessee youth leave state			
ICJ Cases sent to other states for supervision FY 2015-2016 (June 1, 2015-May 31, 2016)	128	96	32
Average number of youth supervised by other states per month	132	96	36
Supervision Cost TN Youth Out of State FY 15-16	\$1,117,294		

**Formula for computing total cost of supervision: average number of youth supervised per month x 23.19 (cost per day) x 365 days in fiscal year.

Fiscal Year 2016-2017			
Incoming Cases – from out of state		Probation	Parole
ICJ Cases received in Tennessee FY 16-17	148	124	24
Average number of youth supervised per month	144	120	24
Supervision Cost Incoming Cases FY 16-17	\$1,218,866		
Transportation Cost for return of Youth who had runaway, escaped, or absconded in FY 16-17	\$16,835		
ICJ Commissioner Salary	\$60,204		
Deputy Compact Administrator Salary	\$48,804		
Interstate Compact Annual Dues	\$17,000		
Total Tennessee ICJ Costs for FY 16-17	\$1,361,709		
Outgoing Cases – Tennessee youth leave state			
ICJ Cases sent to other states for supervision FY 2016-2017 (June 1, 2016-May 31, 2017)	130	102	28
Average number of youth supervised by other states per month	132		
Supervision Cost TN Youth Out of State FY 16-17	\$1,117,294		

**Formula for computing total cost of supervision: average number of youth supervised per month x \$23.19 (cost per day) x 365 days in fiscal year.

6. Who serves as the compact administrator for the State of Tennessee and how is the administrator designated? Does the state have a deputy compact administrator? If so, how is that person designated and who currently fills that position?

The ICJ Commissioner is Cathlyn Smith, MSW, MS and the Deputy Compact Administrator is Correnthea Copeland, MS, DCS Program Coordinator, in the Office of Juvenile Justice. The person selected to serve in this position must have juvenile justice background and is familiar with Departmental policies and procedures. The Office of Juvenile Justice makes a recommendation to the Tennessee State Council before appointing the Deputy Compact Administrator and the ICJ Commissioner.

7. Has the State of Tennessee created a state council for interstate juvenile supervision as called for in Article IX of the compact? If so, who currently serves on the council and how are appointments made and by whom?

The State of Tennessee has an ICJ State Council that meets bi-annually. Members of the ICJ State Council include the Honorable Judge Sheila Calloway, Juvenile Court of Davidson County; Representative Johnny Shaw (D), District 80; Elizabeth Reeve, Attorney, Disability Law and Advocacy Center; Kathryn Sinback, Davidson County Juvenile Court Administrator; Craig Hargrow, Director of Juvenile Justice/Second Look Commission, Tennessee Commission on Children and Youth; Leslie Kincaid, Court Improvement Coordinator, Administrative Office of the Courts; Debbie Miller, Deputy Commissioner Juvenile Justice DCS; Jacqueline Moore, DCS Director of Policy, Prevention and ICJ; Cathlyn Smith, ICJ Commissioner; Correnthea Copeland, Deputy Compact Administrator; and Russell Marty, DCS Legislative Liaison.

8. Who currently serves as the commissioner from the State of Tennessee on the interstate commission established by this compact? Do representatives from Tennessee currently serve in any leadership positions (i.e., chair, vice chair, etc.) with the interstate commission?

Cathlyn Smith, ICJ Commissioner, represents Tennessee as a voting member at the annual meeting of the Interstate Commission. Mrs. Smith serves as a member of the National Training Committee and also conducts training for the commission nationally and at the Annual Business Meeting. She is also a member of the Southern Regional Committee which meets to address concerns or issues in the Southern states, which include: Texas, Oklahoma, Arkansas, Missouri, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, West Virginia and Virginia, Maryland and the District of Columbia. Ms. Smith also serves as a member of the ad hoc committee on Human Trafficking.

9. What processes, if any, are in place for the prior review, within the state, of rules promulgated by the interstate commission as authorized in Article VI of the compact?

Proposed rule changes by the National Commission are reviewed by the Office of Juvenile Justice, DCS legal staff and discussed at the Tennessee ICJ State Council meetings.

10. Describe any items related to the compact that require legislative attention and your proposed legislative changes.

The existing law is intact as written; there are no proposed legislative changes or recommendations at this time.

11. Should Tennessee continue its participation in the compact? What are the advantages and disadvantages of continued participation? How would Tennessee's failure to participate in the compact affect the public health, safety, or welfare?

Tennessee should continue its participation in the compact. If Tennessee does not participate there would be no legal way to monitor youth who runaway, youth on probation and parole which could adversely affect public safety.

The annual dues paid to the Interstate Commission is an advantage since it includes technical support, training, access to an attorney, arbitrator if necessary, the Commissioner's attendance at the annual business meeting, the Commission develops and gives us access to all forms, policies and procedures and provides access to the Juvenile Interstate Data System (JIDS). We believe there are no disadvantages.

The Compact provides Tennessee, by way of federal legislation, a way to work in conjunction with other states in providing services on behalf of Tennessee Courts thus, promoting public safety and victim's rights by monitoring the orders of the court.