

INTERSTATE COMMISSION FOR JUVENILES

RULES COMMITTEE

Minutes

February 6, 2019

2:00 PM ET

WebEx Teleconference



Commissioners/Designees in Attendance:

1. Jeff Cowger (KS), Chair
2. Tracy Hudrlik (MN), Vice-Chair
3. Judy Miller (AR), Designee
4. Anne Connor (ID), Designee
5. Galan Williamson (ME), Commissioner
6. Julie Hawkins (MO), Commissioner
7. Kevin Brown (NJ), Commissioner
8. Dale Dodd (NM), Commissioner

Members Not in Attendance:

1. Melanie Grimes (DE), Commissioner
2. Tomiko Frierson (IL), Commissioner
3. Charles Frieberg (SD), Commissioner

Non-Voting Committee Members in Attendance:

1. Raymundo Gallardo (UT)
2. Dawn Bailey (WA)
3. Steve Jett (NPJS), Ex-officio

Guests in Attendance:

1. Caitlyn Bickford (NH)
2. Edwin Lee, Jr. (NJ)
3. Patricia Casanova (VT)

ICJ Staff & Legal Counsel in Attendance:

1. MaryLee Underwood, Executive Director
2. Emma Goode, Training and Administrative Specialist
3. Leslie Anderson, Logistics and Administrative Coordinator
4. Rick Masters, Legal Counsel

Call to Order

Chair Cowger (KS) called the meeting to order at 2:00 PM ET.

Roll Call

Director Underwood called the roll and a quorum was established.

Agenda

T. Hudrlik (MN) made a motion to approve the agenda. J. Hawkins (MO) seconded. The motion carried.

Minutes

J. Miller (AR) made a motion to approve the January 2, 2019 meeting minutes. T. Hudrlik (MN) seconded. The motion carried.

Discussion

Rule 7-104 Warrants – Additional Considerations from the Subcommittee on Rule 7-104

- Chair Cowger (KS) presented the additional considerations suggested by the Rule 7-104 Subcommittee, which address clarification that entry of a warrant not be required for ICJ to be applied or if all warrants should be entered into NCIC for all juveniles.
- The Rules Committee discussed the additional considerations brought forth regarding states where state policies prohibit the issuance of warrants for juveniles unless the juvenile is charged by an adult court.
- The Subcommittee on Rule 7-104 presented three suggestions to address the question of whether or not all warrants should be entered into NCIC for all juveniles. The committee discussed each proposed option.
- **D. Dodd (NM) made a motion to leave the current language of Rule 7-104 (1) as is. J. Hawkins (MO) seconded. The motion carried by an 8-0-0 vote.**
- **J. Miller (AR) made a motion to amend their proposal to Rule 7-104 in paragraph three (3) to remove “*withdrawal*” and insert “*in the absence of...*” and recommend the proposed amendment for adoption. A. Connor (ID) seconded. The motion carried by an 8-0-0 vote.**

The Rules Committee discussed and took the following actions on the following four (4) rule amendments presented by Compliance Committee.

Rule 900: Dispute Resolution, Enforcement, Withdrawal and Dissolution

- Chair Cowger (KS) presented a proposed amendment from the Compliance Committee to Rule 900: Dispute Resolution, Enforcement, Withdrawal and Dissolution, to delete in its entirety the introduction.
- **A. Connor (ID) made a motion to recommend for adoption the proposed amendment to Rule 900: Dispute Resolution, Enforcement, Withdrawal and Dissolution as presented. J. Hawkins (MO) seconded. The motion carried by an 8-0-0 vote.**

Rule 9-101: Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules

- Chair Cowger (KS) presented a proposed amendment from the Compliance Committee to Rule 9-101, to better reflect the process used.
- **T. Hudrlik (MN) made a motion to recommend for adoption the proposed amendment to Rule 9-101: Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules as presented. A. Connor (ID) seconded. The motion carried by an 8-0-0 vote.**

Rule 9-102: Formal Resolution of Disputes and Controversies

- Chair Cowger (KS) presented a proposed amendment from the Compliance Committee to Rule 9-102, to better reflect the alternative process used.
- **A. Connor (ID) made a motion to recommend for adoption the proposed amendment to Rule 9-102: Formal Resolution of Disputes and Controversies as presented. J. Hawkins (MO) seconded. The motion carried by an 8-0-0 vote.**

Rule 9-103: Enforcement Actions Against a Defaulting State

- Chair Cowger (KS) presented a proposed amendment from the Compliance Committee to Rule 9-103, to clarify issues related to expectations, costs, sanctions and enforcement.
- **A. Connor (ID) made a motion to recommend for adoption the proposed amendment to Rule 9-103: Enforcement Actions Against a Defaulting State as presented. J. Hawkins (MO) seconded. The motion carried by an 8-0-0 vote.**

Rule 4-102: Sending and Receiving Referrals

- Chair Cowger (KS) presented for reconsideration the proposed amendment to Rule 4-102 as proposed by the East Region.
- The committee discussed relocating some of the proposed language for consistency and grammatical purposes.
- **T. Hudrlik (MN) made a motion to relocate the proposed language in both paragraphs 2(a) I and 2(b) and to correct “*should*” to “*shall*” in paragraph 2 (b) and recommend for adoption the proposed amendment to Rule 4-102: Sending and Receiving Referrals as presented. A. Connor (ID) seconded. The motion carried by an 8-0-0 vote.**

Old Business

- **Issues Referred by the West Region**
 - Chair Cowger (KS) reported that the West Region referred two issues for review: Should Rules be clarified to address whether ICJ applies to return of juveniles upon release from a correction facility? Secondly, does it matter whether the correctional facility is state or federal? He also noted that ICJ issued a “Best Practice: Return of a Juvenile Serving a Correctional Sentence in Another State” on July 28, 2018.
 - R. Masters discussed the issuance of a Legal Memorandum on January 16, 2019 to address whether the compact applies in cases where a juvenile with charges pending is set to be released from federal prison.
 - **D. Dodd (NM) withdrew the request for review by the West Region as the issue was addressed in the Legal Memorandum from January 16, 2019, Advisory Opinion 02-2018 and the Best Practices: Return of a Juvenile Serving a Correctional Sentence in Another State.**

New Business

- **Review of Advisory Opinions**

- Chair Cowger (KS) opened the floor for discussion on the topic brought before the committee by J. Miller (AR) to discuss if the Rules Committee should review Advisory Opinions before they are issued.
- The committee discussed whether requests for a legal opinion should be reviewed by the committee to determine if the request should be addressed by adoption of a rule or in a legal opinion. The committee came to a consensus that the current rules set in place provide adequate processes.

Adjourn

- **Chair Cowger adjourned the meeting by acclamation at 4:04 p.m. ET.**