



INTERSTATE COMMISSION FOR JUVENILES

RULES COMMITTEE

March 7, 2018

2:00 p.m. EST

Commissioners/Designees In Attendance:

1. Gary Hartman (WY) Chair
2. Judy Miller (AR) Designee
3. Anne Connor (ID) Designee
4. Tracy Hudrlik (MN) Commissioner
5. Dale Dodd (NM) Commissioner

Non-Voting Committee Members in Attendance:

Steve Jett (NPJS) Ex officio

Members Not in Attendance:

1. Melanie Grimes (DE) Commissioner
2. Julie Hawkins (MO) Commissioner
3. Kevin Brown (NJ) Commissioner
4. Mike Lacey (WV) Commissioner
5. Shelly Hagan (WI) Commissioner

ICJ Staff in Attendance:

1. MaryLee Underwood, Executive Director
2. Emma Goode, Training and Administrative Specialist
3. Jennifer Adkins, Project Manager
4. Monica Gary, Administrative and Logistics Coordinator

Call to Order

Chair Hartman called the meeting to order at 2:00 p.m. EST.

Roll Call

Director Underwood called the roll and a quorum was not established. Chair Hartman noted that only informal discussions would be held, and not regarding any matters that required a vote.

Agenda

No motion presented.

Minutes

No motion presented.

Discussion

Revised Draft “Rule Proposal Guide”

- Chair Hartman noted the National Office had made recommended changes. There was no further discussion.

Definition of Business Days

- Chair Hartman commented that both “business days” and “calendar days” are used in the ICJ Rules. He noted some days may be declared a holiday in some states, but not others and that may lead to confusion. He suggested that for consistency the Rules should use “calendar days” throughout. A. Connor (ID) asked for clarification.
- T. Hudrlik (MN) shared that the Adult Compact implements business days if it is a short period of time (15 days or less), which includes holidays. If a longer period of time (more than 15 days) is required, then calendar days are referenced. Chair Hartman asked how the Adult Compact handled some states having holidays that other states may not recognize. T. Hudrlik (MN) responded that the Adult Compact would be required to submit all recognized holidays to the National Office and the National Office would take those holidays into consideration when calculating the audit. A. Connor (ID) suggested asking the Adult National Office what resources are required for tracking holidays.
- The Committee agreed that this issue has not come up and discussed whether it is necessary to task the National Office with gathering this additional data.
- Director Underwood stated that the issue stems from the result of a Performance Measurement Report in which a state was found to be out of compliance with certain rules due to a holiday falling within the reporting timeline. She stated that the Compliance Committee is currently working on a Compliance policy amendment that would allow states to ask the Compliance Committee to review such issues. The amendment would allow states to provide a Corrective Action Plan to the Performance Measurement Report. J. Miller indicated that this seemed an appropriate response to the matter.

Clarification of “danger to themselves or others”

- Chair Hartman gave the opinion that the reference to “danger to themselves or others” is a reference to mental health standards. After reading the rules affected (Rule 6-102 and Rule 6-103), he suggested that the Committee may need to review the language.
- R. Masters, Legal Counsel, reminded the Committee that ICJ should be careful not to exceed our statutory mandate.
- Director Underwood brought the issue to the attention of the Committee because it came up during an ABM training session. The rules as they stand do not specifically define a runaway as a danger to themselves or others, thus states are not required to hold all runaways in secure detention. Nonetheless, some Commissioners have expressed they believe all runaways are dangers to themselves and should be securely detained.
- R. Masters asked if we are looking to change the exception to the non-detention issue created under the JJDPa (federal law). He asked if we are trying to expand or if we are in danger of conflicting with the JJDPa exception. Chair Hartman asked who makes the determination if the runaway or juvenile status offender is a danger to themselves or others, and expressed concern that the rule might be introducing additional procedural requirements.
- The Committee agreed to further investigate the language in the referenced rules. Chair Hartman suggested that he and Rick Masters could work together to draft alternative language for discussion at the next meeting.

Old Business

There was no old business to discuss.

New Business

The National Office will conduct a poll to determine a date to meet before the Executive Committee's Face-to-Face Meeting on April 10.

Adjourn

- **Chair Hartman adjourned the meeting at 2:33 p.m. EST.**