



INTERSTATE COMMISSION FOR JUVENILES

RULES COMMITTEE

April 04, 2018

2:00 p.m. EST

Commissioners/Designees in Attendance:

1. Gary Hartman (WY) Chair
2. Judy Miller (AR) Designee
3. Christine Norris (DE) Designee
4. Anne Connor (ID) Designee
5. Tracy Hudrlik (MN) Commissioner
6. Julie Hawkins (MO) Commissioner
7. Dale Dodd (NM) Commissioner
8. Shelley Hagan (WI) Commissioner
9. Randall Wagner (WV) Designee

Non-Voting Committee Members in Attendance:

1. Onome Edukore (FL)
2. Steve Jett, Ex Officio
3. Rick Masters, Legal Counsel

Members Not in Attendance:

1. Kevin Brown (NJ) Commissioner

ICJ Staff in Attendance:

1. MaryLee Underwood, Executive Director
 2. Emma Goode, Training and Administrative Specialist
 3. Jennifer Adkins, Project Manager
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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 established.

Agenda

S. Hagan (WI) made a motion to approve the agenda. A. Connor (ID) seconded. The motion was approved.

Minutes

J. Miller (AR) made a motion to approve the minutes from January 10, 2018 with corrections. D. Dodd (NM) seconded. The motion was approved.

Discussion

Review Revised Draft “Rule Proposal Guide”

- Chair Hartman introduced the draft ICJ Rule Proposal Guide prepared by the National Office. R. Wagner (WV) made a suggestion to clarify the language of the ICJ Rule Proposal Template.
- J. Hawkins (MO) expressed concern that this would substantially change how rule proposals are made. She cited the history of how rules have been submitted.
- **A. Connor (ID) made a motion that the Rules Committee submit the ICJ Rule Proposal Guide to the Executive Committee for approval. T. Hudrlik (MN) seconded. The motion carried. Two Committee Members opposed.**

Update on Subcommittee on Rule 7-104

- Chair Hartman asked A. Connor (ID) to give an update on the Subcommittee on Rule 7-104. She reported the following:
 - The Subcommittee is awaiting responses from various states who reported barriers.
 - There has been no meeting since this committee’s last meeting.
 - Next meeting will be April 26, 2018.
- J. Miller (AR) asked for clarification of this issue under discussion. A. Connor (ID) reviewed Rule 7-104(1), which states: “All warrants issued for juveniles under ICJ jurisdiction shall be entered in the National Crime Information Center (NCIC) with a nationwide pickup radius with no bond amount set.” Several states reported barriers to compliance by participating in a National Office survey. The Ad Hoc Committee is working to ensure states that are facing barriers receive additional support, if needed. The Committee is also discussing whether an amendment to the Rules should be proposed.

Technology Committee Recommendations re: Form IA/VI

- Chair Hartman presented the draft revision of Form IA/VI, as drafted by the Information Technology Committee. He reminded the Committee that pursuant to ICJ Policy 01-2014, the Information Technology Committee is responsible for ensuring all forms comply with ICJ Rules. Rules Committee and Executive Committee members have 30 days to object to any recommended revision. The revision may be objected to only on the grounds that the revision results in a material change to a form which is not in conformity with the ICJ rules. Otherwise, the change will be made confirmative to the rules.
- R. Masters stated that the goal of the suggested change to the language of Form IA/VI was because some judges are unwilling to sign and have expressed concerns regarding specific language that was removed. He mentioned that this form is not a request for permission to reside but a request for transfer supervision pursuant to the ICJ Compact Rules. To the extent that judges are not familiar with the Compact, it may be a learning opportunity and a training issue.
- S. Hagan (WI) objected to the revised language of Form IA/VI because it requires an overly broad waiver of rights.
- Chair Hartman advised that any objections should be written and submitted to the Executive Director within the required notice period.
- Director Underwood advised that there are 30 days to submit any objections.
- A. Connor (ID) suggested sending out the results of the survey by the National Office that showed why judges refused to sign Form IA/VI.

Discussion of referred issues:

Definition of Business Days

- Director Underwood reported that the issue of “business vs. calendar” days surfaced after the results of the Performance Measurement Assessment. Several states requested their noncompliance status to be changed due to holidays. The Compliance Committee has drafted a policy that will provide a mechanism for states to more effectively request changes related to such issues. ICOTS, the data system used by ICOAS for adult offenders, excludes weekends and enters certain holidays automatically. They have the ability to manually enter state specific holidays. ICJ does not have a full-time person dedicated to maintaining the current data system or the same access to make state specific changes.
- Chair Hartman asked if ICJ should consider defining business vs. calendar days. A. Connor (ID) clarified that shorter periods use business days and longer periods use calendar days. No motion was made to recommend a change.

Clarification of “danger to themselves or others”

- Chair Hartman asked Director Underwood to give an overview of concerns regarding use of the phrase “danger to themselves or others.”
- Director Underwood stated that some interpret “a danger to themselves or others” as a person who is in danger. Others interpret the phrase more narrowly to mean risk of suicide or homicide, as the phrase is used in mental health contexts (for involuntary commitments). She also noted the JJDP, ICJ Exception was reviewed by Rick Masters and herself. The statutory language is very broad and does not address this issue.
- R. Masters clarified that this issue and ICJ Rule 6-102 were the subject of a recent Iowa case that resulted in a published opinion from the judge. He acknowledges that there may be some confusion regarding the language.
- J. Hawkins (MO) noted that she found the language very helpful as written, as the result in her state is that juveniles are usually held. She stated that issues have not risen often enough to justify changing the language. The Committee came to a consensus to leave the current language as is.

Old Business

- There was no old business to discuss.

New Business

- Next meeting May 2, 2018 @ 2PM EDT.

Adjourn

- **Chair Hartman adjourned the meeting at 2:53 p.m. EDT.**