

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes

April 7 2021
3:00 p.m. ET
Via WebEx



Voting Members in Attendance:

1. Tracy Hudrlik (MN), Commissioner
2. Judy Miller (AR), Designee
3. Mary Kay Hudson (IN), Commissioner
4. Julie Hawkins (MO), Commissioner
5. Caitlyn Bickford (NH), Commissioner
6. Edwin Lee, Jr. (NJ), Designee
7. Daryl Liedecke (TX), Commissioner
8. Maureen Clifton (WY), Commissioner

Non-Voting Members in Attendance:

1. Kelly Palmateer (NY)
2. Raymundo Gallardo (UT)

Members Not in Attendance:

1. Tomiko Frierson (IL), Commissioner
2. Galan Williamson (ME), Commissioner
3. Roy Curtis (ME), Designee
4. Jennifer LeBaron (NJ), Commissioner
5. Stephen Horton (NC)
6. Dawn Bailey (WA)

National Office Staff & Legal Counsel in Attendance:

1. MaryLee Underwood, Executive Director
2. Emma Goode, Logistics and Administrative Specialist
3. Jenny Adkins, Operations and Policy Specialist

Call to Order

Chair Hudrlik (MN) called the meeting to order at 2:00 p.m. ET.

Roll Call

Director Underwood called the roll and quorum was established.

Agenda

**M. K. Hudson (IN) made a motion to approve the agenda as presented.
E. Lee, Jr. (NJ) seconded. The motion carried.**

Minutes

J. Miller (AR) made a motion to approve the March 2, 2021 meeting minutes as presented. M. Clifton (WY) seconded. The motion carried.

Discussion

ICJ Rules Committee 2021 Calendar

- Chair Hudrlik presented the ICJ Rules Committee 2020-2021 Calendar with suggested changes in 2021:
 - May 5 – Meeting will be canceled, unless there are items that must be carried over into May.
 - August 4 – Final Posting for the proposed rule amendments.
 - September 9 – Public Hearing conducted in advance of Annual Business Meeting (ABM), to limit fatigue from participating in lengthy video conferences.
- J. Miller (AR) questioned conducting the public hearing early in September rather closer to the ICJ 2021 Annual Business Meeting (ABM) date in October. Director Underwood explained that the Interstate Commission for Adult Offender Supervision (ICAOS) ABM will be scheduling events during the two weeks prior to the ICJ ABM. Since several Commission Members will participate in both, the early September date is proposed to prevent conflicts.
- M. K. Hudson (IN) asked if advance registration is required to attend the public hearing. Director Underwood advised that advance registration is not required; however, anyone attending must sign-up the day of the public hearing. J. Miller (AR) asked whether Rules Committee members attend the public hearing. Chair Hudrlik responded that, as in the past, members are encouraged to attend for support to address any questions from the public. The ICJ Rules Committee Chair and Legal Counsel will open the session to take comments from the public. The session will last at least 15 minutes to await questions.
- **J. Miller (AR) made a motion to approve the amended calendar for the final posting of the proposed rules and amendments on August 4 and the public hearing on September 9. M. K. Hudson (IN) seconded. The motion passed.**
- Director Underwood updated that the draft 2021 ABM Agenda aligns to the amended dates and is currently being considered by the Training and Executive Committees.

Rule 5-103: Reporting Juvenile Non-Compliance, Failed Supervision and Retaking (recommendation from the ICJ Ad Hoc Committee on Racial Justice)

- E. Lee, Jr. (NJ) provided an overview of the rule amendment proposed by the Ad Hoc Committee for Racial Justice.
- The purpose is to highlight the importance of using graduated sanctions and other structured responses to redirect behavior. The intent is to ensure that a variety of strategies are utilized for all ICJ youth, regardless of race, and that such strategies are documented and shared between states. The amendment consolidates subsections 1(e) and 1(f) to clarify that redirecting behavior should be the purpose of both incentives and graduated sanctions.
- The amendment proposed to Rule 5-103, paragraph 1 was as follows:
 - e. ~~efforts or interventions~~ **structured responses, including incentives and/or graduated sanctions, or other corrective actions** made to redirect the behavior, **if any**; **and**
 - f. ~~sanctions~~ **if they apply**;
 - g. receiving state recommendations.
- M. K. Hudson (IN) noted the importance of using both therapeutic and behavioral approaches. She suggested removing “if any.” J. Hawkins (MO) commented

that not all states have “therapeutic incentives,” but supervise under their state’s standards. Chair Hudrlik (MN) suggested changing “if any” to “as applicable.”

- E. Lee, Jr. (NJ) responded that the original version of the rule listed possible sanctions and the Ad Hoc Committee agreed to refer to them as “structured responses,” as not all states offer the same sanctions. J. Miller (AR) asked for clarification of the term “structured responses.” E. Lee, Jr. (NJ) shared that his state has a grid which takes into account the frequency and severity of a violation to determine the response. J. Miller (AR) expressed concern that some states do not have similar “structured responses”.
- Chair Hudrlik (MN) suggested that “as applicable” addresses the variation between states with and without a “structured response” grid. E. Lee, Jr. (NJ) was amenable to modifying the terminology, with the understanding that states will use the responses available in their states.
- M. K. Hudson (IN) suggested replacing “structured responses” with “documented responses.”
- K. Palmateer (NY) suggested the phrase: “consistent with supervision in the receiving state, details regarding the incentive and/or corrective actions made to redirect the behavior.”
- The Rules Committee discussed the importance of retaining the intent of the proposal and while taking into consideration the breadth of practices.
- **M. K. Hudson (IN) made a motion to recommend to the Ad Hoc Committee for Racial Justice to amend their proposal regarding Rule 5-103(1) to state:**
 - e. ~~efforts or interventions~~ description of efforts made to redirect the behavior including therapeutic interventions, incentives and/or graduated sanctions, or other corrective actions ~~made to redirect the behavior~~ consistent with supervision standards in the receiving state; and
 - f. ~~sanctions if they apply;~~
 - g. receiving state recommendations.
- **E. Lee, Jr. (NJ) seconded. The motion passed by a 6-0-0 vote.**
- The Rules Committee agreed not to cancel the May meeting until after the Ad Hoc Committee for Racial Justice considers the recommendation.

Old Business

Rule 1-101: Relocate

- Chair Hudrlik opened the discussion from the last meeting to delete the definition to the term “relocate” from the ICJ Rule 1-101 Definitions.
- Chair Hudrlik indicated she was reluctant to delete a definition from the ICJ Rules, especially when the term is uniquely used in compact-related work. She noted that the definition incorporates a 90-day time frame, which distinguishes the ICJ definition from common usage.
- J. Miller (AR) suggested the term should be used more generically. The current definition originated from Rule 4-101(2) and does not fit in all instances of the word “relocate” throughout the ICJ Rules.
- M. K. Hudson (IN) inquired whether the definition applies throughout the ICJ Rules. If not, she suggested considering another term in those instances rather than deleting the definition. J. Hawkins (MO) stated that the definition is not applicable in each instance throughout the rules. Previously, the term

“placement” was removed in all instances throughout the rules and was replaced with “relocate.” That broad sweep may have caused the term to be used in unintended ways. She suggested reviewing each rule in which the term is used to determine whether it is appropriate.

- **J. Miller (AR) made a motion to propose an amendment to delete the term “relocate” from the ICJ Rule 1-101: Definitions. The motion failed for the lack of a second.**

New Business

There was no new business.

Adjourn

- **J. Hawkins (MO) made a motion to adjourn. D. Liedecke (TX) seconded. Chair Hudrlik adjourned the meeting by acclamation at 4:10 p.m. ET.**