



INTERSTATE COMMISSION FOR JUVENILES

RULES COMMITTEE

March 2, 2016
2:00 p.m. EST

Committee Members in Attendance:

1. Julie Hawkins (MO) Chair
2. Judy Miller (AR) Designee
3. Alicia Ehlers (ID) Designee
4. Rose Ann Bisch (MN) Commissioner
5. Edwin Lee, Jr (NJ) Designee
6. Mike Lacy (WV) Commissioner
7. Gary Hartman (WY) Commissioner
8. Steve Jett (NPJS) Ex-officio
9. Sally Holewa (COSCA) Ex-officio
10. Rick Masters, Legal Counsel

Committee Members Not in Attendance:

1. Kevin Brown (NJ) Commissioner
2. Dale Dodd (NM) Commissioner
3. Lea Quam (ND) Commissioner
4. Kevin McKenna (RI) Commissioner

Guests in Attendance:

None

ICJ Staff in Attendance:

1. Ashley Lippert, Executive Director
 2. Emma Goode, Administrative and Logistics Coordinator
 3. Shawn Robinson, Administrative and Training Coordinator
 4. Jennifer Adkins, Project Manager
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Call to Order

Chair Hawkins called the meeting to order at 2:02 p.m. EST.

Roll Call

A. Lippert called the roll and a quorum was established.

Agenda

M. Lacy (WV) made a motion to approve the agenda. G. Hartman (WY) seconded. The motion passed.

Minutes

J. Miller (AR) made a motion to approve the January 6, 2016 meeting minutes. M. Lacy (WV) seconded. The motion passed.

Discussion

Sub-Committee Update

- Chair Hawkins briefed that at the last meeting a sub-committee was appointed to review *deferred adjudication* and *non-adjudicated juveniles* as it relates to ICJ and the ICJ Rules.
- A. Ehlers (ID) updated that the sub-committee members met and agreed to recommend the following two rule proposals for consideration by the Rules Committee.

Rule 1-101: Definitions Deferred Adjudication

- A. Ehlers (ID) presented a rule proposal by the sub-committee to amend the definition of deferred adjudication.
- M. Lacy (WV) questioned the language “court hearing” to define deferred adjudication. Adjudication implies the case has been heard and deferred is a delayed period of time of the consequence of the court hearing. E. Lee (NJ) shared that New Jersey uses the term deferred disposition whereby there are conditions imposed without establishing innocence or guilt. R. Masters commented that in some states there is a determination or plea of guilt and the penalty is deferred.
- Chair Hawkins commented that the discussion at the last meeting was to clarify the definition relates to court decisions. A. Ehlers (ID) noted the concerns made by Rhode Island at the last meeting that she would not know about deferred cases in Rhode Island.
- The Rules Committee discussed and agreed to modify the definition of deferred adjudication to read: *a decision made by a court that withholds or defers formal judgment and stipulates terms and/or conditions of supervision.*
- **M. Lacy (WV) made a motion to recommend for adoption the proposed amendment to Rule 1-101: Definitions Deferred Adjudication. J. Hawkins (MO) seconded. The motion passed by a 7-0-0 vote.**

Rule 1-101: Definitions Non-Adjudicated Juveniles

- A. Ehlers (ID) presented a rule proposal by the sub-committee to delete the definition of non-adjudicated juveniles from the ICJ Rules in its entirety. Defining the term indicates non-adjudicated juveniles are eligible for ICJ supervision. Non-adjudicated juveniles are not subject to the Compact under the ICJ Rules Section 400 and therefore, defining the term is not necessary. The Rules Committee concurred with the recommendation.
- **R. Bisch (MN) made a motion to recommend for adoption the deletion of Rule 1-101: Definitions Non-Adjudicated Juveniles. A. Ehlers (ID) seconded. The motion passed by a 7-0-0 vote.**

Rule 4-101: Eligibility Requirements for the Transfer of Supervision

- Chair Hawkins clarified that the proposed amendments to the definitions approved above address the categories of Compact eligible juveniles; therefore, further discussion to amending Rule 4-101(2)(b) is not necessary at this time.

Working List for Rule Proposals

Must versus Shall

- The Rules Committee finished reviewing comments to the 2016 ICJ Rules effective February 1, 2016 with regard to the term ‘must’ versus ‘shall’ in the following rules.

Rule 2-103: Adoption of Rules and Amendments

- The Rules Committee discussed replacing *must* with *shall* in Rule 2-103(10) and agreed the change to be appropriate in this instance.
- **M. Lacy (WV) made a motion to delete “must” and replace with “shall” in Rule 2-103(10). J. Miller (AR) seconded. The motion passed by a 7-0-0 vote.**
- R. Masters commented that the language regarding public health in items (a) and (d) of paragraph 10 are equivalent and recommended deleting item (d).
- **M. Lacy (WV) made a motion to strike item (d) in paragraph 10 of Rule 2-103. A. Ehlers (ID) seconded. The motion passed by a 7-0-0 vote.**

Rule 2-104: Communication Requirements Between States

- The Rules Committee discussed replacing *must* with *shall* in Rule 2-104(2) and agreed the change to be appropriate in this instance.
- **M. Lacy (WV) made a motion to delete “must” and replace with “shall” in Rule 2-104(2). R. Bisch (MN) seconded. The motion passed by a 7-0-0 vote.**

Rule 2-105: Victim Notification

- The Rules Committee discussed replacing *must* with *shall* in Rule 2-105(2) and agreed the change to be appropriate in this instance.
- **A. Ehlers (ID) made a motion to delete “must” and replace with “shall” in Rule 2-105(2). J. Miller (AR) seconded. The motion passed by a 7-0-0 vote.**

Rule 6-103: Non-Voluntary Return of Runaways and/or Accused Status Offenders

- The Rules Committee discussed replacing *must* with *shall* in Rule 6-103(3) and agreed the change to be appropriate in this instance.
- **R. Bisch (MN) made a motion to delete “must” and replace with “shall” in Rule 6-103(3). A. Ehlers (ID) seconded. The motion passed by a 7-0-0 vote.**

Records Requests

- Chair Hawkins briefed on the history around conducting records requests for other states. The Rules Committee has been asked to consider how to move forward when states receive requests for information.
- Chair Hawkins spoke to the public safety benefits of receiving the records request information. R. Bisch (MN) voiced no objection to carefully developing language in the rules; however, opposed any mandatory requirement noting that many state Compact offices do not have access to the requested information. J. Miller (AR) favored states having the ability to conduct a records check if they so choose.
- The Rules Committee discussed a location within the current rules for any proposed language and suggested the travel permit rule (Section 800) or communications rule (Section 200). R. Bisch (MN) suggested modifying Section 800 Travel Permits under a new title which could include: travel permits, records checks, and pre-adjudicated home evaluations. M. Lacy (WV) suggested that “records check” first be defined as to what it entails and noted his concerns with sharing information outside of ICJ Compact offices. A. Ehlers (ID) supported proposing language in the rules and noted that ICJ is considered part of law enforcement.
- Chair Hawkins cited language in the ICJ Statute and supported sharing information within parameters such as limiting information disseminated to: active case, adjudication, and dates of adjudication. The juvenile is also subject to the state’s laws. For example, a sex offender would be subject to Missouri’s state law that requires sex offender registration whether the case is active or inactive.

- R. Masters commented that there is a public safety interest; however, there has to be a nexus between the Compact and the juvenile and cautioned to providing too much information that potentially violates due process rights.
- M. Lacy (WV) voiced opposition to providing information on juveniles that have fulfilled their obligation under the Compact and the law commenting that the shared data could prejudice their future.
- The Rules Committee agreed there is a fine line for protecting public safety in conjunction with the supervision of juveniles under the Compact and that a rule proposal would require meticulous wording.
- Chair Hawkins asked for volunteers to serve on a sub-committee to draft language and present to the Rules Committee.
- A. Ehlers (ID), J. Miller (AR), and M. Lacy (WV) volunteered to serve on the sub-committee and agreed to meet in April.

Old Business

There was no old business.

New Business

Case Closure

- A. Lippert presented a comparison of the language regarding case closures and restitution in the ICJ Rules Section 500. Rule 5-101(9) reads ...the receiving state may initiate the case closure request once all other terms of supervision have been met. Rule 5-104(5) reads ...the sending state shall close the case when the sole purpose of supervision is collecting restitution and/or court fines. A receiving state questioned if they could close the case or have to initiate a request to the sending state to close the case.
- R. Bisch (MN) explained the intent of the language was to allow both the receiving state and the sending state to initiate the case closure when the sole purpose of remaining open is collecting restitution and/or court fines. The language applies only to closing the ICJ supervision case, not the sending state's court case. Chair Hawkins commented that when all terms are met, receiving states are no longer providing supervision and therefore may close the case.

Adjourn

- The Rules Committee agreed to meet earlier than their scheduled June date. The next meeting is Wednesday, May 4. The national office will update the Rules Committee meeting calendar and present it at the next meeting.
- **Chair Hawkins adjourned the meeting without objection at 3:29 p.m. EST.**