

DRAFT FOR DISCUSSION MAY 18, 2016

Bylaws

Federal Advisory Committee on Juvenile Justice

Note: this draft presumes elimination of the Primary/Alternate designation in support of change that would identify 28 members vs. 14 and makes other more minor changes to the current by-laws

Section 1: Membership Responsibilities, Terms, Replacement, and Alternates

Membership in the Federal Advisory Committee on Juvenile Justice ("Committee") includes the responsibility to attend Committee meetings in person or by its functional equivalent (teleconference, videoconference, webcast, etc.) and to contribute to the work of the Committee, including participation in subcommittee work. The Administrator ("Administrator") of the Office of Juvenile Justice and Delinquency Prevention ("OJJDP") reserves the right to remove any member who is unable to fully participate in Committee meetings and to determine eligibility for renomination, subject to the provisions below.

Members are limited to two two-year terms with terms starting on October 1 and running through September 30 of the second year. (Refer to Appendix A for a more detailed explanation of this process and a listing of Selection Groups and their respective classes.) A person who has previously served on the FACJJ as an alternate may serve as a member. However, the number of terms in which they may serve as a member is reduced for each term where the alternate has attended three or more FACJJ meetings in place of the primary member.

Members serving as Alternates will be changed to full membership and voting status upon approval of the revised bylaws by the Administrator and appropriate filing as may be required. Those members may be appointed for up to two additional terms, however the number of terms in which they may serve is reduced for each term where that individual has participated as a full member for three or more FACJJ meetings.

Section II: Member Vacancies

In the event of a member vacancy caused by resignation, dismissal, incapacity, death, or otherwise OJJDP may then invite eligible State Advisory Group members to apply to serve. Upon acceptance of an application by the Administrator, the new member will serve for the remainder of the vacated term.

If the remainder of the former incumbent's term exceeds one year from the date of removal, the nominee may serve an additional term beyond the expiration of the former incumbent's term. If the duration of the former incumbent's term is one year or less from the date of removal, the nominee may serve two additional full terms beyond the expiration of the former incumbent's term, consistent with Section 1.

Section III: Meeting Procedures

Meetings shall be called by the Designated Federal Official (the "DFO") in consultation with the Chair, consistent with the following:

- A. Location: The DFO shall select the location of the Committee meetings.
- B. Quorum: A majority of the member representatives shall constitute a quorum.
- C. Agenda: The agenda for all meetings shall be developed by the Chair/Vice-Chair subject to the approval of the DFO, who shall distribute the approved agenda to the members prior to each meeting and shall publish an outline of the same, with the notice of the meeting, in the Federal Register. Items for the agenda may be suggested to the DFO and/or the Chair by any member of the Committee, and non-members, including members of the public.
- D. Minutes and Records: The DFO shall prepare and certify as accurate minutes of each meeting and shall

distribute copies to each member. Minutes of open meetings shall be available to the public upon request; minutes of closed meetings also shall be available to the public upon request, subject to the withholding of matters exempt from disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the public disclosure of which would be harmful to the interests of the Government, industry, or others. The minutes shall include a record of the persons present (including names of members, staff, and members of the public from whom written or oral presentations were made) and a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Committee. All documents, reports, or other materials prepared by, or for, the Committee constitute official government records and shall be maintained by OJJDP as required by the Federal Advisory Committee Act ("FACA"), 5 U.S.C. App. 2, and its implementing regulation, 41 C.F.R. 102-3.

E. Open Meetings. Unless otherwise determined in advance, all meetings of the full Committee shall be open to the public. Once an open meeting has begun, it shall not be closed **to the public prior to adjournment** for any reason. All materials brought before, or presented to, the Committee during the conduct of an open meeting, including the minutes of the proceedings of an open meeting, shall be available to the public for review or copying at the time of the scheduled meeting.

Members of the public may attend any meeting or portion of a meeting that is not closed to the public and may, at the determination of the DFO, as appropriate, offer oral comment at such meeting. The DFO may decide in advance to exclude oral public comment during a meeting, in which case the meeting notice published in the Federal Register shall state that oral comment from the public is excluded and shall invite written comment as an alternative. Members of the public may submit written statements to the Committee at any time.

F. Closed Meetings: Meetings of the full Committee shall be closed only- (1) in limited circumstances; (2) in accordance with applicable law; and (3) upon approval of the Office of the General Counsel, Office of Justice Programs, not less than 30 days in advance of the session.

Where the DFO has determined in advance that discussions during a Committee meeting will involve matters the public disclosure of which would be harmful to the interests of the Government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the Government in the Sunshine Act, shall be published in the Federal Register. The notice may announce the closing of all or just part of a meeting (as applicable). If, during the course of an open meeting, matters inappropriate for public disclosure should arise during discussions, the DFO or Chair shall order such discussion to cease and shall schedule it for closed session. Notices of closed meetings shall be published in the Federal Register at least 15 calendar days in advance of same.

Section IV: Voting

As a representative advisory committee, it is assumed that each member of the Committee will have a personal interest in matters that may affect the State/Jurisdiction of which SAG she or he is a member. Other than such interest, however, any member who has a personal, financial, or organizational interest in any matter to be considered by the Committee shall not participate in any discussion, vote, or other action of the Committee with respect to that matter, and shall recuse him or herself from those portions of the meeting until the discussion, vote, or other action concerning that matter has been concluded, consistent with the signed Targeted Certification of No Conflict and Non Disclosure; any member with such an actual or apparent conflict of interest shall immediately notify the Chair and the DFO in advance of any discussion, voting, or other action undertaken by the Committee on the particular issue or action that creates the conflict.

Section V: Operating Rules

The administration of the Committee shall be in accordance with the Federal Advisory Committee Act (FACA). Otherwise, the rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern Committee meetings in all cases to which they are applicable and in which they are consistent with the FACA and these Bylaws.

Section VI: Election of Chairperson and Vice-Chairperson

The Committee Chair and Vice-Chair shall be elected annually from the general Committee membership for one-year terms to take effect October 1.

Election **of the Chair and Vice-Chair** shall be by majority vote of Committee members present at the meeting during

which the election is held (so long as a quorum exists for that meeting). Written proxy votes may be submitted to the DFO prior to the election. In the event of the Chair's vacancy caused by resignation, dismissal, incapacity, death, expiration of Committee term or otherwise, the Vice-Chair will assume the role of the Chairperson. In the event of the vice-Chair's vacancy for any reason, the Committee may elect a new Vice-Chair to complete that term. Officeholders are limited to two terms (that is, two years) for each elected position, excluding time served to fulfill a vacated position.

Section VII: Role of Board Officials

Chair: The Chair shall work with the DFO and the subcommittee chairs to establish Committee priorities and to identify issues to be addressed at committee meetings (set agenda), serve as a point of contact for Committee members, preside over Committee meetings, and perform other duties prescribed by these Bylaws and by the parliamentary authority adopted by the Committee.

Vice-Chair: The Vice-Chair shall preside over Committee meetings in the absence of the Chair, serve as an additional point of contact for Committee members, and perform duties prescribed by these Bylaws and by the parliamentary authority adopted by the Committee.

Designated Federal Officer: The DFO serves as the government's agent for all matters related to the Committee's activities. As provided by law, the DFO is responsible for: (1) calling (or approving the call of) meetings of the Committee; (2) approving agendas; (3) attending all meetings; (4) adjourning meetings when such adjournment is in the public interest; and (5) chairing meetings of the Committee when so directed by the Administrator. In addition, the DFO is responsible for ensuring and certifying the accuracy of the meeting minutes within 90 calendar days of the meeting.

Furthermore, the DFO is responsible for providing adequate staff support to the Committee, including the performance of the following functions: (1) notifying members of the time and place of each meeting; (2) maintaining records of all meetings, including subcommittee or working group archives, as required by law; (3) maintaining the roll; (4) preparing the minutes of all meetings of the Committee's deliberations, including subcommittee and working group activities as required by law; (5) attending to official correspondence; (6) maintaining official Committee records and filing all papers and submissions prepared for or by the Committee, including those items generated by subcommittee and working groups; (7) acting as the Committee's agent to collect, validate and pay all vouchers for pre-approved expenditures; (8) supporting the preparation and dissemination of Committee recommendations; and (9) other responsibilities, as required by FACA.

Section VIII: Expenses

Expenses related to the operation of the Committee will be borne by OJJDP. Expenditures of any kind must be approved in advance by the DFO.

Section IX: Sub committees

The creation and operation of sub committees must be approved by the Administrator and/or the DFO, who serves as the agent of OJJDP. FACJJ members and non-members may serve on sub committees. Each subcommittee shall select a chair from among its membership, who shall represent the position of the subcommittee at meetings of the full Committee and help facilitate the work of the subcommittee. Per regulations, subcommittees reporting to the full Committee are not bound by FACA recordkeeping and public notice requirements. Such sub committees may not provide advice or work products directly to OJJDP.

Section X: Recommendations

The Committee is to review federal policies regarding juvenile justice and delinquency prevention and then (1) advise the Administrator with respect to particular functions or aspects of the work of the Office; (2) advise the President and Congress with regard to the operation of the Office and federal legislation pertaining to juvenile justice and delinquency prevention; and (3) to provide advice on any other matters as requested by the Office. Recommendations may be provided in the form of memoranda, written responses to Office requests, briefings, consultations and/or reports as deemed appropriate by the FACJJ.

Section XI: Media Press Releases

Any press releases, responses to media inquiries, or responses to FOIA requests, concerning the activities of the Committee shall be prepared by the Office of Justice Programs.

Section XII: Amendments

These By-Laws may be amended from time to time by the Administrator.

Executed this _(date)_ day of (month), (year) by:

Robert Listenbee Administrator
Office of Juvenile Justice and Delinquency Prevention
Office of Justice Programs
U.S. Department of Justice

DRAFT 5.12.16

Appendix A

The following Selection Groups are used to ensure geographic diversity in the selection process only and do not constitute representative groups; each FACJJ member, regardless of Selection Group, represents the perspectives of all State and Juvenile Justice Advisory Groups. Refer to the FACJJ Charter for delineation of jurisdictions included in each Group.

Class A

Selection Group A -Large Population States South/Hispanic

Selection Group C – Large Population States Atlantic

Selection Group E – Southwest

Selection Group G- Southern Region

Selection Group I- North Central

Selection Group K -Small Population States

Selection Group --Youth

Class B

Selection Group B -Large Population States North

Selection Group D- Northwest/Indigenous Peoples

Selection Group F- Mountain States

Selection Group H – Central States/Heartland

Selection Group J- New England/Rural

Selection Group L- Pacific Territories

Selection Group --Tribal

April 2016