

## **Section I: 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. Alternate members may represent the designated Committee member when the primary member is unable to participate in Committee meetings and discussions.

Members are limited to two two-year terms except as noted in this Section. Beginning October 1, 2013, the initial term of half the members will be extended one time to three years while the term of the remaining members will be continued at two years to stagger expiration in two groups ("classes") to minimize disruption to the Committee's operations. Subsequent terms for all members will be two years, running from October 1 of one year through September 30 of the following year. (Refer to Appendix A for a more detailed explanation of this process and a listing of Selection Groups and their respective classes.)

Alternates may be nominated to succeed a primary member, as long as the alternate has not attended three or more FACJJ meetings in place of the primary member during any one of his or her terms as an alternate. A primary member may not be named an alternate subsequent to having served his or her two terms, regardless of attendance record.

## **Section II: Member Vacancies**

In the event of a member vacancy caused by resignation, dismissal, incapacity, death, or otherwise, the alternate will assume the role of the primary for the duration of the term. OJJDP may then invite eligible State Advisory Group members to apply to serve as the alternate member. Upon acceptance of an application by the Administrator, the new alternate 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 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 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 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 January 1.

Election 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). Proxy votes may be submitted to the DFO no later than three working days prior to the date of 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. 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 sub committee or working group activities, as required by law; (3) maintaining the roll; (4) preparing the minutes of all meetings of the Committee's deliberations, including sub committee 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 sub committee 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 sub committee 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 sub committee. Per regulations, sub committees reporting to the full Committee are not bound by the FAC Act 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 provide: (1) advice to the Administrator on functions or aspects of the work of OJJDP; and (2) advice to Congress and the President, through the Attorney General, regarding State perspectives on the operation of OJJDP, on legislation pertaining to juvenile justice and delinquency prevention and on any other matters as requested by OJJDP. Such advice may be provided in the form of memoranda, written responses to Office requests, briefings, consultations and/or reports.


## **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 17<sup>th</sup> day of October, 2012, by:



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Melodee Hanes, Acting Administrator  
Office of Juvenile Justice and Delinquency Prevention  
Office of Justice Programs  
U.S. Department of Justice

## 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.**

### 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 A:** Current members' terms were originally set to expire September 30, 2013. Effective immediately, for members of this Class, this initial term only will be extended through September 30, 2014. After the end of the initial term, members of this Class will be eligible to serve one additional two-year term through September 30, 2016, as long as other membership requirements are met. All subsequent terms for successive Committee members of this or following Classes will remain two-year terms.

### 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

**Class B:** Current members' terms expire September 30, 2013. For members of this Class, the initial term remains unchanged, ending on September 30, 2013 and they will be eligible to serve one additional two-year term through September 30, 2015, as long as other membership requirements are met. All subsequent terms for successive Committee members of this or following Classes will be two year- terms.

October, 2012