

**ORANGE COUNTY
JUVENILE JUSTICE COMMISSION
BYLAWS
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JUVENILE JUSTICE COMMISSION BYLAWS

I. PURPOSE

It is the purpose of the Orange County Juvenile Justice Commission to act as a public conscience in the interest of justice for children in the county and to provide leadership for citizen action. The Commission is dedicated to promoting respect for the human dignity of minors under the jurisdiction of the Juvenile Court and to ensure their well-being by encouraging outcome oriented, fair, and accountable treatment of those minors and their families. In addition, the Commission will promote the collaboration and partnering of juvenile justice system agencies and community-based organizations for the benefit of the children and families of Orange County.

II. ORGANIZATION

A. Membership

Pursuant to California Welfare and Institutions Code Section 225:

“In each county there shall be a juvenile justice commission consisting of not less than 7 and no more than 15 citizens. Two or more of the members shall be persons who are between 14 and 21 years of age, provided there are available persons between 14 and 21 years of age who are able to carry out the duties of a commission member in a manner satisfactory to the appointing authority. . . .”

Adult and youth commissioners must reside in Orange County. A post office box number does not serve to establish residency. Due to the fact that only adults may be admitted as visitors to juvenile facilities, youth commissioners will be required to be at least 18 years of age.

B. Appointments

The Presiding Judge of the Superior Court, with the concurrence of the Presiding Judge of the Juvenile Court, appoints individual citizens for a term of four years to the Juvenile Justice Commission. A commissioner serves at the pleasure of the Presiding Judge.

It is the responsibility of the Commission Chair and/or the Executive Administrative Assistant to keep the Presiding Judge of the Juvenile Court informed of membership status. Commissioners may recruit and recommend potential replacement candidates. The Commission Vice Chair shall appoint a committee of not less than two (including the Vice Chair, if available) to interview the prospective candidates. Newly appointed commissioners are notified by the Court and are administered an oath to faithfully perform the duties of a member of the Juvenile Justice Commission. This oath will be administered by the Presiding Judge of the Juvenile Court, or designee, prior to the new commissioner’s attendance at commission meetings.

C. Term

Pursuant to California Welfare and Institutions Code Section 225:

“ . . . Upon a vacancy occurring in the membership of the commission and upon the expiration of the term of office of any member, a successor shall be appointed by the presiding judge of the superior court. . . with the concurrence of the presiding judge of the juvenile court for a term of four years. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his or her predecessor...”

D. Leave of Absence

A leave of absence for a definite period of time may be granted to a commissioner by the Commission.

E. Conflict of Interest

As an appointee of the Orange County Superior Court, a Commissioner has the duty to avoid conflicts of interest they may take in their individual capacity. A Commissioner also has a duty to be sensitive to any appearance of conflict of interest. A Commissioner may not vote or otherwise participate in any matter in which the Commissioner has a financial or other conflict of interest.

F. Resignation

Voluntary

A commissioner may resign from the Commission for any reason(s) and need not state the reason(s) for the resignation. The Chair, upon the receipt of the intent to resign, shall place a copy of the resignation in the commission records.

The resigning commissioner shall submit a written resignation to the Presiding Judge of the Superior Court with a copy to the Presiding Judge of the Juvenile Court and the Chair of the Commission.

Involuntary

Removals for other than unexcused absence(s) are at the discretion of the Presiding Judge of the Superior Court with the concurrence of the Presiding Judge of the Juvenile Court. The Commission may make a recommendation for removal of a commissioner to the Court upon a majority vote. A commissioner may be removed through enforcement of the commission bylaws, or upon the action of the Presiding Judge.

Any commissioner who accumulates three unexcused absences from regular meetings during the year shall be considered as having resigned from the Commission. A pre-excused absence may be granted by the Chair or by notification to the Executive Administrative Assistant. A commissioner may request the status of an unexcused

absence be changed at a regularly scheduled commission meeting. A majority vote of the Commission may change the status of said absence.

The Executive Administrative Assistant shall notify the Chair of any commissioner accumulating three unexcused absences and provide documentation of such absences from the commission minutes. The Chair shall, at the next scheduled meeting, enter into the minutes the resignation of said commissioner. The Chair's report shall include the date of appointment, date of resignation, the cause of the action, and any action taken by the Commission to remedy the situation prior to involuntary termination.

Upon notice to the Chair by a commission member or staff of alleged misconduct, breach of confidentiality, or violation of commission bylaws, the Chair shall appoint a committee to inquire into the matter and recommend appropriate action concerning the allegation. The results of said inquiry shall be forwarded to the Presiding Judge of the Juvenile Court.

G. Officers

Pursuant to California Welfare and Institutions Code Section 228:

"A juvenile justice commission shall elect a chairman and vice chairman annually."

No later than the second meeting in December the Commission will elect a Chair and Vice-Chair from its membership to serve until the election of their successors. The newly elected Chair conducts the first meeting in January. The Vice Chair shall serve as first Chair designee in the absence of the Chair; second Chair designee to be the past Chair. In the event of a resignation of the Chair or Vice Chair, an election to fill the vacancies shall be placed on the next regular commission agenda. The acting Chair shall receive nominations from the floor.

The Chair and the Vice Chair shall have leadership responsibilities for the functions of the commission. The Chair or, at the Chair's discretion the Vice Chair shall have the responsibility of training and appointing mentors for new commissioner(s). The Vice Chair shall also be the lead reviewer for the initial stage of the Inquiry Process and review all letters of complaint and recommend courses of action to the Commission.

H. Committees

The Executive Committee shall be made up of the Chair, the Vice Chair, and the immediate past Chair. The Executive Committee does not have the power to bind the full Commission without the vote of the entire Commission. The Executive Committee, along with the Executive Administrative Assistant, shall meet with the Presiding Judge of the Juvenile Court on a quarterly basis to report the business of the Commission.

The Commission shall have Standing Committees and list them in the Action Plan. The Commission may add a Standing Committee or delete an existing Standing Committee upon a majority vote.

The Chair of the Commission shall define the responsibilities for each of the Standing Committees. These responsibilities shall be determined during the Annual Planning Meeting held at the second meeting in January, or at a time and place designated by the commission. The Chair of the Commission shall appoint the committee chair. Each committee chair will appoint members to fill the committee with the approval of the Chair. It shall be the responsibility of the committee chair to inform the committee of the time and place of any committee meeting.

Working groups may be formed as needed to address an issue for a short term. The chair of a working group is appointed by the Commission Chair with the concurrence of the Commission.

III. DUTIES AND RESPONSIBILITIES

Pursuant to California Welfare and Institutions Code:

Section 209.(b) “. . . A judge of the juvenile court shall conduct an annual inspection, either in person or through a delegated member of the appropriate county or regional juvenile justice commission, of any law enforcement facility that contains a lockup for adults which, in the preceding year, was used for the secure detention of any minor. . . .”

Section 229. “It shall be the duty of a juvenile justice commission to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose, the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions no less frequently than once a year, and may hold hearings. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission.

A juvenile justice commission shall annually inspect any jail or lockup within the county which in the preceding calendar year was used for the confinement for more than 24 hours of any minor. It shall report the results of such inspection together with its recommendations based thereon, in writing, to the juvenile court and to the Board of Corrections.”

Section 229.5. (a) “. . . a juvenile justice commission may inquire into the operation of any group home that serves wards or dependent children of the juvenile court.” Group homes include Short-Term Residential Therapeutic Programs (STRTPs).

A. Inquiring into the Administration of Juvenile Court Law

The commission conducts ongoing studies to include (but not limited to) the Juvenile Court, Probation Department, Social Services Agency, Law Enforcement, District Attorney, County Counsel, Public Defender, private contract attorneys, the Health Care Agency and the Orange County Department of Education.

The commission responds to written inquiries or complaints regarding the juvenile justice system. The commission does not respond to anonymous correspondence. It is also the policy to respond to requests of the Juvenile Court or individual departments within the juvenile justice system.

B. Inspections

Each law enforcement agency facility where a youth has been detained either in secure detention for any length of time or in unsecure detention in excess of six hours in the prior calendar year is to be inspected once in the calendar year.

Every juvenile institution operated by the County is to be inspected at least once every calendar year.

The purpose of STRTP inspections is to review the safety and well-being of wards or dependent children placed in the STRTPs and the programs and services provided in relation to the home's established program statement.

The Juvenile Justice Commission shall perform other facility inspections at the request of the Juvenile Court and may investigate individual problems under "special circumstances."

C. Confidentiality

Recognizing all Juvenile Court matters are confidential, it is imperative each commissioner understand and agree to abide by the policy regarding confidentiality.

D. Advocacy

The Commission may not sponsor or provide a letter of support or opposition for any event, program, or person without the permission of the Presiding Judge of the Juvenile Court.

IV. RECOMMENDATIONS

Pursuant to California Welfare and Institutions Code Section 230:

"A juvenile justice commission may recommend to any person charged with the administration of any of the provisions of this chapter such changes as it has concluded, after investigation, will be beneficial. A commission may publicize its recommendations."

The Commission shall make its recommendations to the Presiding Judge of the Juvenile Court. At the direction of the Presiding Judge of the Juvenile Court, a copy of the recommendations may be sent to the designated department head for a response. Further correspondence with the department or with the Board of Supervisors with respect to commission input and/or recommendations may be sent directly to the department head or the Board Chair with copies to the Presiding Judge of the Juvenile Court.

All investigative reports of the commission, when they do not involve specific youth or personnel, are considered public documents and are available to the public and members of the media.

Pursuant to California Welfare and Institutions Code Section 229:

“ . . . A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission. . . . ”

The commission may hold hearings to carry out its responsibilities which shall include a panel of commissioners as requested by the Chair. Requests for a hearing concerning a particular youth’s welfare should be in writing.

V. MEETINGS

A. Regular Meetings

Regular meetings will be held twice each month generally on Wednesdays at 9 a.m. in the Commission Conference Room on the second floor of the Betty Lou Lamoreaux Juvenile Justice Center, 341 The City Drive, Orange, California. The Commission shall adopt the schedule of meetings for the following thirteen months at a regular Commission meeting in December of each year. The meeting schedule shall be posted on the Commission website. The meeting schedule, including the time and location of any meeting, may be amended by a majority vote of the Commissioners with the revised meeting schedule posted on the Commission website. A meeting may be held via video conference or teleconference with provision for public access to observe the meeting to be described on the Commission website. Minutes of all meetings shall be prepared by clerical staff and the Executive Administrative Assistant and are subject to approval by the Commission.

B. Special Meetings

Special meetings may be called by the Chair.

C. Attendance

Appointees should, by request of the Juvenile Court, understand the effectiveness of the Commission is dependent upon active commitment and attendance of the commissioners.

Attendance of commissioners shall be taken and recorded in the minutes at all regular commission meetings. Any commissioner who accumulates three unexcused absences from regular meetings during the year shall be considered as having resigned from the commission (see Section II, F. Resignation – Involuntary Termination of Appointment).

Any commissioner unable to attend a regular commission meeting or a committee meeting, shall notify the Commission Chair or Executive Administrative Assistant before the meeting.

All commissioners are expected to participate in inspections as well as the other responsibilities of the commission. When unable to attend an inspection, hearing, or official assignment, the commissioner should arrange for another commissioner to attend. Any commissioner unable to continue serving in an assignment, shall notify the Commission Chair, who shall appoint an alternate, and advise the Executive Administrative Assistant of the change.

D. Quorum

A minimum of five commissioners may conduct a meeting. A majority of all currently appointed Commissioners must be present to consider approval of a motion.

E. Notice

Notice of all regular commission meetings shall be received by commissioners a minimum of one day prior to the meeting.

F. Agenda

Agenda preparation is the responsibility of the Chair with the assistance of the Executive Administrative Assistant. All commissioners may submit agenda items to the Chair. Agendas are to be sent to commissioners with the notice of meetings. All business listed on the agenda shall be acted upon first.

A member of the public who wishes to speak at a Commission meeting must limit their comments to a subject within the jurisdiction of the Commission. Comments are limited to 3 minutes unless otherwise approved by the Chair. A request to speak may also be deferred to the next meeting if there are time constraints.

VI. EXPENSES

Pursuant to California Welfare and Institutions Code Section 231:

“Members of a juvenile justice commission shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Such reimbursement shall be made by the county of appointment or, in lieu of such actual and necessary expenses the board of supervisors may provide that the members of the Commission shall be paid not to exceed the sum of twenty-five dollars (\$25) per meeting not exceeding two meetings per month. . . .”

In accordance with Board of Supervisors, Resolution 65-1209, dated September 28, 1965, commissioners receive the \$25 per meeting reimbursement in lieu of mileage reimbursement.

VII. CONTACT WITH PUBLIC AND AGENCY PERSONNEL

The regular meetings of the Commission are open to the public; however, the Commission is not subject to the Ralph M. Brown Act. Discussions affecting personnel and hearings on individual juvenile cases shall be restricted to the Closed Session.

The Chair (or other commissioner designated by the Commission) shall be the spokesperson with county agencies, as well as the media. Commissioners shall work in teams of two or more in speaking for the Commission or in gathering information on behalf of the Commission, except in assigned committees or liaison representation.

VIII. CORRESPONDENCE

All correspondence on behalf of the Commission will be sent only with the approval of the Commission and signed by the Chair. In the absence of the Chair, correspondence may be signed by the Vice Chair. Except as provided above, no Commissioner may send correspondence identifying themselves as a member of the Juvenile Justice Commission.

IX. MINUTES

The minutes of meetings shall not be mailed or distributed to anyone other than commissioners until approved by vote at the next commission meeting.

X. ASSOCIATED GROUPS

The commission may sponsor or co-sponsor conferences and/or activities upon the vote of the commission.

XI. PARLIAMENTARY AUTHORITY

Robert's Rules of Order (current edition) may guide the Commission in all cases to which they are applicable, to the extent they are not inconsistent with these bylaws or any specific rules of order that the Commission may adopt.

XII. REVISION OF COMMISSION BYLAWS

The bylaws shall be revised as necessary to remain in conformity with state law and county ordinance. An annual review shall be made.

The bylaws may be revised by two-thirds vote at any regular meeting; provided the proposed changes have been sent out and commissioners have had adequate opportunity for reflection and discussion.

XIII. ANNUAL REPORT

An annual report detailing the commission's activities, accomplishments and if applicable, any findings and recommendations shall be printed and made available.