

**BYLAWS OF THE
JUVENILE JUSTICE COMMISSION
OF TUOLUMNE COUNTY**

PURPOSE

The Juvenile Justice Commission of Tuolumne County is a state-mandated court appointed authority. The broad purpose of the Commission is to inquire into the administration of the juvenile court law in Tuolumne County, to provide leadership for citizen action and to promote an effective juvenile court system operated in an environment of credibility, dignity, fairness and respect for the youth of Tuolumne County.

These bylaws are intended to supplement the governing provisions of State law and to aid the Commission in more effectively discharging its statutory duties and responsibilities.

**ARTICLE I
STATUTORY DUTIES AND AUTHORITY**

Section 1. Authority. The Juvenile Justice Commission of Tuolumne County is established pursuant to the provisions of Sections 225 to 231 of the California Welfare and Institutions (W&I) Code.

Section 2. Duties. In accordance with provisions of the W&I Code and with Penal Code Section 6030, the Commission has the following statutory duties and authority.

- A. To inspect no less frequently than once a year all publicly administered Institutions, including Juvenile Hall, authorized or whose use is authorized by Juvenile Court Law, Chapter 2 (beginning with Section 200) of Division 2 of the Welfare and Institutions Code, and inspect annually the jail or any lockup within the County that is used for confinement of any minor for more than 24 hours, and to report the results of such inspections in writing to the Juvenile Court and to the California Corrections Standards Authority. (W&I Code 229)

- B. To inquire into the operation of any group home, if applicable, in the County that serves wards or dependent children of the Juvenile Court in order to review the safety and well-being of the wards and dependent children. (W&I Code Section 229.5)
- C. To inquire into the administration of juvenile justice in a broad sense including but not limited to, the operations of the Juvenile Court, Probation Department, Social Services Agency and any other agency involved in juvenile delinquency or dependency (W&I Code 229).
- D. To prepare and issue an annual report on the administration of the juvenile court law in Tuolumne County.
- E. To make recommendations to the Presiding Judge of the Juvenile Court and to send copies of the recommendations to designated department heads for a response.
- F. To publicize findings and recommendations as decided by the Commission. (W&I Code 230)
- G. To assure the needed services are identified, developed, and provided for the children and youth of the County.
- H. To investigate complaints brought against the administration of the juvenile court law in Tuolumne County.
- I. To advise, in writing, the California Corrections Standards Authority concerning security, rehabilitation programs, recreation, and treatment of persons confined in correctional facilities. (Penal Code 6030)
- J. To consult with the Director of the Division of Juvenile Facilities of the California Department of Corrections and Rehabilitation concerning the operation and maintenance of the Juvenile Hall. (W&I Code 1760.7)
- K. To develop cooperative programs with governmental and nongovernmental organizations engaged in activities designed to prevent juvenile delinquency.

ARTICLE II MEMBERSHIP

- Section 1. Number. The Commission shall consist of not fewer than seven nor more than fifteen citizens. Two or more members shall be persons who are between 14 and 21 years of age, subject to their availability to serve and carry out the duties of a Commission member in a manner satisfactory to the appointing authority (W&I Code Section 225).
- Section 2. Appointment. Members of the Commission are appointed by the Presiding Judge of the Superior Court with the concurrence of the Presiding Judge of the Juvenile Court. Recommendations to the Presiding Judge for membership on the Commission shall be made by the Commission through the Membership Committee.
- Section 3. Term of Office. Appointment shall be for a term of four years, except the appointment of members between 14 and 21 years of age, which shall be for a term of two years. When a vacancy occurs for any reason other than expiration of a term of office, the member filling the vacancy shall be appointed for the unexpired term of his/her predecessor.
- Section 4. Qualifications. Each person appointed shall appear before the appointing judge or his/her designee and qualify by taking an oath to faithfully perform the duties of a member of the Commission. The qualification of each member shall be entered in the records of the Commission.
- Section 5. Resignation. Any member desiring to resign from the Commission shall submit his/her resignation in writing to the Chairperson of the Commission with a copy to the Presiding Juvenile Court Judge.
- Section 6. Attendance. The attendance of members shall be taken and recorded in the minutes of all Commission meetings. If any member is absent for three consecutive meetings, a review of that member's status will be undertaken by the Chairperson. The Chairperson shall notify the Presiding Juvenile Court Judge of his or her finding and shall recommend appropriate action.

- Section 7. Committee Participation. Each member is expected to participate as a team member on at least one scheduled juvenile institution inspection or one scheduled jail or lock-up inspection during each fiscal year, and to serve on standing or ad hoc committees as needed.
- Section 8. Confidentiality. Members shall keep Commission matters, juvenile records, cases observed, investigation specifics and inspection reports confidential prior to their approval and release.
- Section 9. Use of authority. Members shall use the authority of the Commission only in the interest of the youth of the county, and shall use discretion, diligence and integrity in conducting the business of the Commission.
- Section 10. Representation. Members shall work in teams of two or more when representing the Commission or in gathering information, except when the Chairperson of the Commission or his/her designee speaks for the Commission. Members shall identify themselves and display photo identification cards issued by the Court when representing the Commission.

ARTICLE III OFFICERS

- Section 1. Title and Term of Office. The officers of the Commission shall be Chairperson, Vice Chairperson and Secretary. Officers of the Commission shall serve one-year terms beginning July 1 and ending June 30 each year.. Officers shall be elected by a majority vote of the members. Officers may be removed from office at any time, with cause, by a majority vote of the members.
- Section 2. Elections. Officers shall be elected at the regularly scheduled Commission meeting in June of each year and shall take office on July 1 of each year.
- Section 3. Vacancies. In the event of a vacancy in the office of the Chairperson or in the absence of the Chairperson, all of the powers and duties of that office shall be assumed by the Vice Chairperson, who shall continue to exercise such powers and duties until the vacancy is filled or the Chairperson returns.

In the event of a vacancy in both offices, an election for those two offices shall be held at the next regularly scheduled meeting.

- Section 4. Temporary Absence. In case of the absence of the Chairperson, and the Vice Chairperson at any meeting of the Commission, the members present shall select a Chairperson pro tem.

ARTICLE IV DUTIES OF OFFICERS

- Section 1. Chairperson. The Chairperson shall preside at all meetings of the Commission and shall perform such duties as pertain to this office, including being the primary point of contact for the Commission. The Chairperson shall notify the Court of any vacancies and the attendance status of members. The Chairperson may nominate committee chairpersons as necessary to ensure that the Commission fulfills its mission and mandates. The Chairperson shall oversee the completion of an annual report that summarizes the Commission's activities during the year in which he/she serves as Chairperson.
- Section 2. Vice Chairperson. The Vice Chairperson shall preside at all meetings of the Commission in the absence of the Chairperson and shall perform such additional duties as may be assigned. The Vice Chairperson shall chair the Membership Committee and shall coordinate special projects as requested by the Chairperson.
- Section 3. Secretary. The Recording Secretary shall take minutes during the meeting and prepare them for approval by the Commission at the next regularly scheduled meeting. The Recording Secretary will also work with designated staff to publish any reports, findings and recommendations made by the Commission.

ARTICLE V MEETINGS

- Section 1. Open Meetings. Since the Commission is adjunct to the judicial branch of government, it therefore is not subject to the open meeting requirements of the

Ralph M. Brown Act (California Government Code Sections 54950 et seq.) All meetings will be closed meetings unless notice is given in advance. The Chairperson of the Commission may close any regular or special meeting to the public as deemed necessary and appropriate,

- Section 2. Meeting Time. The regular meeting of the Commission shall be held on the second Thursday of each month at 4:30 p.m. unless otherwise ordered by the Chairperson. A schedule of open meeting times, dates and places shall be announced from time to time by the Commission subject to need.
- Section 3. Location. The Commission shall meet at the Mother Lode Regional Detention Facility, 12784 Justice Center Drive, Sonora, California.
- Section 4. Special Meetings. A special meeting may be called by the Chairperson, or in the Chairperson's absence, the Vice Chairman. The Commission may order any special meeting be open to the public at any time on majority vote. Nothing in this section shall be construed to prevent the convening authority of the special meeting from closing any special meeting of the Commission to the public if such closure is ordered in the call of the meeting, as long as closure is not inconsistent with the laws of the State of California.
- Section 5. Quorum. At any Commission meeting a quorum is a simple majority of the total members of the Commission. Once a quorum is achieved, the number to approve or adopt a motion is a simple majority of the members present. A quorum must be maintained for the entire meeting.
- Section 6. Non-member matters. Written requests for non-members to discuss a matter before the Commission should be received by the Chairperson ten business days prior to the meeting date.
- Section 7. Commission business. Commission business and the business of its committees shall be decided by majority vote of the members present at a regular meeting at which there is a quorum, except as specified elsewhere in these by-laws.
- Section 8. Suspension of the order of business. The order of business may be suspended at any time during any meeting of the Commission by a majority vote of the members present.

Section 9. Records. The official record of the Commission meetings shall be known as the minutes and shall be a record of actions taken by the Commission. The Juvenile Justice Commission Secretary shall record the minutes of all meetings of the Commission and shall handle Commission correspondence. The Secretary keeps the roll, certifies the presence of a quorum, maintains a list of all active members and keeps records of actions as they occur at each meeting.

Section 10. Critical Incident Reports. In order that the commission may meet its responsibilities under the Welfare and Institutions Code, the following procedures shall be followed by the Chief Probation Officer and Director of Health and Human Services for bringing to the Commission's attention serious incidents or conditions affecting the children who come within the jurisdiction of the Juvenile Court.

For minors confined in the juvenile detention facility or placed in emergency shelter homes, or supervised on juvenile probation or under the supervision of the Director of Health and Human Services, the Commission Chairperson shall be notified within 24 hours of the incident, excluding weekends or holidays, of any of the following circumstances.

- A. Fatalities. Death of a minor, regardless of the manner of death, i.e., suicide, homicide, accident, natural causes or undeterminable.
- B. Near fatalities, serious bodily harm and suicide attempts. Any near fatality or serious bodily harm of a minor, including all attempted suicides with overt gestures, all attempted homicides and any accident, injury or illness that requires admission to a hospital or psychiatric facility. The Juvenile Justice Commission wishes to be informed of the instance or injury regardless of the cause, including injuries caused by other minors or employees or contractors acting within the scope of their assigned duties.
- C. Criminal conduct of employees, contractors or caretakers that relate to minors. Any allegation of misconduct which has been referred for investigation because employee, contractor or any person providing care for a minor has allegedly committed a criminal act which involves the welfare of a minor or relates to the minor directly. This includes all instances where the the employee, contractor or caretaker's alleged criminal act would jeopardize the safety of the minor. The Juvenile Justice Commission wished to be informed of all instances of child abuse or neglect or alleged child abuse or neglect, including

all instances where the employee, contractor or caretaker's alleged conduct would require an individual who is designated a "mandated reporter" under the Child Abuse and Neglect Reporting act [California Penal Code Sections [11164 to 11174.3] to make a report. Reports under this subsection can consist of a synopsis of events without identifying names.

- D. Serious acts of violence between youth. All serious acts of violence between minors including serious physical assaults, all instances of sexual contact, aggression involving three or more minors, or any circumstances that required riot protocols to be implemented. "Serious" is defined as a reportable crime resulting in injury requiring medical attention. Statistics will be provided to the Juvenile Justice Commission on a quarterly basis.
- E. Serious injury to employees, contractors or caregivers. All serious injuries to employees, contractors or caregivers that were caused by minors and all serious injuries to employees, contractors or caregivers that were the result of the intentional or negligent actions of other employees, contractors or caregivers that were the result of a failure to follow written policies and procedures. "Serious" is defined as incidents resulting in injury requiring medical attention. Statistics will be provided to the Juvenile Justice Commission on a quarterly basis.
- F. Incidents that require intervention with a weapon or chemical agent. All instances where a weapon or chemical agent, such as oleoresin capsicum (OC/pepper) spray, is used to gain control over a minor or other individual. Statistics will be provided to the Juvenile Justice Commission on a quarterly basis.
- G. Public health risks. All serious health risks within a juvenile institution or emergency shelter home, including instances where a minor tests positive for tuberculosis or other highly communicable diseases.
- H. High profile incidents. All high profile incidents, including incidents that generate media attention or that can reasonably be expected to generate media attention, incidents that are referred to high level County officials, such as the Board of Supervisors or the Chief Administrator Officer, or incidents which are likely to precipitate a lawsuit. The Juvenile Justice Commission requests to be informed of any incident, report or finding that may generate media interest

prior to the release of information to the media or prior to media publication whenever possible. Reports made under this subsection can be a synopsis of events without identifying names.

- I. Evacuations. Any condition where a facility in which minors under the jurisdiction of the Juvenile Court are placed which requires evacuation or relocation of such minors, or otherwise affects their safety or welfare.
- J. Other incidents. Any incident of which the Chief Probation Officer or Director of Health and Human Services determines the Commission should be notified because it relates to the health and safety or welfare of minors under their supervision (e.g., escapes, staff job actions, breaches of security).

ARTICLE VI COMMITTEES

Section 1. Committees. The Commission may establish ad hoc or standing committees of its membership. To perform fact-finding functions in any matter under the jurisdiction of the Commission. The Commission Chairperson shall appoint a committee chairperson from one of the membership of the Commission for each committee established. A committee may have members other than persons who are members of the commission.

A committee shall report its findings of fact to the Commission at a meeting of the Commission, at which time the whole Commission shall consider the findings of fact contained in the report. All committee meetings shall be open to any member of the Commission.

Section 2. Membership Committee. The Commission Chairperson shall appoint a Membership Committee, which shall be led by its chairperson. The Membership Committee shall support recruitment efforts, shall review the bylaws and shall be available to provide guidance and training for new members.

Section 3. Critical Incident Committee. The Commission Chairperson shall appoint a Critical Incident Committee, which shall be led by its chairperson. The Critical Incident Committee shall review critical incident reports from Child Welfare Services and Probation, shall request additional information as appropriate, and shall report concerns and trends to the full Commission.

- Section 4. Inspection Teams. The Commission Chairperson shall appoint inspection teams for the juvenile hall inspections and other inspections as deemed necessary and appropriate.
- Section 5: Awards Committee. The Commission Chairperson shall appoint a chairperson and members of the Awards Committee no later than the regular March meeting. The Awards Committee shall select the recipients of the awards with the approval of the full Commission, and coordinate the Juvenile Justice Awards Ceremony to be held annually in July.
- Section 6. Ad Hoc Committees. The Commission Chairperson may appoint ad hoc committees as necessary to fulfill the mission and mandate of the Commission. Any member may recommend the creation of an ad hoc committee.

ARTICLE VII RELEASE OF INFORMATION

- Section 1. Communications. The Chairperson of the Commission or other commissioner designated by the Commission shall be the spokesperson with County agencies and/or personnel as well as with the media. All press or media contacts shall be referred to the Chairperson.
- Section 2. Correspondence. All correspondence on behalf of the Commission shall be sent only with the approval of the Chairperson or with the approval of a majority of commissioners voting at a regularly scheduled meeting at which a quorum is present. Correspondence shall reflect the title of Chairperson.
- Section 3. Individual Commissioners. Individual members acting in their own individual capacities have no authority to commit the Commission to any policy determination or course of action unless the Commission has previously authorized or subsequently ratified such act by an individual member of the Commission. Nothing in this section shall be construed to prevent members from expressing themselves as individuals, but such action should, where appropriate, include a disclaimer that such expression is made in an individual capacity and not as an official statement for the Commission.

ARTICLE VIII PLANS AND ANNUAL REPORT

Section 1. Plans. At a Commission meeting held between July and September of each year, the Commission shall formulate its goals and objectives for the ensuing year.

Section 2. Annual Report. The chairperson of each standing and ad hoc committee shall, in April of each year, submit to the Chairperson of the Commission a report on the activities of that committee during the year just ending. The Chairperson shall incorporate that information into an Annual Report for publication. Copies of the Annual Report shall be sent to the Presiding Judge of the Juvenile Court, the State Corrections Standards Authority, the Board of Supervisors and to others as directed by the Commission.

ARTICLE IX PARLIAMENTARY AUTHORITY

Section 1. Parliamentary authority. The rules contained in the current edition of Robert's Rules of Order shall guide the Commission in all matters to which said rules are applicable and in which said rules are not inconsistent with these by-laws and any special rules of order that the commission may adopt.

ARTICLE X AMENDMENT OF BYLAWS

Section 1. The Commission shall review these bylaws annually to ensure that they conform to applicable laws. These bylaws may be amended at any regular meeting by two-thirds of the members in attendance, provided that amendment to be voted upon was submitted in writing at the previous meeting of the Commission and is listed on the agenda as an item for discussion.