

BOARD OF CRIME CONTROL BYLAWS

PREAMBLE

The Board of Crime Control shall be comprised of members concerned with public safety. The members shall be appointed by the Governor for the purpose of assisting state, local and tribal governments with issues related to public safety, crime prevention and strengthening and improving the criminal and juvenile justice systems.

MISSION STATEMENT

THE MISSION OF THE BOARD OF CRIME CONTROL IS TO PROACTIVELY CONTRIBUTE TO PUBLIC SAFETY, CRIME PREVENTION AND VICTIM ASSISTANCE THROUGH PLANNING, POLICY DEVELOPMENT AND COORDINATION OF THE JUSTICE SYSTEMS IN PARTNERSHIP WITH CITIZENS, GOVERNMENT AND COMMUNITIES.

ARTICLE I: NAME AND LOCATION OF PRINCIPAL OFFICE

SECTION I.

The name of this Board shall be THE MONTANA BOARD OF CRIME CONTROL.

SECTION II.

The principal office of the Board shall be located in the City of Helena, State of Montana.

SECTION III.

The Board may establish field offices at such time and locations as it deems necessary and proper to accomplish its objectives.

ARTICLE II: GOVERNANCE

SECTION I.

Robert's Rules of Order Newly Revised Edition shall govern the meetings of the Montana Board of Crime Control in all cases to which they are applicable and in which they are not

inconsistent with these bylaws and any special rules of order that the Montana Board of Crime Control may adopt.

SECTION II.

Any provision of these bylaws that conflicts with federal or state law is void.

SECTION III.

The Board Chairperson shall communicate all Board of Crime Control member needs to the Department of Corrections Bureau Chief to ensure all Board needs are met with assistance from the Crime Control Bureau staff. These needs include, but are not limited to: meeting organization, development of formal agendas, recording of all formal meetings, dissemination of documents, maintenance of records, and travel assistance.

SECTION IV.

The Board shall review biennially in March of every even year all statute-related programs to ensure policies, standards, and other documents are updated to reflect changes in Laws, regulations, standards, and guidelines.

ARTICLE III: MEETINGS

SECTION I.

There shall be a quarterly meeting of this Board to be held in Helena, Montana, unless an alternate date and location is selected and approved by a majority of the Board present at a preceding meeting. Meetings may be held by audio or video conference.

Notice of all meetings shall be posted on the Board's website at least 48 hours in advance of each meeting.

SECTION II.

A special meeting of the Board may be called at any time by the Board Chairperson or upon written request of at least five Board members. A Committee meeting may be called at any time by the Committee Chairperson or upon written request of at least three committee members. Such special Board meetings or committee meetings shall be held at a time and place to be designated by the Board Chairperson or Committee Chairperson as appropriate. Members shall be notified at least 48 hours in advance of the meeting.

SECTION III.

Board members shall submit agenda items to the Chairperson within 14 days prior to the quarterly meeting. The Bureau Chief or designated staff shall mail or e-mail the meeting agenda to each Board member at least seven days prior to each quarterly meeting.

SECTION IV.

A quorum for each meeting shall consist of a majority of the appointed Board members. The Board may conduct official business only during such times that a quorum is present.

As used in this section, “majority” means the next greatest whole number more than one-half.

ARTICLE IV: MEMBERSHIP

SECTION I.

As provided for in 2-15-2306, MCA, the Board is composed of 18 members appointed by the Governor in accordance with 2-15-124, MCA and any special requirements of Title I of the Omnibus Crime Control and Safe Streets Act, as amended. The Board shall be representative of state and local law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizens and professional and community organizations, including organizations directly related to delinquency prevention.

The Board shall recommend to the Governor that appointments include a minimum of one tribal nation representative and the Chairperson and at least two additional citizen members of the juvenile justice state advisory group.

SECTION II.

A member who no longer represents a particular category due to termination of his/her tenure of office or employment may be replaced by appointment of the Governor.

SECTION III.

The Chairperson of the Board shall advise the Governor concerning any member of the Board who is absent from three consecutive meetings of the Board without justification as determined by the Chairperson. A member who is unable to attend a meeting should notify the Chairperson and Crime Control Bureau Chief before the meeting. The Governor for cause may remove Board members.

SECTION IV.

- (a) Except as provided in subsection (b), a member shall be paid at the state quasi-judicial board rate for each day in which he or she is actually and necessarily engaged in the performance of Board duties.
- (b) A member who is a full-time salaried officer or employee of this state or of a political subdivision of this state may not be compensated as provided for in subsection (a), unless the member performs his or her duties outside the member's regular working hours or during time charged against the member's leave.
- (c) All members shall be reimbursed for expenses incurred, according to State travel policies, while in the performance of Board duties.

ARTICLE V: OFFICERS AND MINUTES

SECTION I.

The Board shall have a Chairperson and a Vice-Chairperson. The Governor shall designate the Chairperson of the Board who serves at the pleasure of the Governor. The Board shall elect in March of each odd year the Vice-Chairperson who shall serve a two-year term until the next election. The Vice-Chairperson may serve more than one term if elected.

SECTION II.

The Chairperson's general duties or the Vice-Chairperson's general duties in the Chairperson's absence are as follows:

- a. to open each meeting at the designated time by taking the Chair, calling the members to order, declaring that a quorum is present and that the Board may conduct its official business;
- b. to announce the business before the Board in the order in which it is to be acted upon;
- c. to recognize members entitled to the floor;
- d. to state and to put to vote all questions that are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote;
- e. to assist in the expediting of business in every way compatible with the rights of the membership;
- f. to enforce on all occasions the observance of order and decorum among members;
- g. to inform the assembly, when necessary, on a point of order or practice pertinent to pending business; and
- h. to authenticate, by his or her signature, where necessary, all the acts, orders and proceedings of the Board declaring its will, and in all things obeying its commands.

SECTION III.

If it is necessary for the Chairperson to vacate the chair, the Vice-Chairperson shall take the chair. If the Vice-Chairperson is unavailable or unwilling to take the chair because of involvement in the debate, the Chairperson shall appoint a chair pro tempore.

SECTION IV.

The Chairperson shall require all formal Board meetings are recorded and minutes kept according to Robert's Rules of Order and Montana Open Meetings Law.

ARTICLE VI: VOTING

SECTION I.

Each member of the Board is entitled to one vote in the business of the Board. Members may vote in person or by audio or video conferencing during the meeting. Proxy voting is not permitted. If the Chairperson deems it inexpedient to call a special meeting, the Chairperson may call for a vote of the membership and submit a question to the membership by audio or video conferencing for discussion and vote.

SECTION II.

As a member of the Board, the Chairperson is entitled to vote on all issues if he or she so chooses; however, the Chairperson must vote when, without his or her vote, the votes of the members have produced a tie. He or she may vote with the minority when it will produce a tie vote, thus causing the motion to fail.

SECTION III.

No motion is in order that conflicts with the laws of the Nation or State of Montana, and if such a motion is adopted, even by a unanimous vote, it is null and void.

SECTION IV.

Any legitimate motion requires for its adoption only a majority of voting members, at a legal meeting where a quorum is present except where a larger vote is required in these bylaws.

SECTION V.

No Board member may participate in a vote for a direct award of funds to any entity or agency over which the Board member has authority or in which the Board member either has substantial financial interest or is engaged as counsel, consultant, representative or agent. In such cases the member shall abstain from the vote regarding the specific entity or agency.

ARTICLE VII: OBJECTIVES AND DUTIES

SECTION I.

The objectives and duties of this Board shall include:

- a. establishment of priorities for long- and short-range goals and objectives for Montana’s criminal and juvenile justice systems;
- b. approval and adoption of the comprehensive criminal and juvenile justice plans in general and the annual action programs specifically;
- c. overview and evaluation of the total state effort in planning and implementation of criminal and juvenile justice system programs; and
- d. oversight and management of the juvenile justice State Advisory Group (SAG) created under the Juvenile Justice and Delinquency Prevention Act (JJDP Act) Reauthorization 2018.
(Refer to Attachment 1 for SAG Rules of Procedure)

SECTION II.

The Board has full power and authority to approve, terminate, alter or reject any application for an award or grant of funds and assistance unless prohibited by law.

ARTICLE VIII: BOARD OF CRIME CONTROL APPEAL POLICY

The Board shall establish policy providing for the appeal of any decision regarding an application for award or a grant of funds.

ARTICLE IX: CREATION OF COMMITTEES

SECTION I.

The Board Chairperson is authorized to create committees as reasonably needed or upon the specific recommendation of the Board. Committees shall be of the following types:

- a. Standing Committees; and
- b. Special Committees.

SECTION II.

A Standing Committee is permanent in nature and composed exclusively of Board members. Its members are appointed for a definite period of time specified by the Chairperson such as a year, a biennium, etc.

SECTION III.

A Special Committee is temporary in nature and created for a specific purpose. It may include non-Board members; however, a Special Committee shall include at least one Board member. A Board member must serve as the Chairperson of each Special Committee. Upon submission and acceptance by the Board of the final report of any Special Committee, the Committee shall automatically terminate.

SECTION IV.

As determined by the Board Chairperson, a Committee may consist of any number of members necessary to accomplish the designated purpose.

SECTION V.

The Board Chairperson shall appoint the Committee members and shall designate the Committee Chairperson and Vice-Chairperson except as otherwise required by law.

SECTION VI.

All Committee members shall serve at the pleasure of the Board Chairperson.

SECTION VII.

Unless otherwise appointed to a Committee, the Board Chairperson may serve as an ex-officio, non-voting member of any Standing or Special Committee.

SECTION VIII.

Standing and Special Committees may be created or terminated by majority vote of a quorum at any regular Board meeting.

ARTICLE X: EXECUTIVE COMMITTEE

SECTION I.

The Executive Committee shall be composed of the Board Chairperson and Vice-Chairperson and at least four members of the Board and must include the same proportion of juvenile justice state advisory group members as are included in the total board membership. The Chairperson shall appoint members on an annual basis in March, with members to serve staggered terms of two years. All appointments must be approved by the Board.

SECTION II.

The Executive Committee shall meet at such times and places as the Chairperson shall determine. If the Chairperson and Vice-Chairperson are absent from the meeting, the members shall choose one of their members to preside at the meeting.

SECTION III.

The Executive Committee shall have the power to act on behalf of the Board between meetings. However, any such action shall be subject to approval by the Board at the next regularly scheduled meeting. Unless otherwise directed or required by urgency, decisions of the Executive Committee are not a substitute for decisions of the Board.

SECTION IV.

The Executive Committee shall, without further delegation or direction:

- a. provide assistance and support to the Crime Control Bureau Chief to ensure the Bureau is compliant with Board policies and strategic decisions of the Board;
- b. assist the Chairperson in developing the agenda for the Board's quarterly meetings and annual strategic planning meeting;
- c. perform the initial review of any legislative action recommended by the Chairperson and provide the Crime Control Bureau Chief with guidance concerning any legislative action recommended by the Board;
- d. call additional meetings of the Board as may be necessary in the performance of its duties;
- e. at each meeting, provide the Board with a report of its actions and recommendations and between meetings, as necessary in its discretion, keep the Board advised and informed by any convenient method; and
- f. review the proposed biennial budget prepared by the Crime Control Bureau Chief (March of each even year).

ARTICLE XI: STANDING COMMITTEES

SECTION I.

As defined in Article IX the Board authorizes the following Standing Committees:

- a. Executive Committee;
- b. Anti-Drug Committee;
- c. Victims Committee;
- d. Prevention and Treatment Committee;
- e. Technology and Crime Reporting Committee;
- f. Policy Committee;
- g. Legislative Committee; and
- h. Tribal Committee

SECTION II.

Standing Committees shall meet at such times and places determined by the Committee Chairperson.

SECTION III.

A Standing Committee shall review the applications for the applicable Board subgrants and make recommendations to the full Board regarding applications and funding.

ARTICLE XII: JUVENILE JUSTICE STATE ADVISORY GROUP – YOUTH JUSTICE ADVISORY COUNCIL

SECTION I.

The name of Montana’s juvenile justice State Advisory Group, authorized in Section 223 of the Juvenile Justice and Delinquency Prevention Reauthorization 2018, as amended, (hereinafter known as the “Act”) and established by Executive Order shall be the “Youth Justice Advisory Council” (hereinafter known as the juvenile justice “State Advisory Group” (SAG).

SECTION II.

Section 223(a) (3) of the Act requires each state to establish an advisory group, appointed by the Chief Executive of the State. Montana’s juvenile justice State Advisory Group, the Youth Justice Advisory Council, participates in the development and review of the State’s juvenile justice plan prior to submission of the plan to the Board of Crime Control for final

action, and develops and reviews yearly updates of the plan. Attachment 1 contains the State Advisory Group's Rules of Procedure.

SECTION III.

The juvenile justice State Advisory Group shall have a Chairperson and a Vice-Chairperson. The Governor shall appoint the Chairperson of the juvenile justice State Advisory Group who serves at the pleasure of the Governor. If the Governor appoints a Chairperson who is someone other than a Board of Crime Control member, the Chairperson shall serve as an ex-officio, non-voting member of the Board of Crime Control. The juvenile justice State Advisory Group shall elect in March of each even year the Vice-Chairperson who shall serve a two-year term until the next election.

SECTION IV.

The juvenile justice State Advisory Group may create Standing Committees and Special Committees. Attachment 1, Rules of Procedure, describe committee compositions and membership.

SECTION V.

Article II, Article III, Article IV (excluding Section I), Article V (excluding Section I), Article VI, Article VII, and Article XIII apply to the operations of the State Advisory Group.

ARTICLE XIII: AMENDMENT

SECTION I.

These bylaws may be amended at any regular or special meeting of the Board by two-thirds vote of the membership of the Board, provided that any proposed amendment or revision shall have been distributed to the Board members at least 30 days prior to the meeting at which they are to be acted upon.

ARTICLE XIV: ADOPTION

SECTION I.

These by-laws, as revised, were adopted by a two-thirds vote of the membership of the Board on September 10, 2020 and are effective immediately.

Done this 10th day of September 2020.

A handwritten signature in blue ink that reads "Peter Ohman". The signature is written in a cursive style with a long horizontal stroke at the end.

Peter Ohman
Chairperson, Board of Crime Control

Attachment 1: Juvenile Justice State Advisory Group Rules of Procedure

- I. Name, Authority, and Responsibility
 - a. The name of Montana’s juvenile justice State Advisory Group (SAG), created in Section 223 of the Juvenile Justice and Delinquency Prevention (JJDP) Act Reauthorization 2018, as amended, (hereinafter known as the “Act”) and established by Executive Order shall be the “Youth Justice Advisory Council”.
 - b. Section 223 (a)(3) of the Act requires each state to establish an advisory group, appointed by the chief executive of the state. Montana’s SAG participates in the development and review of the State’s juvenile justice plan prior to submission of the plan to the Board of Crime Control for final action and develops and reviews yearly updates of the plan.
 - c. In addition, the SAG shall:
 - i. Submit annually to the Governor a report including recommendations on matters relating to its functions, including State compliance with the requirements of the Act;
 - ii. Review and make recommendations to the Board for approval or disapproval of all juvenile justice and delinquency prevention subgrant applications;
 - iii. Monitor state compliance with the four core requirements; Deinstitutionalization of Status Offenders (DSO), Removal, Separation, and Racial and Ethnic Disparities (RED) of Section 223 (a) of the Act;
 - iv. Develop more effective education, training, research, prevention, diversion, treatment and rehabilitation programs in the area of juvenile delinquency and improvement of the juvenile justice system;
 - v. Review the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the State plan;
 - vi. Contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system and state, local, and private agencies on juvenile justice issues in order to better coordinate services and to efficiently utilize available resources; and
 - vii. Assist with comprehensive statewide prevention activities.
- II. Composition
 - a. The SAG shall consist of not less than 15 and not more than 33 persons who have training, experience, or special knowledge concerning adolescent development, the prevention and treatment of juvenile delinquency, administration of juvenile justice, or reduction of juvenile delinquency.
 - b. The appointees to the juvenile justice State Advisory Group shall include:
 - i. At least one locally elected official representing general purpose local government;
 - ii. Representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

- iii. Representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities, recreation, and youth services;
 - iv. Representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;
 - v. Volunteers who work with delinquent youth or youth at risk of delinquency;
 - vi. Representatives of programs that are alternatives to incarceration, including programs providing organized recreation activities;
 - vii. Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion;
 - viii. Persons, licensed or certified by the applicable State, with expertise and competence in preventing and addressing mental health and substance abuse needs in delinquent youth and youth at risk of delinquency;
 - ix. Representatives of victim or witness advocacy groups, including at least one individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system; and
 - x. For a State in which one or more Indian Tribes are located, an Indian tribal representative (if such representative is available) or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities.
- c. A majority of members (including the Chairperson) shall not be full-time employees of the Federal, State, or local government.
 - d. At least one-fifth of members shall be under the age of 28 at the time of appointment.
 - e. At least three members must have been or are currently under the jurisdiction of the juvenile justice system, or if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system.

III. Appointment, Terms and Compensation

- a. SAG members shall be appointed by the Governor for terms of two years or until a successor is appointed and shall be eligible for re-appointment at the discretion of the Governor. Members appointed to fill an unexpired term shall serve until the expiration date of that term or until a successor is appointed.

- b. Compensation for SAG members is governed by 2-15-122 (5), MCA.
- IV. Officers
- a. A Chairperson shall be appointed by the Governor and shall perform the duties assigned by the Governor's Executive Order and such other duties under these rules and the parliamentary authority which are not in conflict with the Governor's Executive Order or the State and Federal laws. The Chairperson shall not be a full-time employee of the Federal, State, or local government. The Chairperson will open the meeting at the designated time by taking the chair, calling the members to order, declaring that a quorum is present and that the SAG may conduct its official business.
 - b. A Vice-Chairperson must be elected by and from the membership of the SAG to serve in the absence, inability, or resignation of the Chairperson. The juvenile justice State Advisory Group shall elect in March of each even year the Vice-Chairperson who shall serve a two-year term until the next election. A Vice-Chairperson may serve more than one consecutive term, subject only to the elective process of the SAG.
 - c. Staff of the Montana Board of Crime Control shall be responsible for taking minutes. The staff shall forward the minutes (electronically) of the meeting to SAG members prior to the next SAG meeting, at which time they shall be submitted for approval. Copies of the minutes must be promptly sent to anyone who requests them.
 - d. The Chairperson, with a majority agreement of the SAG, may appoint any other officers or assistants as may be needed.
- V. Committee Structure
- a. The SAG authorizes an Executive Committee as a Standing Committee of the SAG. The Executive Committee is composed of the Chairperson, Vice Chairperson, Chairperson of the Disproportionate Minority Contact/Juvenile Detention Alternatives Initiative/Racial and Ethnic Disparities (DMC/JDAI/RED) Committee, and three members appointed by the Chairperson, one of which will be a youth member. The Executive Committee may act for the SAG between meetings. However, any such action is subject to ratification by the juvenile justice State Advisory Group at the next regularly scheduled meeting and is also subject to approval by the Board.
 - b. The SAG authorizes the following additional Standing Committees. The members of these committees must be appointed by the Chairperson every two years. Additionally, the Chairperson and Vice-Chairperson of these committees must be appointed from the SAG membership by the SAG Chairperson:
 - i. Disproportionate Minority Contact/Juvenile Detention Alternatives Initiative/Racial and Ethnic Disparities (DMC/JDAI/RED) Committee shall consist of seven members. Additionally, a representative from the Governor's Office of Indian Affairs may serve in a non-voting ex-officio capacity. DMC/JDAI/RED Committee may include members who are not SAG members, but no less than four

- members must be SAG members. Non-SAG members must submit an application to the SAG Chairperson for review and approval.
- ii. Application Review Committee shall review all subgrant applications and make recommendations to the SAG. The Applications Review Committee shall consist of seven members: five members and two alternates.
 - c. The SAG Chairperson may create Special Committees, and the Chairperson shall appoint all committee Chairpersons and Vice-Chairpersons. The Committees shall exercise the powers delegated to them by the SAG. Committee reports and recommendations must be submitted to the SAG Chairperson within the time prescribed, and are advisory only.
 - d. All Committee members shall serve at the pleasure of the SAG Chairperson. The Chairperson may remove a member of a committee for lack of attendance and/or active participation of scheduled meetings in a 12-month period. Following the removal of a member, the Chairperson shall replace the member with another appointment.