

FLOYD COUNTY COMMUNITY CORRECTIONS (FCCC)

AND

LOCAL JUSTICE REINVESTMENT ADVISORY COUNCIL (JRAC)

ADVISORY BOARD

BY-LAWS

Originated: 1985

Revised: April 16, 2012

Second Revision: _____, 2021

DRAFT

**CODE OF BY-LAWS
FLOYD COUNTY COMMUNITY CORRECTIONS ADVISORY BOARD
AND
FLOYD COUNTY JUSTICE REINVESTMENT ADVISORY COUNCIL**

ARTICLE I: ESTABLISHMENT AND PURPOSE

SECTION 1: ESTABLISHMENT of Floyd County Community Corrections ("FCCC"), and Floyd County Justice Reinvestment Advisory Council ("FC-JRAC").

Indiana Code Title 11, Article 12: COMMUNITY CORRECTIONS, establishes Community Corrections programs in Indiana.

IC 11-12-1 Chapter 1. Locally and Regionally Operated Community Corrections

IC 11-12-1-1 Sec. 1. As used in this article, "community corrections program" means a community based program that provides preventive services, services to offenders, services to persons charged with a crime or an act of delinquency, services to persons diverted from the criminal or delinquency process, services to persons sentenced to imprisonment, or services to victims of crime or delinquency, and is operated under a community corrections plan of a county and funded at least in part by the state subsidy provided in IC 11-12-2.

Indiana Code Title 33, Article 38, Section 4(a) establishes a LOCAL JUSTICE REINVESTMENT ADVISORY COUNCIL for each county in Indiana, effective July 1, 2021.

IC 33-38-9.5-4 Section 4(a) A local justice reinvestment advisory council is established in each county in Indiana.

****The FCCC Advisory Board has voted to serve as the local advisory council which is permitted by I.C. 33-38-9.5-4(d). Meeting agendas will include business related to both community correction advisory board and FC-JRAC.**

SECTION 2: PURPOSE.

Floyd County Community Corrections Advisory Board. Pursuant to IC 11-12-1-2, FCCC was established for the purpose of assisting in the coordination of the Community Corrections Program. The FCCC Advisory Board was established on September 4, 1984 by resolution of the Floyd County Board of Commissioners.

IC 11-12-1-2 Sec. 2. ... The county, in consultation with the advisory board, shall coordinate or operate community corrections programs for any of the following:

- (1) The prevention of crime or delinquency.
- (2) Persons sentenced to imprisonment in a county or local penal facility other than a state owned or operated facility.
- (3) Committed offenders.
- (4) Persons ordered to participate in community corrections programs as a condition of probation.

Floyd County Judicial Reinvestment Advisory Council (FC-JRAC). Pursuant to IC 33-38-9.5-5, the FC-JRAC is established effective July 1, 2021 and should promote:

- IC 33-38-9.5-5** Sec. 5. A local advisory council shall promote:
- (1) The use of evidence based practices; and
 - (2) The best practices of community based alternatives and recidivism reduction programs, including:
 - a. Probation services;
 - b. Problem solving courts;
 - c. Mental health and addiction treatment and recovery services;
 - d. Pretrial services
 - e. Community corrections
 - f. Evidence based recidivism reduction programs for currently incarcerated persons;
 - g. Other rehabilitation alternatives; and
 - h. The incorporation of evidence based decision making into decisions concerning jail overcrowding.

ARTICLE II: POWERS AND DUTIES OF FCCC

Section 1: Statutory Powers and Duties of Community Corrections Advisory Boards. Indiana statute outlines various powers and duties for Community Corrections advisory boards. (See 11-12-2-3.) The FCCC Advisory Board will operate in compliance with all Indiana laws and Indiana Department of Corrections regulations.

Section 2: Financial Aid and Funding: The Board shall formulate the Community Corrections Plan and the Grant Application. The Board shall approve the grant application, budget and all required documentation for the grant application.

The FCCC Advisory Board must approve and sign off on any changes to the Community Corrections Plan or budget in the executed contract. The review and approval or denial must be documented in the Advisory Board meeting minutes. Once approved, the Advisory Board Chairperson will sign off on any required forms by the IDOC Community Corrections Grant Funded Entities Procedural Bulletins that are needed for consideration.

The Floyd County Commissioners and Floyd County Council shall provide necessary assistance and appropriations to the FCCC Advisory Board. Appropriations required under this subsection are limited to amounts received from the following sources:

- 1.) Department grants
- 2.) User fees
- 3.) Other funds as contained within an approved plan

Additional funds may be appropriated as determined by Floyd County Commissioners and Floyd County Council.

Section 3: Employees: Employees of FCCC are county employees. The policy and procedures established under Community Corrections may not be inconsistent with those established for other county employees.

Section 4: Observe: The Board shall observe, oversee and coordinate Community Correction Programs in Floyd County.

Section 5: Annual Report: The Board shall make an annual report to the Floyd County Commissioners to include an evaluation of the effectiveness of programs and recommendations for improvement, modification, or discontinuance of these programs.

Section 6: Compliance: The Board shall ensure that programs comply with the standards of the Indiana Department of Correction. The Board shall ensure that compliance of statute, rules, procedure bulletins, and the executed contract are in compliance for the entities awarded under the IDOC grant application, including contracted agencies listed in the Community Corrections Plan.

Section 7: Collaboration: The Board shall coordinate county collaboration. This includes formulating and coordinating a plan for collaboration with the probation department, the community corrections program, and any other local criminal justice agency that receives funding from the department for the provision of community supervision for adult participants. The Board is to encourage county collaboration to include courts, prosecuting attorneys, public defenders, and sheriffs when addressing the needs of the local criminal justice population.

Section 8: Contracts: The Board shall recommend to the Floyd County Council for approval or disapproval of contracts with agencies that participate in FCCC, and before recommending approval, the Board must determine that the program is capable of meeting the standards adopted by the Indiana Department of Correction, and or the Office of Court Services if it is a Problem-Solving Court Program. The Board shall formulate and define the priorities of the eligible grant entities and Community Corrections Plan to be submitted in the grant application.

The Board shall recommend approval or disapproval of the contracted agencies, local government or nongovernmental agencies, that desire to participate in the community corrections plan.

Section 9: Appointment of Director: Pursuant to I.C. 11-12-2-3.5, the Board shall appoint a Director of the FCCC subject to the approval of the Floyd County Commissioners. The Director may be removed for cause by a majority of the vote of the FCCC Board subject to the approval of the Floyd County Commissioners.

ARTICLE III: POWERS AND DUTIES OF FC-JRAC

Section 1: Statutory Powers and Duties of Floyd County Judicial Reinvestment Advisory Council.

Indiana statute outlines various powers and duties for local justice reinvestment advisory boards. The FC-JRAC will operate in compliance with all Indiana laws. IC 33-38-9.5-6 states that the advisory council shall do as follows:

- (1) Review, evaluate and make recommendations for local:
 - a. Criminal justice systems and corrections programs;
 - b. Pretrial services;
 - c. Behavioral health treatment and recovery services;
 - d. Community corrections; and
 - e. County jail and probation services.
- (2) Promote state and local collaboration between the state advisory council and the local advisory council.
- (3) Review and evaluate local jail overcrowding and recommend a range of possible overcrowding solutions.
- (4) Compile reports regarding local criminal sentencing as directed by the state advisory council.

- (5) Establish committees to inform the work of the local advisory council.
- (6) Communicate with the State Advisory Council in order to establish and implement best practices and to ensure consistent collection and reporting of data as requested by the State Advisory Council.
- (7) Prepare and submit an annual report to the State Advisory Council not later than March 31 of each year. The Board shall coordinate county collaboration as specified in IC 11-12-2-4.

ARTICLE IV: MEMBERSHIP OF FCCC AND FC-JRAC

Section 1. Nominations, Appointments, Term of Office and Vacancies. The Floyd County Community Corrections Advisory Board (IC 11-12-2-2) which shall also serve as the Local Justice Reinvestment Advisory Council (IC 33-38-9.5-1) is composed of the following members:

- 1.) The County Sheriff or the sheriff's designee
- 2.) The Prosecuting Attorney or the PA designee
- 3.) The Director of the Floyd County Department of Child Services or the Director's designee
- 4.) The Mayor of New Albany, Indiana
- 5.) All Floyd County Judges and Magistrates who have criminal, adult or juvenile, jurisdiction
- 6.) One Public Defender or the PD designee
- 7.) One crime victim, appointed by the County Commissioners
- 8.) One ex-participant/offender appointed by the County Commissioners
- 9.) One mental health representative chosen by the Floyd Circuit Judge
- 10.) A representative from the Court Appointed Special Advocate Program (CASA)

The following members are appointed by the County Commissioners:

- 11.) One member of the county fiscal body or the member's designee
- 12.) One probation officer
- 13.) One juvenile probation officer
- 14.) One educational administrator
- 15.) One mental health administrator (or one psychiatrist, psychologist, or physician)
- 16.) Four lay persons – at least one of whom must be a member of a minority race if a racial minority resides in the county and is willing to serve

Designees of officials serve at the pleasure of the designating official.

Section 4: Terms of Office: Members of the Board appointed by the County Commissioners shall be appointed for terms of four years. The Public Defender, ex-participant/offender and the crime victim shall be appointed for terms of four years. Other members serve only while holding the office or position held at the time of appointment.

Section 5: Vacancy in Board: A vacancy occurring before the expiration of the term of office shall be filled in the same manner as original appointments for the unexpired term. Members may be reappointed.

ARTICLE V: OFFICERS FOR FCCC AND FC-JRAC

Section 1: Officers: The officers of the Board shall be a Chairperson and a Vice-Chairperson. A Secretary may be appointed and does not have to be a member of the board.

Section 2: Chairperson: The Chairperson shall preside at all meetings of the Board and shall have and perform all other powers and duties customary to the office.

Section 3: Vice-Chairperson: The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the chairperson and in the case of death, resignation or removal of the chairperson.

Section 4: Secretary: The Secretary shall keep the minutes of the meetings of the Board and shall perform any duties customary to the office.

Section 5: Additional Duties: The officers shall perform such duties and functions as may from time to time be assigned by the Board.

Section 6: Selection of the Officers and Term of Office: The members of the Board shall annually at the first meeting of the calendar year select from its members a Chairperson and Vice-Chairperson; the Board shall annually appoint a Secretary who need not be a member of the Board. The term of office of Chairperson, Vice-Chairperson, and Secretary shall be one year. Individuals may serve an unlimited number of consecutive or non-consecutive terms of office.

ARTICLE VI: MEETINGS OF FCCC AND FC-JRAC

Section 1: Regular Meetings: Regular meetings may be held without notice at such times and places as may be determined by prior resolution of the Board. Regular meetings are to be held at least one time every three months. Dates of regular meetings shall be established at the first meeting of each year. The Advisory Board must comply with the public meeting and notice requirements under IC 5-14-1.5 ,et al. by displaying a Notice of Meeting which contains the date, time, location and agenda of the meeting at FCCC and the Commissioner's office at least 48 hours (excluding weekends and holidays) prior to the meeting time. If any written request from any local news agency wants notice, it shall be provided to them as well.

Section 2: Special Meetings: Special meetings of the Board may be called by the Chairperson or by any two members of the Board for the purpose of transacting any business designated in the call. The notice of a special meeting shall be given to each member of the Board at least 48 hours prior to the special meeting and include the matters to be considered. No other business shall be transacted. Attendance at any meeting of the Board shall constitute a waiver of notice of such meeting.

Section 3: Quorum: A majority of the membership of the Board may provide for a number of members that is less than the majority and at least 6 to constitute a quorum for the transaction of any business. The affirmative vote of at least 5 members, but not less than a majority of its members present are required for the board to take action. A vacancy in the membership does not impair the right of a quorum to transact business.

Section 4: Attendance: Board members are expected to attend scheduled meetings of the Board. If an appointed member fails to attend three consecutive regular scheduled meetings of the Board, the Board shall advise the appointing authority of the member's absences with recommendation for replacement of the appointed member.

Section 5: Order of Business: The following order of business shall be complied with for the regular meetings of the Board:

- 1.) Roll call (by way of sign in Attendance Sheet)
- 2.) Determination of a quorum
- 3.) Approval of minutes of previous meeting

- 4.) Reports of Officers
- 5.) Reports of staff
- 6.) Unfinished business
- 7.) New Business
- 8.) Adjournment

Section 6: Manner of Voting: The voting on all questions coming before the Board shall be by “yeas” and “nays” and such vote shall be entered into the minutes of the meetings. Action of the Board is not official unless it is authorized at a regular or special meeting by a majority of the members present at the meeting.

ARTICLE VII: ABSENCE AND VACANCIES

Section 1. Absence. Absence of a Board member in person or by proxy from three (3) regular meetings in succession shall be considered equivalent to resignation. Said member shall be notified by the Chairperson. The Chairperson, in consultation with the Vice-Chairperson, shall proceed to have the vacancy filled as prescribed by Indiana law.

Section 2. Vacancies. The Advisory Board shall fill vacancies occurring on the Board in the manner provided for by Indiana Law.

ARTICLE VIII: COMMITTEES OF THE ADVISORY BOARD

Section 1. Purpose. There shall be such standing committees of the Advisory Board as are necessary to accomplish the work of the Board.

Section 2. Chairperson. The committee-chairperson of all standing committees shall be members of the Advisory Board. They are appointed by the FCCC/JRAC Chairperson to service for one (1) year, or until their successors are appointed.

Section 3. Members. Members of standing committees must meet the qualifications stated in Article IV, of the Code of By-Laws of the Advisory Board. They are appointed by the Chairperson, after consultation with those appointed. Board members do not regularly serve on more that two (2) standing committees at the same time.

Section 4. Functions. Standing committees are appointed to carry out responsibilities related to defined areas of the Advisory Board functions and programs.

Section 5. Special Committees. Such special committees as may be required for specific studies or pieces of work, shall be appointed by the FCCC/JRAC Chairperson for limited periods of service.

Section 6. Absence. Absences of a committee member in person or by proxy from three (3) committee meetings in succession shall be considered equivalent to resignation, and the FCCC/JRAC Chairperson, in consultation with the Vice- Chairperson, may proceed to have the vacancy filled.

ARTICLE IX: AMENDMENTS

These By-Laws may be amended by a majority vote of the members of the Board present at any meeting provided written notice of the amendment(s) was / were given 30 days before such meeting and provided such amendment(s) is / are not contrary to Indiana law.

**RECORD OF ADOPTION AND AMENDMENTS OF THESE BY-LAWS ADOPTED AT
THE MEETING OF THE FLOYD COUNTY COMMUNITY CORRECTIONS ADVISORY BOARD THIS
_____, 2021 at ____m.**

FCCC/JRAC Chairperson

FCCC/JRAC Vice-Chairperson