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## *Operating Procedures of the 2021-2022 Criminal Justice Oversight Council*

Adopted by the Criminal Justice Oversight Council on September 29, 2021

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### **Background:**

The Montana Criminal Justice Oversight Council (the council) was created by SB 59 of the 65<sup>th</sup> Montana Legislature to monitor and report on the effects of criminal justice legislation. In 2021, the 67<sup>th</sup> Montana Legislature passed HB 73, which assigned Legislative Services Division staff to support the council's efforts. The statutory duties and membership requirements of the council are codified in MCA 53-1-216. The council reports to the Law and Justice Interim Committee and the Legislative Finance Committee.

These procedures are intended to inform council members, staff, and the public about how the council will organize and complete its work. Language in this document is adapted from the Rules, Procedures, and Guidelines for Interim Committees document adopted by the Legislative Council on May 24, 2021, the 2021 Rules of the Montana Legislature, and the Operating Procedures of the 2021-2022 Montana Districting and Apportionment Committee.

### **I. Quorums and Parliamentary Procedures**

- A. Meetings of the council are held in the State Capitol in Helena unless otherwise designated by the presiding officer.
- B. Generally, notice of meetings will be given to the members and the public a minimum of 10 days prior to each meeting. However, a meeting may be scheduled, with notice appropriate to the circumstances, by the presiding officer or a majority of the council.
- C. Public notice includes posting to the Legislative Branch website the time, location, and agenda of meetings and disseminating the material to news media, council members, and interested persons. Staff of the Legislative Services Division (LSD) shall maintain an updated interested parties list of persons stating an interest in the council's activities. Anyone who requests to be included on the interested parties list must be included. If practical and feasible, notice may also be given by U.S. mail, email, fax, or other means.
- D. A majority of council members constitutes a quorum. A quorum of the council must be present at a meeting to act officially. The council may not convene a meeting without a quorum present.
- E. The presiding officer is responsible for maintaining order within the council room and its environs, scheduling hearings and executive action, supervising council work, and deciding all questions of order, subject to a member's appeal to the council.

- F. The privileges of council members include participating freely in council discussion and debate, offering motions and amendments, asserting points of order and privilege, questioning witnesses upon recognition by the presiding officer, and voting, subject to Section III.

## **II. Public Participation Guidelines**

- A. The council is committed to providing an opportunity for effective public involvement in public policy development and review.
- B. (1) Public comment is accepted on agenda items. Public comment is accepted in person, through written communication, or through remote meeting methods.  
  
(2) Public comment provided to the council in person and through videoconferencing is a public record that is recorded, archived, and available on the council's website. Public comment submitted in writing is a public record that will be posted to the council's website as part of the summary minutes log for the council meeting.
- C. To manage the council's time and agenda, the presiding officer may limit individual public comment in a manner that allows equal and fair opportunity for public comment.
- D. (1) Submission of written public comments is encouraged. Written comments are accepted at any time through electronic or regular correspondence and will be copied to all council members and entered into the record.  
  
(2) Written comments may be submitted to the council at:  
Criminal Justice Oversight Council  
PO Box 201706  
Helena, MT 59620-1706  
  
Email: milly.allen@mt.gov  
Web Form: <https://leg.mt.gov/committees/interim/cjoc/public-comments-cjoc/>  
Fax: 406-444-3036  
  
(3) The council and its staff may recommend public comments be sent before a certain date to ensure the comments can be taken into consideration during the redistricting process.
- E. Common courtesy is required.
- F. The presiding officer has the discretion to recess council meetings whenever considered appropriate.
- G. Recording or videotaping of council meetings is permissible in a manner that does not disrupt the meeting. The presiding officer may designate areas of the hearing room from

which the equipment must be operated. Cell phone use is at the discretion of the presiding officer.

### **III. Election of Officers**

Nominations for the presiding officer and vice-presiding officer of the council are made during the first meeting of the council.

- A. To be elected, a candidate shall obtain majority vote or a majority vote in accordance with Section III(B).
- B. Members shall vote for the presiding officer and vice-presiding officer by voice vote or a roll call vote.

### **IV. Voting and Proxy Votes**

- A. Motions:
  - (1) A second to a motion is not required in order for a motion to be considered by the council.
  - (2) A motion may be adopted only on the affirmative vote of a majority of council members.
- B. A council member may attend a meeting via telephone or teleconference. A member's attendance via telephone or teleconference is treated in the same manner as a member's attendance in person.
- C. The use of proxy votes is allowed. For the exercise of a proxy to be valid, the deputized member shall hold a written proxy from the absent member. Written proxies include email communications.

### **V. Staff Research**

- A. Council staff assist individual council members on requests by compiling and analyzing material relating to the council's statutory responsibilities.
- B. By conclusion of the second regular meeting following appointment of new members, the committee shall establish a work plan for the biennium.
- C. Priority is given to research relating to the council's primary study topics as identified in the approved committee work plan.
- D. A request from an individual council member for research not included in the work plan may not interfere with research required by the plan. Staff work to respond to a

research request not included in the work plan may not exceed 16 hours without approval of the presiding officer.

## **VI. Travel and Expense Reimbursement**

- A. The presiding officer is responsible for authorizing out-of-state travel by council members that will result in a request for reimbursement from the council's budget.
- B. Council members shall receive salary as provided by law:
  - (1) Legislative members must be compensated as provided in MCA 5-2-302.
  - (2) Members of the council who are full-time salaried officers or employees of this state or any political subdivision are entitled to their regular compensation per MCA 53-1-213.
- C. Council members shall be reimbursed for meals, lodging, mileage, and miscellaneous expenses as provided by law in MCA 2-18-501 through 2-18-503, and the travel policy established by the Legislative Council.
- D. Overnight lodging is allowed when a council member would be required to leave home earlier than 6:30 a.m. or arrive home later than 6:30 p.m. to have attended the full meeting or have conducted all of the council business authorized. To compute whether this is required, an average travel speed (overall including incidental stops) of 50 miles an hour is used. The one-half hour immediately preceding and immediately following a meeting or council activity is an in-town travel shift and considered to be part of the total meeting schedule for the purposes of the reasonableness computation.
- E. A council member is considered necessarily away from home on the day of a meeting or other authorized council activity and on any other day when travel is required.
- F. Subject to statute, a meal falling within reasonable travel times may be claimed. Special circumstances are considered in determining reasonableness. Such circumstances may include inclement weather, a council member's health, variables related to flying instead of driving, and schedule conflicts which require a member to choose a more expensive mode of travel in order to participate in the council activity. Special circumstances should be clearly presented on the claim form.

## **VII. Minutes of Council Meetings**

- A. The digital recordings of council meetings are the official minutes of the council meetings.
- B. In conjunction with the digital minutes, staff will prepare an annotated log as an index and time stamp to the digital record. The log will:

- (1) indicate at what points during the meeting the various agenda items are found in the digital record;
  - (2) identify each speaker and detail each motion and vote;
  - (3) describe the topic of discussion, including identification of critical discussion or questions between council members and witnesses, staff, and each other; and
  - (4) establish links on the website to documents discussed by or presented to the council.
- C. If the council tours or travels outside a meeting room setting, the minutes will identify the location of the tour or travel and council and staff attendance.

## **VIII. Requests for Material**

- A. Right to Know Policy:
- (1) Records subject to constitutional individual privacy protection are protected from public review or scrutiny.
  - (2) All other records are subject to right to know provisions of the Constitution.
  - (3) It is necessary for the staff to protect records from theft, loss, defacement, or alteration and to prevent undue interference with the discharge of council functions.
- B. The following procedures apply to records that are available for public inspection and copying:
- (1) Council records are available for inspection and copying upon request by any person during regular office hours of the LSD.
  - (2) The request may be oral or in writing to the Executive Director of the LSD and must reasonably identify the record wanted.
  - (3) The records may be inspected in appropriate accommodations within the State Capitol as identified by the Executive Director.
  - (4) Copies of material will be made and distributed at a cost-reimbursable rate. Requests for copying that involve excessive staff time may be referred to the Executive Director. The person making a request may be required to copy the records in the offices of the Legislative Services Division.
- C. The following records are not available for public inspection and copying:

- (1) Personnel records, except general employment information, such as dates and duration of employment, title of position, and salary.
- (2) Prior to bid opening, information that would give advantage to any person bidding on services or other contracts sought by the council.
- (3) Material prepared in anticipation of litigation that would not be available to a party in litigation with the council under the Montana Rules of Civil Procedure on pretrial discovery.
- (4) Prior to any testing period, materials used to test job applicants if disclosure would compromise the fairness or objectivity of the testing process.
- (5) Proprietary information, including computer programs, which is entrusted to the council under exclusive contract.
- (6) Any other information that the Executive Director of the LSD determines to be not available because the demands of individual privacy clearly exceed the merits of public disclosure.