



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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GENERAL GOVERNMENT
DIVISION

B-202245

NOVEMBER 30, 1983

The Honorable Ike F. Andrews
Chairman, Subcommittee on Human
Resources
Committee on Education and Labor
House of Representatives



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Dear Mr. Chairman:

Subject: Appointments To And Operations Of The
National Advisory Committee For Juvenile
Justice and Delinquency Prevention
(GAO/GGD-84-8)

This letter is one of a series which will address the concerns in your April 29, 1983, request about the manner in which the Office of Juvenile Justice and Delinquency Prevention is implementing the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.). In response to one of your concerns, we have reviewed the activities of the National Advisory Committee for Juvenile Justice and Delinquency Prevention for fiscal years 1982 and 1983. You asked us to determine whether the Advisory Committee has been operating in compliance with the act since January 1981 with regard to the appointment of members, the existence of a quorum to conduct official business, and the use of public funds for meetings lacking a quorum.

We studied the original act and its amendments and legislative history to determine how members should be appointed to the Advisory Committee and how it should operate. We also considered the legal opinion on these matters prepared by the legal counsel to the Office of Juvenile Justice and Delinquency Prevention. Our work was performed at this Office in Washington, D.C., and was done in accordance with generally accepted government auditing standards.

We found that the appointments to and operation of the Advisory Committee, since January 1981, did not comply with the act in the following ways:

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- The President did not appoint new members to the Advisory Committee within 90 days after prior members resigned in January 1981.
- Due to the delays in these appointments of new members, the Advisory Committee did not have sufficient membership to form a quorum until November 1982 and was therefore unable to hold quarterly meetings or transact official business until that date.
- The President did not appoint any members under the age of 24 until November 1982 and did not appoint two youth members with experience under the juvenile justice system's jurisdiction until July 1983. As a result, the views of youth members were not represented on the Advisory Committee as required by the act.

We also reviewed the propriety of two meetings held without a quorum by the newly appointed members of the Advisory Committee prior to November 1982. We found that the purpose of these meetings--to brief members on federal juvenile justice activities--was closely related to the committee's function as an advisory group. Although the two meetings lacked a quorum and could not be considered official meetings of the Advisory Committee as a legally constituted body, they were legitimate activities in preparation for official meetings. Thus the expenditure of public funds was authorized and proper.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 207 of the act established the 15-member Advisory Committee and requires it to meet at least quarterly. The President is required to appoint members for 3-year terms who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. The act provides that five of the members must be under 24 years old when appointed and that at least two of these members be or have been under the jurisdiction of the juvenile justice system.

The purpose of the Advisory Committee is to

- review and evaluate federal policies and activities affecting juvenile justice and delinquency prevention;
- advise the Administrator, Office of Juvenile Justice and Delinquency Prevention, about its conclusions on the Office's activities;

- advise the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention about those policies and activities which concern juvenile justice and delinquency prevention, research, evaluation, and training;
- make refinements to standards for the administration of juvenile justice at the federal, state, and local levels, and recommend action to facilitate the adoption of such standards; and
- submit interim and annual reports to the President and the Congress on its activities, findings, and recommendations.

DELAYS IN APPOINTMENTS INTERRUPTED
ADVISORY COMMITTEE OPERATIONS

All 15 Advisory Committee members resigned in January 1981 when President Reagan took office. Section 207(b)(2) of the act requires the President to fill vacant positions on the Advisory Committee within 90 days after they occur. However, the President's first nine appointments were not made until May 1982 (16 months later). Three more vacancies were filled in November 1982, one in January 1983, and the last two in July 1983. (See enc.)

The purpose of the 90-day requirement is to prevent long interruptions in the Advisory Committee's ability to conduct official business as a legally constituted body. However, the 16 to 30 months taken to fill the 15 Advisory Committee vacancies resulted in such an interruption. Additionally, the 22 to 30 months taken to appoint the five youth members (including two persons under the age of 24 having experience under the juvenile justice system's jurisdiction) prevented the Advisory Committee from having the composition of members as required by the act.

The President did not appoint sufficient members to the Advisory Committee to form a quorum until November 1982 when the three appointments made then raised the total membership to 12. Section 207(c) of the act establishes a quorum of 10 members and requires the Advisory Committee to meet at least quarterly. Consequently, the Advisory Committee was unable to conduct official business or to hold the required quarterly meetings as a legally constituted body prior to November 1982.

The President did not appoint any youth members until November 1982 and did not appoint the required youths with experience under the juvenile justice system's jurisdiction until July 1983. These delays violated Section 207(a)(3) of

the act which requires that the views of young people, including those with experience in the juvenile justice system, be represented on the Advisory Committee. Thus, the Advisory Committee's composition did not fully meet the intent of the act until July 1983.

ADVISORY COMMITTEE MEETINGS PRIOR
TO NOVEMBER 1982 LACKED LEGAL EFFECT
BUT EXPENSES INCURRED WERE PROPER

The Advisory Committee was unable to conduct official business as a legally constituted body between January 1981 and November 1982 because it lacked sufficient members to form a quorum. However, the nine Advisory Committee members appointed in May 1982 held two meetings prior to November 1982. These two meetings, held in June and September 1982 cost the Office of Juvenile Justice and Delinquency Prevention \$35,393. Although actions of the Advisory Committee members at these two meetings lacked legal effect due to the absence of a quorum, these meetings were legitimate activities in preparation for official meetings. Therefore, the expenses incurred at these two meetings represent proper expenditures of public funds.

The first meeting was held in June 1982. The minutes of this meeting noted that a quorum was lacking and stated that the purpose of the meeting was for the Office to brief the members on federal activities in the juvenile justice area and for the members to share their views on possible future actions of the Advisory Committee. One matter considered at the meeting was the development of model standards for the administration of juvenile justice at the federal, state, and local levels. The members were advised by the Office that the National Institute for Juvenile Justice and Delinquency Prevention had issued a request for proposals to develop a standards research and demonstration program. The members expressed concern about the timing and format of the solicitation, and the consensus of the meeting was that the solicitation should be withdrawn to allow the Advisory Committee time to study the issue. As a result, the Acting Administrator, Office of Juvenile Justice and Delinquency Prevention, and the Director, National Institute For Juvenile Justice and Delinquency Prevention, agreed at the meeting to cancel the solicitation and did so the following day.

The second meeting was held in September 1982. The members formally voted on and passed several motions, including one advising the Acting Administrator, Office of Juvenile Justice and Delinquency Prevention, not to proceed with implementing model standards.

The actions taken by the Advisory Committee members at the meetings in June and September 1982 do not constitute official actions and had no legal effect because a quorum was lacking at both meetings. However, the absence of a quorum does not affect the propriety of expenditures for these meetings. The two meetings in 1982 were primarily briefings for the newly appointed members on various aspects of federal activities in the juvenile justice area--a purpose closely related to the Advisory Committee's function. Thus, we believe that expenses incurred in connection with the two meetings were proper expenditures of public funds.


AGENCY COMMENTS

In commenting on our draft report, the Department of Justice generally agreed with our findings. The Department also stated that the President did not appoint new members to the Advisory Committee because the Office of Juvenile Justice and Delinquency Prevention was slated for elimination in 1981. Thus the appointment process began in early 1982 when it became evident that the Office would continue.

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We would be pleased to meet with you or your staff if you desire any additional information on this matter. As arranged with your office, we are sending copies of this report to the President; the Attorney General; and the Administrator, Office of Juvenile Justice and Delinquency Prevention. Copies will also be sent to other interested parties who request them.

Sincerely yours,


William J. Anderson
Director

Enclosure

Advisory Committee
Membership and Appointments
July 1983

<u>Member</u>	<u>Age at appointment</u>	<u>Appointment date</u>	<u>Months vacant</u>
Charles B. Wilkinson	66	May 1982	16
Joseph G. Betroche	48	May 1982	16
James C. Dobson, Jr.	46	May 1982	16
William L. Hart	58	May 1982	16
Edward V. Healey, Jr.	59	May 1982	16
John R. Milligan	54	May 1982	16
Richard D. Parsons	34	May 1982	16
Stephen E. Wittman	35	May 1982	16
Charles Wright	63	May 1982	16
Beverly A. Scherling	52	November 1982	22
Alan B. Moore	17	November 1982	22
Donna M. Smith	19	November 1982	22
Sylvester E. Williams, IV.	21	January 1983	24
John L. Rouse, Jr. ¹	18	July 1983	30
Keith T. Koppenhoefer ¹	18	July 1983	30

¹Members with experience under the juvenile justice system's jurisdiction.