

## CHAPTER 13

### Justice Improvement Commission

#### SECTIONS

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#### **§ 1301. Findings and purpose.**

The Congress finds and declares that:

- (1) crime and delinquency are complex social phenomena requiring the attention and efforts of the criminal justice system, territorial and district governments, and private citizens alike;
- (2) the establishment of appropriate goals, objectives, and standards for the reduction of crime and delinquency and for the administration of justice must be a priority concern;
- (3) the functions of the criminal justice system must be coordinated more efficiently and effectively;
- (4) the full and effective use of resources affecting territorial and district criminal justice systems requires the complete cooperation of territorial and district government agencies; and
- (5) training, research, evaluation, technical assistance, and public education activities must be encouraged and focused on the improvement of the criminal justice system and the generation of new methods for the prevention and reduction of crime and delinquency; and
- (6) for the foregoing reasons and in order for the Trust Territory to continue to be eligible to receive funding from the Law Enforcement Assistance Administration of the United States Justice Department (hereinafter referred to as "LEAA"), it is necessary to create a planning agency to address the problems and needs of the criminal and juvenile justice systems of the Trust Territory.

**Source:** PL IC-5 § 1.

**Cross-reference:** The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code. The statutory

provisions the President and the Executive are found in title 2 of this code.

### **§ 1302. Justice Improvement Commission.**

There is hereby created within the executive branch of the Government of the Trust Territory of the Pacific Islands the Justice Improvement Commission (hereinafter referred to as the “Commission”) which shall be under the jurisdiction of the High Commissioner and shall have the following powers and duties:

- (1) serve as the territorial planning agency to address the needs of the criminal and juvenile justice systems of the Trust Territory;
- (2) advise and assist the High Commissioner in developing policies, plans, programs, and budgets for improving the coordination, administration, and effectiveness of the criminal justice system in the territory;
- (3) prepare a comprehensive criminal justice plan on behalf of the High Commissioner. Such plan, and any substantial modifications thereto, shall be submitted to the Congress of the Federated States of Micronesia for its advisory review of the goals, priorities, and policies contained therein. Such plan, to be periodically updated, shall be based on an analysis of the criminal justice needs and problems and shall be in conformance with territorial and other appropriate regulations;
- (4) establish goals, priorities, and standards for the reduction of crime and the improvement of the administration of justice in the territory;
- (5) recommend legislation to the High Commissioner and the Congress in the criminal justice field;
- (6) encourage local comprehensive criminal justice planning efforts;
- (7) monitor and evaluate programs and projects, funded in whole or in part by the Territory Government, aimed at reducing crime and delinquency and improving the administration of justice;
- (8) cooperate with and render technical assistance to territorial agencies and units of general local government and public or private agencies relating to the criminal justice system;
- (9) apply for, contract for, receive, and expend for its purposes any appropriations or grants from the Trust Territory, the Federal Government, or any other source, public or private, in accordance with the appropriations process;
- (10) have the authority to collect from the public records of any Trust Territory local governmental entity information, data, reports, statistics, or such other material which is necessary to carry out its duties and functions; and
- (11) perform such other duties as may be necessary to carry out the purposes of this chapter.

**Source:** PL IC-5 § 2.

**Cross-reference:** The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code. The statutory provisions the President and the Executive are found in title 2 of this code.

### **§ 1303. Supervisory board created—Membership; Compensation.**

(1) The supervisory board of the Justice Improvement Commission shall consist of 15 members appointed by the High Commissioner in consultation with the presiding officers of the Interim Congress of the Federated States of Micronesia, or its successor. The composition of the supervisory board shall be representative of the composition of the juvenile and criminal justice systems of the Trust Territory. The supervisory board shall include, but not be limited to, members selected from the following groups: police agencies, the judiciary, prosecution and defense counsels, adult correctional and rehabilitative agencies, juvenile justice agencies, territorial and district Government, public and private agencies related to the criminal justice system, and the private citizenry.

(2) Each member shall serve for a four-year term and may be reappointed for no more than one additional consecutive term, unless LEAA regulations provide that a member's term must be extended by virtue of the nature of his membership on the supervisory board.

(3) Should any member cease to be an officer or employee of the unit or agency he is appointed to represent, his membership on the supervisory board shall terminate immediately and a new member shall be appointed in the same manner as his predecessor to fill the unexpired term. Other vacancies occurring, except those by the expiration of a term, shall be filled for the balance of the unexpired term in the same manner as the original appointment within 30 days of the vacancy.

(4) The supervisory board shall elect a chairman from among the members. A vice chairman shall be selected by the supervisory board from among its members and shall serve as chairman in the event of the chairman's absence.

(5) A member of the supervisory board is not entitled to a salary for duties performed as a member of the supervisory board. Each member is entitled to reimbursement for travel and other necessary expenses incurred in the performance of official supervisory board duties.

**Source:** PL IC-5 § 3.

**Editor's note:** The term "group" in the final sentence of subsection (1) has been changed to "groups" in the 1982 edition of this code.

#### **§ 1304. Supervisory board meetings; Quorum; Committee; Bylaws.**

(1) The supervisory board shall meet at least once a year and at such other times designated by the chairman.

(2) Eight members shall constitute a quorum.

(3) The supervisory board may establish committees as it deems advisable.

(4) All meetings of the supervisory board, or any committee thereof, at which public business is discussed or formal action is taken shall be announced and open to the public.

(5) The supervisory board and any other committee or organization, for the purposes of this chapter, shall provide for public access to all records relating to its functions under this chapter, except such records as are required to be kept confidential by any other provisions of territorial or local law or by the requirements of any of the Commission's funding sources.

**Source:** PL IC-5 § 4.

**§ 1305. Executive administrator; Commission staff.**

(1) The supervisory board shall appoint, with the approval of the High Commissioner, an executive administrator for the Commission, who shall serve at the pleasure of the High Commissioner and who shall be paid such compensation as the High Commissioner may determine. The executive administrator may employ additional personnel to carry out the purposes of this chapter.

(2) Commission staff shall be employed in accordance with Trust Territory personnel regulations and shall be subject to its provisions.

**Source:** PL IC-5 § 5.

**§ 1306. Reports.**

(1) The Commission shall submit an annual report to the High Commissioner and to the Congress concerning its work during the preceding calendar year.

(2) Other studies, evaluations, crime data analyses, and reports may be submitted to the High Commissioner or the Congress as deemed appropriate or as requested.

**Source:** PL IC-5 § 6.

**§ 1307. Termination.**

The High Commissioner shall:

(1) conduct periodic reviews of the Commission's overall performance, including but not limited to, a study of its effectiveness in accomplishing its general purposes; and

(2) make public and submit to the Congress a report on the findings of the review conducted pursuant to subsection (1) of this section. Such report shall include a recommendation that the authority of this chapter be extended, that the commission be reorganized, or that the authority of this chapter be allowed to lapse.

**Source:** PL IC-5 § 8.

**Cross-reference:** The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code. The statutory provisions the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Congress are found in title 3 of this code.