

MINUTES
Juvenile Justice Standing Committee
July 15, 2014

Sierra Health Foundation
1321 Garden Highway
Sacramento CA 95833

The Juvenile Justice Standing Committee (JJSC) meeting was called to order at 10:15 a.m.

The following Committee members were in attendance:

Mr. David Steinhart, Chair

Ms. Sue Burrell

Ms. Charity Chandler

Ms. Denise Herz

Mr. Gerry Lopez

Ms. Sandra McBrayer

Mr. Julio Marcial

Agenda Item A

Welcome and Introductions

Chairman Steinhart opened the meeting welcoming all those who were present and then began the meeting by introducing the committee members and Board of State and Community Corrections (BSCC) staff members. Chairman Steinhart updated the committee on the promising outlook that is on the horizon for Juvenile Justice. He also discussed how frequently the committee should be meeting.

Agenda Item B

Approval of the February 13, 2014 Meeting Minutes

Ms. McBrayer made a motion to approve the minutes for the February 13, 2014 JJSC meeting. Chairman Steinhart seconded the motion. The Motion carried without opposition.

Agenda Item C

Staff and Chair Updates

Chairman Steinhart began this agenda item by reintroducing Deputy Director Ganter who updated the JJSC on BSCC staff changes, a new BSCC website, which has a new report on partnerships within community corrections, and made mention of the results of AB1050 in terms of defining the term, "recidivism". She cited that the AB1050 definition does not apply to juveniles.

Chairman Steinhart then updated the JJSC on business at the BSCC Board. This included his reappointment to the Board, the resignation of board member Mr. Lee Baca who has since been replaced, and that Ms. Adele Arnold has left the BSCC Board.

Ms. McBrayer then updated the JJSC on her excitement about this year's legislative session as it pertains to juvenile justice. She mentioned state legislation which made it illegal for counties to hold minors in contempt of court for school truancy.

Ms. Burrell then updated the JJSC, stating that she was excited about the future of juvenile justice. Ms. Burrell noted that this year juvenile justice was moving from the defensive position to presenting affirmative ideas. Ms. Burrell cited SB-1296, which closed a loop that has existed for 25 years. She also spoke about a number of bills regarding collateral consequences for kids in the juvenile system, which showed promise for this pivotal moment in the juvenile justice arena.

Mr. Marcial echoed Ms. McBrayer and Ms. Burrell. He stated hope for the opportunities within juvenile justice. He said that it is no longer simply about awareness, actual action being taken. He stated that he has been working with Los Angeles County's SB-81 project for a few years now noted that it is pretty amazing to see all the transformation taking place, which includes interagency collaboration.

Mr. Powers then addressed the committee. He stated the trends in his county are promising. Juvenile arrest rates and incarceration rates are way down. Now their focus is on intervention and prevention. His office is currently sponsoring a training symposium for county school districts to focus on chronic absenteeism rather than truancy. He said that when a youth is successfully prosecuted for truancy that a truancy battle is won, but the war of helping at risk youth to make the most of themselves is lost. He also asked about the goal of the committee and where it is going in the future.

Ms. Chandler agreed with all committee members. She sees promise within the committee and is excited to see that truancy prosecution is on a downward trend.

Ms. Herz began her update with information on the research she has been involved in; specifically, she is finishing a probation outcomes study. This study takes a very deep look at what youth experienced while in contact with the juvenile justice system. In many different ways, this report helps to underscore what many had believed to be true anecdotally,

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with actual data points. She said that there is currently a plethora of data and research going on in Los Angeles County which may have far reaching implications. As such, she sees that the stars are aligning from an applied research perspective.

After these updates, Mr. Powers asked the committee about the impact of the number of direct files that District Attorneys are filing statewide pertaining to violent offenses committed by youth, now that the juvenile justice system is shrinking. Chairman Steinhart replied that the direct files statewide are in a moderate downward trend, primarily because juvenile arrest rates are also decreasing.

Agenda Item D

Juvenile Justice Data Working Group Update

Chairman Steinhart began the update on the Juvenile Justice Data Working Group (JJDW) with a brief overview. On June 20, 2014, the budget trailer bill was signed. Included within that was the creation of a JJDW. This was a substantial win for the JJSC and its cohorts. The JJDW has been charged to produce a report within a year and a half, identifying changes or upgrades that would improve the capacity utility of juvenile justice caseload and outcome data. This is to include information on recidivism and other outcome measures. It is also supposed to come up with recommendations on the creation of a state-based information clearinghouse that would be web based and query-based for the public to access. The JJDW will have the opportunity to ask what the responsibility of the juvenile justice system is, as it pertains to the monitoring or underwriting education outcomes for children under justice system control. The JJDW has also been charged with the examination of the reporting requirements for the Youthful Offender Block Grant (YOBG) and the Juvenile Justice Crime Prevention Act (JJCPA) with the goal of streamlining of the reporting requirements. The JJDW's membership has not yet been formed. Chairman Steinhart then noted that the timelines for these reports need to be looked at. The JJSC then discussed including juvenile justice stake holders with a data intensive background within the membership of the JJDW.

BSCC Research Analyst, Mr. David Lovell, then weighed in on the future of the JJDW and made mention of the data set in the adult system that is very comparable to what the JJDW has envisioned. As such, it could be used as a model for the JJDW to improve upon. He expressed concern about the reporting deadlines for the JJDW reports. He also made mention of the counting rules that various agencies use in data collection which are not congruent. To some extent, streamlining the reporting requirements may actually assist in verifying counting rules that will allow a reliable and comparable data set. He also mentioned that the BSCC has assigned a staff member to the JJDW, Research Analyst Ms. Corey Kai.

Mr. Goldstein, a Policy Analyst with the Center on Juvenile and Criminal Justice provided public comment. He is in favor of the JJDW and asked about the advocate role as it pertains to the membership of the JJDW and the quantity additional members thereof. Chairman Steinhart replied that it will need to be looked into, but there will be "catch all spots" within the JJDW membership. He asked Mr. Goldstein to remain in contact with him about that.

Ms. Burrell then asked if there were any parts of the JJDW workload that could be carved off and delegated to possible JJDW sub-committees. She cited Detention Profile Surveys as an example. Chairman David Steinhart stated that there will be membership from the JJSC and the SACJJDP on the JJDW. He went on to say that there should be communication downstream from the JJDW to the other juvenile committees. Ms. Denise Herz said that JJDW subcommittees would be good to have in order to dig deeper into juvenile justice data. She also said that each subcommittee could be chaired and overseen by JJDW committee members.

Ms. McBrayer wanted the JJDW to keep in mind the economies of scale, capacity, and infrastructure of the various counties within California. She expressed concern in terms of building a system cumbersome or unusable by its county counterparts.

Citing the need to move forward with the agenda, Chairman Steinhart expressed his commitment as a chief explorer for an ad-hoc JJSC subcommittee. Its membership would consist of Ms. McBrayer, Ms. Burrell, Ms. Herz and himself. The objective of this subcommittee is to discuss and focus on the issues explored within this agenda item, including the composition of the JJDW membership.

Agenda Item E

Education Working Group Update

Chairman Steinhart shared Ms. Faer's apology for not being in attendance as the JJSC's education expert. As such, he

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introduced BSCC Deputy Director, Ms. Ganter, to provide an update on the JJSC's Education Working Group. She began her update with the membership of the Education Working Group and its discussion from March. This included the need of technical review on the education standards within the juvenile justice system. The BSCC is currently relying on county superintendents to provide annual inspections on education programs. She shared a rubric developed by Ms. Laura Faer on how regulations for education inspections could be approached. Within that is the provision for educational inspection training for BSCC staff. Currently the BSCC inspection checklist is 16 pages long; including an educational inspection would double the size of the inspection checklist.

Ms. McBrayer stated that the responsibility of the Education Working Group is to insure that the educational attainment of children within juvenile halls is not adequate, but excellent. The Education Working Group was looking at how they can support increasing the educational attainment of students inside juvenile detention facilities. Currently, legislation dictates that the County Office of Education provides that service, mitigating county probation offices' ability to act.

Ms. Ganter concurred, but then cited the shortage of resources within the BSCC to provide educational inspections. There were changes made to the regulations, that the review can not be conducted by the principals or on-site staff. After completion of the 2012-2014 facility inspection cycle, the juvenile inspection team responsible for 124 facilities has been reduced to one inspector, due to retirements and staff changes. Education standards are going to be considered during the hiring interim for these open positions. Ms. Ganter noted that the BSCC currently relies on environmental experts to assist on that environmental inspection, and that the same could be done for education inspections. Another possible resource could be subject matter experts on the county level that are not on-site facility staff.

Ms. Herz then pointed out that the collegiate system could provide students within PHD programs to provide these inspection services. In turn these Ph.D. students would receive training and real world experience in the field. Ms. Burrell supported the idea of using Ph.D. students, citing the need to get away from the county offices. Also, tapping into the collegiate system would open the door to the possibility of federal, Part D funding. The committee then deliberated over what needs to happen in order to use Part D funding for education inspections. Ms. McBrayer then suggested that the BSCC should consider following the California Department of Education's action in outreaching to foundations, community based organizations and other stake holders to possibly fund positions and find subject matter experts to perform education inspections.

Ms. Burrell brought up Ms. Faer's checklist for all of the Title 15 educational program requirements, and an appendix of written documents to discern if those requirements are met. Also mentioned was Mr. David DeMichi's 2 page summary on how to tell if quality education is being provided. She said that these would be wonderful tools for each of the county's juvenile halls to use to grade there education programs.

Agenda Item F

Budget and Legislative Update

Chairman Steinhart began the Budget and Legislative update with information on SB-838, which enhances penalties, including sex offender treatment programs for sexting crimes. Chairman Steinhart called this bill the worst example the committee has seen within this legislative year in terms of treatment versus punishment as it pertains to juvenile law. Ms. Burrell then noted that this bill is an excellent reminder that one awful case can change the landscape of juvenile justice. She went on to say that threats of totally punitive measures like these are still close to surface of the juvenile justice system.

The next bill discussed by the JJSC was SB-1038, which proposes automatic dismissals and sealing of juvenile court records. Chairman Steinhart called it a great bill but expressed concern when it comes to data collection for the JJDW. This bill would give juvenile offenders the ability to check the 'NO' box on employment applications in response to the questions about previous convictions upon reaching adulthood.

The next bill discussed by the JJSC was AB-2607. Supported and introduced to the JJSC by Chairman Steinhart, this bill would set limits on secure juvenile post-dispositional detention.

AB-2276 was then discussed. The bill strengthens a minor's rights to public school re-enrollment after having contact with the juvenile justice system. This bill will also provide for the BSCC to co-convene with the State Department of Education, over a stakeholder group to enquire into a set of issues within juvenile court schools.

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Chairman Steinhart discussed SB-1111. This bill reintroduces last year's SB-744, which was vetoed by the governor. This bill would modify the criteria for involuntary enrollment on youth serving probation.

Chairman Steinhart addressed SB-1054, The Mentally Ill Offender Crime Reduction Grant (**MIOCR**). This bill would issue via the BSCC, 18 million dollars for the funding of competitive county level grant programs for the treatment and stabilization of released mentally ill offenders over the next three years. The grant will split its funding equally between adult and juvenile programs. Also discussed was the budget item regarding the \$850,000 in planning funds for the California Leadership Academy. The JJSC then discussed leadership changes within the legislature and what they may need to do to keep in contact with the elected officials pertinent to the JJSC scope of work.

Ms. McBrayer and Chairman Steinhart then discussed AB-1920, a bill which would direct the BSCC to develop incentives for regional partnerships in regards to services for offenders. Mr. Marcial explained to the JJSC that this new alternative financing method is intended to, "improve outcomes and lower costs because payment is made only after measured results are achieved". He also said to Google search, "Social Impact Funds" for a better understanding of the bill.

Mr. Lopez returned the JJSC's attention SB-1038 and asked about the exception for prosecutors to determine eligibility under Section 790. More specifically, he asked if there was also an exception to Section 654. Chairman Steinhart noted that there were no exceptions.

Ms. Herz brought up an issue with SB-1028 as it pertains to data collection. If juvenile records are automatically sealed, no outcome measures can be established. As a follow up, she also asked about SB-466. She asked if the BSCC will be charged with administering the proposed actions within the bill. Chairman Steinhart said that the administering entity will be an independent, university based research outfit that would be responsible for producing and collecting the data.

Mr. Goldstein, a Policy Analyst with the Center on Juvenile and Criminal Justice, provided public comment on SB-852. He asked if the performance metrics within the bill would be applicable to both adult and juvenile justice. Ms. Ganter and Mr. Lovell fielded the question stating that it was currently adult only.

Agenda Item G **Federal Juvenile Justice Grants and SACJJDP Report**

Ms. McBrayer updated the committee on the RFP for Evidence Based Training. Pending ESC membership approval by the BSCC board, the ESC shall issue the grant's \$250,000 in funding in the beginning of 2015. She then updated the JJSC on the RFP for the Reducing Racial and Ethnic Disparity grant (**R.R.E.D.**).

Ms. McBrayer shared the Office of Juvenile Justice and Delinquency Prevention's (**OJJDP**) new guidelines for sight and sound separation and jail removal. The OJJDP is calling for the collection and reporting on data for all facilities that juveniles can be in, secure or non-secure detention.

Ms. Ganter informed the JJSC that the BSCC monitors the secure and non-secure detention of minors in accordance with state statutes and regulations.

Agenda Item H **Facilities Update**

Reconvening after a brief lunch, Ms. Ganter updated the committee on the SB81 Round 2 RFP, which will allocate the remaining \$79.2 Million for construction financing. The RFP will be released on September 12, 2014, with proposals due back to the BSCC by December 19, 2014.

Ms. Ganter then updated the committee on the BSCC's 2012-2014 biennial inspection cycle. This inspection cycle was approached with specialized inspection teams. BSCC Field Representatives were broken up into Juvenile, Adult, and City inspection teams. This inspection cycle had an expanded pre-inspection briefing process. Inspectors typically look at the facility's policies and procedures, followed by interviews with facility staff and its youth. She said that as a whole, there were many positive trends found within the inspection cycle, with isolated incidents of noncompliance. The field has also become more reliant on data, more aware of trauma informed care, has shown increases in mental health staffing, and has expanded their use of multi-disciplinary teams.

Ms. Ganter then updated the JJSC on Prison Rape Elimination Act (**PREA**) compliance. She noted that, local agencies have made great strides in incorporating PREA standards and meeting PREA compliance, even though there is no

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sanction or enforcement mechanism for PREA in juvenile detention facilities. She noted that the BSCC's has no formal role with PREA, but staff are doing their best to help county and local agencies to incorporate PREA standards into their own policies and procedures.

Ms. Burrell restated her opinion, that as an accrediting agency, the BSCC is obligated to incorporate PREA standards into state regulations.

Ms. Ganter responded to her statement by assuring the JJSC that PREA standards will be considered during the next regulation revision period. The next Title 15 Regulation revision will happen in 2015.

Ms. Ganter then discussed corrective action plans for facilities found in non compliance. She also spoke to the committee about compliance drifts. A compliance drift happens when an incremental improvement is made to policy or procedure and then creates a new issue in terms of compliance with regulations.

Mr. Marcial asked Ms. Ganter about post inspection contact with the facilities inspected by the BSCC. She replied, noting that there is generally post inspection contact. If an agency is found non-compliant, BSCC inspectors typically return for a follow up inspection.

Chairman Steinhart then reviewed his handout with the JJSC, showing population reductions of youth in California's correctional system. The data on juvenile populations begged the question, what types of juvenile facilities and program space will be built in the future? After further discussion, he stated that secure non-residential facilities will not be eligible through SB-81 Round 2, while non-secure, non-residential facilities will be.

Chairman Steinhart then opened the floor to public comment. Mr. Goldstein, a Policy Analyst with the Center on Juvenile and Criminal Justice, asked if the BSCC will inspect new facilities in reference to RFP applications. More specifically he queried the committee, how does the BSCC hold agencies accountable to follow through on programming proposals within prior applications for funding?

Ms. Ganter responded to his question, stating that the BSCC is not charged with the responsibility to inspect for compliance with programs outlined in proposals. She went on to say that it was her belief that this in fact does need to happen, but that there is not a formal process. For lack of some other formal process she noted that it would behoove the assigned BSCC inspector to take a copy of the facility's proposal for funding to the inspection.

Agenda Item I

Open Discussion

Chairman Steinhart distributed two handouts to the JJSC and began the open discussion agenda item on the topic of vacancies within the JJSC. There are two membership positions currently vacant, the police chief seat vacated by Mr. Ron Brown and the judicial seat vacated by Mr. Kurt Kumli. Chairman Steinhart discussed possible candidates that have been recommended to the committee. After which he stated that, in light of Mr. Kurt Kumli's medical retirement, the JJSC is looking for the most sensitive way possible to honor and excuse Mr. Kurt Kumli from his work with the JJSC. As such, he provided a draft resolution to the JJSC and opened the floor to its adoption.

Ms. McBrayer made a motion to approve Mr. Kurt Kumli's resolution. Chairman Steinhart seconded the motion. The motion carried without opposition.

Chairman Steinhart directed the JJSC's attention to its priorities for the 2014-2015 fiscal year. He prompted the committee to review the JJSC Scope of Work adopted by the BSCC Board in November 2012 to see if it was still consistent with the committee's consensus.

Ms. McBrayer then advocated in her own humble opinion that the BSCC Board should allocate a portion of its agenda to pending juvenile justice issues. Ms. Herz agreed that the BSCC Board meeting should have a standing agenda item on juvenile justice. Mr. Marcial also concurred. After which he noted that if doing so is a goal for the JJSC, then how do we get there from where we are currently? The committee then deliberated about the formatting of the BSCC Board meeting agenda. Afterwards, Mr. Lopez stated that given the nature of the JJSC as an advisory committee, it would be his suggestion that the JJSC advise the BSCC to have a stated agenda item on juvenile justice at their bi-monthly Board meetings. Ms. McBrayer suggested that committee chairs of all juvenile committees be the committee representatives to

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report to the BSCC Board at their meetings. She went on to say that the juvenile committee chairs should convene via teleconference every 6 weeks to share information and avoid redundancies in efforts and services.

Chairman Steinhart then asked the JJSC members to share any substantive issues that the JJSC could address within their scope of work. Ms. Chandler wanted the committee to look at the domestic human trafficking and prostitution of juveniles. Ms. Burrell brought up mental health as it pertains to juveniles and wanted the JJSC to make recommendations on Executive Steering Committee (**ESC**) membership for the MIOCR grant to the BSCC. Mr. Marcial agreed, and reaffirmed that the MIOCR ESC needs heavy hitters. Chairman Steinhart then suggested to his committee members that they review the MIOCR grant before recommending people for the ESC. If a committee member has names of individuals to consider for MIOCR ESC membership that they send the contacts' information to Chairman Steinhart and Ms. Ganter.

Agenda Item J

Future Agenda Items

Ms. McBrayer asked to make BSCC committee communication channels an agenda item for the earlier part of the next meeting.

Ms. Burrell wanted to look into tasking BSCC staff more effectively and wanted to find support staff outside of the BSCC to assist the committee. The committee deliberated on the possibility of graduate students, or community based organizations as possible avenues to find such staff. Chairman Steinhart mentioned the possibility of private funding for such a staff member.

Ms. McBrayer then spoke about the 36 possible purpose areas within Title II funding which includes topics brought up at today's meeting: substance abuse, human trafficking and prostitution. It would behoove the JJSC to seek funding via Title II funding as it moves forward with work in these purpose areas. She then stated that these purpose areas will be taken to the State Advisory Committee on Juvenile Justice and Delinquency Prevention (**SACJJDP**) for funding considerations.

Mr. Goldstein, a Policy Analyst with the Center on Juvenile and Criminal Justice provided public comment before the JJSC adjourned. He stated that he was really impressed by the juvenile committees' presentations at BSCC Board meetings. He then asked how we could foster more attendance from juvenile justice stake holders at JJSC meetings and suggested meeting in different cities within California as a means to that end. Lastly, he asked if BSCC staff could post meeting materials early for better distribution to the public. It was his feeling that juvenile justice stakeholders would be really impressed by the discussion held at these meetings and giving the public more notice would help in boosting meeting attendance.

Chairman Steinhart adjourned the July 15, 2014, JJSC meeting at 1:45pm.

BSCC Staff Attendance Roster

Bill Crout, Deputy Director, CPP
Shaline Hunter, Field Representative, CPP
Nathan Cusick, Secretary, FSO

Allison Ganter, Deputy Director, FSO
Helene Zentner, Field Representative, CPP
David Lovell, Research Analyst, Admin