

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
MONDAY, JULY 22, 2013

Meeting held at: State Resources Building, Auditorium, 1416 Ninth Street, First Floor, Sacramento, CA 95814

The meeting commenced at 10:00 a.m.

Chairman Jeffrey A. Beard welcomed the Board Members and public to the July 22, 2013 Board of State and Community Corrections (BSCC) meeting.

Ms. Maria Rodriguez-Rieger called roll and announced there was a quorum.

The following members were in attendance:

Chairman Beard	Mr. Baca	Ms. Penner	Judge Pounders
Mr. Stone	Ms. Mauriello	Ms. Arnold	Mr. Maggard
Mr. Growdon			Mr. Steinhart

ABSENCE OF BOARD MEMBERS

Ms. Silbert was unable to attend.

Chairman Beard introduced Curtis J. Hill, Acting Executive Officer of the Board of State and Community Corrections (BSCC), and announced the appointment of Linda Penner as the full time Chair of the BSCC, effective September 1, 2013.

DISCUSSION ITEM:

REQUESTING APPROVAL OF THE SB 1022 CONSTRUCTION OF ADULT LOCAL CRIMINAL JUSTICE FACILITIES REQUEST FOR PROPOSALS (RFP)

(AGENDA ITEM A)

This agenda item requested approval of the Senate Bill (SB) 1022 Request for Proposals – Construction of Adult Local Criminal Justice Facilities including the Request for Proposals (RFP), process timeline, and authorization to release the RFP document.

Staff recommended the Board approve the SB 1022 Construction of Adult Local Criminal Justice Facilities RFP and process timeline.

Prior to continuing Chairman Beard requested that members Baca, Los Angeles County and Growdon, Lassen County recuse themselves if their counties had intentions of applying for SB 1022 funding. Mr. Baca and Mr. Growdon recused.

Chairman Beard invited public comments from the audience.

Kim Horiuchi, Attorney, ACLU Northern California, thanked the Board for issuing an RFP that focused on programming space instead of beds.

There were no further comments.

A motion to accept staff recommendations to approve the proposed SB 1022 Construction of Adult Local Criminal Justice Facilities Request for Proposals and proposed process timeline was made by Mr. Maggard and seconded by Judge Pounders. The motion carried.

10:15 a.m. the Board recessed.

It was anticipated that due to large interest in the SB 1022 Request for Proposals (RFP) and the Edward Byrne Justice Assistance Grant (JAG) items and a large audience for both, the items were scheduled on the agenda to accommodate both audiences. The SB 1022 item was listed to be heard at 10:00 a.m. and the consent and JAG items were listed to be heard at 1:00 p.m. Therefore, the Board recessed after the SB 1022 item was settled and reconvened at 1:00 p.m. allowing the audience to be present when the items for the consent and JAG items were heard.

1:00 p.m. the Board reconvened.

CONSENT AGENDA ITEMS

REQUESTING APPROVAL OF THE MAY 9, 2013 MEETING MINUTES OF THE BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC)

(AGENDA ITEM B)

REQUESTING FINAL APPROVAL OF AMENDMENTS TO TITLE 15 REGULATIONS ON MINIMUM STANDARDS FOR JUVENILE FACILITIES

(AGENDA ITEM C)

This agenda item requested the Board of State and Community Corrections (BSCC) to approve the final proposed revisions to the Minimum Standards for Juvenile Facilities, Title 15, California Code of Regulations (CCR), approval to proceed with rulemaking activities pursuant to the Administrative Procedure Act (APA) process for regulation adoption, and approval to delegate signature authority to Acting Executive Officer, Curtis J. Hill, for any certificates to be filed in connection with the adoption of these regulations.

REQUESTING APPROVAL OF THE AB 900 PHASE II JAIL CONSTRUCTION FINANCING PROGRAM – SUTTER COUNTY’S REQUEST FOR TIME EXTENSION

(AGENDA ITEM D)

This agenda item requested the Board of State and Community Corrections (BSCC) grant a time extension to Sutter County to meet the project establishment milestone requirement in Assembly Bill (AB) 900 Phase II Request for Applications – Construction or Expansion of County Jails. Sutter County requested an extension of four months to October 2013 to prepare the necessary documentation for project establishment by the State Public Works Board.

REQUESTING APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE BOARD OF STATE AND COMMUNITY CORRECTIONS AND PUBLIC POLICY INSTITUTE OF CALIFORNIA (PPIC) IMPLEMENTING A MULTI-COUNTY DATA COLLECTION PROJECT

(AGENDA ITEM E)

This agenda item requested the Board of State and Community Corrections (BSCC) approve the Memorandum of Understanding (MOU) between the BSCC and the Public Policy Institute of California (PPIC) for a Multi-County Data Collection Project.

REQUESTING APPROVAL OF THE EXECUTIVE STEERING COMMITTEE'S PROPOSED GRANT ALLOCATIONS TOTALING \$738,392 FOR THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS (RSAT) PROGRAM TO THE SHERIFF'S DEPARTMENTS OF RIVERSIDE, TULARE, SACRAMENTO, AND KERN COUNTY

(AGENDA ITEM F)

This agenda item requested approval of grant awards to Riverside, Tulare, Sacramento, and Kern Counties Sheriff's Departments for the Residential Substance Abuse Treatment for State Prisoners (RSAT) Program as recommended by the Executive Steering Committee (ESC). A total of \$741,710 in federal RSAT funding is available. Adult detention facilities are allowed to request up to a maximum of \$185,427 for the first twelve months of the project period. A non-competitive Request for Application for continuation funding would be issued for a second year, contingent on the availability of federal funding.

A fifth county that applied but was not recommended was Santa Clara County.

REQUESTING APPROVAL OF THE STANDARDS AND TRAINING FOR CORRECTIONS (STC) EXECUTIVE STEERING COMMITTEE'S (ESC) RECOMMENDATIONS FOR REVISIONS TO THE STC PROGRAM REGULATIONS AND TO BEGIN THE ADMINISTRATIVE PROCEDURE ACT RULEMAKING PROCESS

(AGENDA ITEM G)

At the September 2012 meeting of the Board of State and Community Corrections (BSCC), the Board approved the establishment of an Executive Steering Committee (ESC) to review the Standards and Training for Corrections (STC) program, regulations, and policies to improve program effectiveness and efficiency.

This agenda item requested the Board accept the ESC recommended regulation revisions to the STC Title 15 regulations, authorize staff to proceed with the Administrative Procedure Act process and prepare for publication of the Notice and commencement of the public comment period.

REQUESTING APPROVAL OF THE BOARD OF STATE AND COMMUNITY
CORRECTIONS' STRATEGIC PLAN OUTLINE

(AGENDA ITEM H)

This agenda item requested approval of the Board of State and Community Corrections' (BSCC) strategic plan outline. The outline presented three year objectives and specific strategies for the first year of the strategic plan. Each year, new strategies will be considered to further progress toward each objective. These objectives and strategies are organized under four major organizational goals that were previously shared with the Board and included in BSCC's quarterly reports to the Legislature.

Upon approval of the outline, teams would be formed to develop success measurements for each strategy, identify milestones and timelines, and begin to implement or continue activities already under way. The success measurements, milestones and timelines will be integrated with the goals, objectives and strategies to form a comprehensive strategic plan.

Progress toward the completion of the strategic plan will be reported at future Board meetings.

Item E was pulled for discussion.

A motion to accept items B, C, D, F, G, and H, was made by Mr. Maggard and seconded by Judge Pounders. The motion carried.

Item E: The Board voiced concerns with legal issues, financial obligations, work load, performance tracking, and ownership of report product. Mark Baldassare, President and CEO of the Public Policy Institute of California, Julia Bilaver, Deputy Attorney General, DOJ, and Robert Takeshta, Deputy Director, BSCC, provided clarifications to the Board's concerns. After some discussion the members agreed to accept staff's recommendation to approve the MOU between the BSCC and the Public Policy Institute of California.

The Public Policy Institute of California was in the process of selecting a subset of counties for analysis based on their representativeness of the state as a whole and the diversity of their approaches to realignment. As a group, these counties should capture the majority of the California population and the majority of the projected realignment population. This group of counties should also approximate the state population as well in terms of demographic and economic characteristics, as well as the regional and urban/rural diversity of the state. After some discussion the members agreed to accept staff's recommendation to approve the MOU between the BSCC and the Public Policy Institute of California.

A motion to accept item E, approve the Memorandum of Understanding (MOU) between the Board of State and Community Corrections and the Public Policy Institute of California (PPIC) was made by Ms. Mauriello and seconded by Mr. Growdon. The motion carried.

There were no further comments.

DISCUSSION AGENDA ITEM:

REQUESTING APPROVAL TO DEVELOP THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG) FOUR-YEAR STRATEGY AND FUNDING

(AGENDA ITEM I)

This agenda item requested the Board of State and Community Corrections (BSCC) to approve the development of a four-year strategy (FY 2013-14 through FY 2016-17) and funding priorities for the BSCC to apply for the FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) program funds for the State of California. The purpose of the JAG program is to prevent or reduce crime and violence. California will receive \$19,776,740 million in state JAG funding for FY 2013.

Chairman Beard announced that many of the Board members could have a conflict of interest if members' state or county departments submitted grant applications or received an award from the Board. Chairman Beard explained that if the Board could not obtain a quorum of members that did not have a conflict then Government Code section 1090 et seq., the Rule of Necessity would be exercised and a panel of seven members (seven members are required for a quorum), would be randomly selected to discuss and take action on this item. Chairman Beard asked that members who felt they could have a conflict recuse themselves.

Ms. Penner, Mr. Baca, Mr. Growdon, Mr. Maggard, Ms. Arnold, Mr. Stone, Ms. Mauriello and Chairman Beard recused. Although Judge Pounders initially felt he need not recuse, in consideration of the Attorney General's opinion he later recused. Mr. Steinhart did not recuse.

At the opinion of the Attorney General, a panel of seven (a quorum) members was selected to participate on this item, due to there is a potential that each member, with the exception of member David Steinhart, may have a conflict of interest on this item. Therefore, Government Code section 1090 et seq., the Rule of Necessity was exercised. Six members were randomly selected by computer using an Excel randomization spreadsheet. The six members randomly selected were, Ms. Penner, Mr. Maggard, Ms. Arnold, Mr. Baca, Mr. Stone, and Mr. Growdon. These six members and Mr. Steinhart participated on the seven member panel that was to take action on this item.

Although member Retired Judge Pounders voiced that he was specifically appointed by the Judicial Courts headed by the Chief Justice of the California Supreme Court and requires that a retired judge be appointed to the BSCC so there would be no conflict, was not excluded from the randomization. It was the opinion of the Attorney General's Office that because Retired Judge Pounders' pension is paid by Los Angeles County, placed the Judge as potentially having a conflict of interest. Los Angeles County could potentially apply for the JAG funds.

Mr. Steinhart voiced that although he did not agree with the Attorney General's suggestion of selecting a panel of members that the Board move forward with the seven member panel. Mr. Steinhart also pointed out that the Attorney General's office could also be a state department that could potentially submit applications and receive an award from the Board.

Not being one of the selected panel members, Chairman Beard relinquished the Chair to selected panel member Linda Penner. Prior to discussing the options, the Board heard a presentation on the results of the survey used and the public comment sessions. Field Representative and lead staff person on this item, Daryle McDaniel, presented this agenda item and was assisted by David Marimon, who presented the survey results.

At the March 14, 2013 meeting, the Board approved the use of an electronic survey and public comment sessions for the development of the FY 2013 JAG application and four-year strategy. The survey and public comment sessions were conducted during the month of April 2013 to seek input from California criminal justice stakeholders and members of the public on how best to use JAG funding in California. The survey showed that out of the seven JAG program purpose areas, stakeholders ranked, Prevention and Education, Law Enforcement, and Prosecution, Courts, Defense, and Indigent Defense as the top three priorities, which impact multiple system partners.

BSCC Staff presented three options for the Board's consideration.

Option 1: Continue the current drug enforcement strategy and continue to fund the existing 74 grant projects, which are all within the Law Enforcement PPA, at slightly reduced levels of funding for FY 2013 due to a reduction in the amount of local assistance funding available in the 2013 JAG allocation from the 2012 JAG allocation. Under this option, the existing drug enforcement strategy will be the basis for the four-year strategy and funding will continue for these programs each year for the next four years.

Option 2: Use the information from one or more of the following to develop the JAG four-year strategy and funding priorities:

- a. Results from the 2013 California JAG survey and public comment sessions
- b. Priorities contained in BJA's JAG Program FY 2013 State Solicitation
 - Reducing Gun Violence
 - Recidivism Reduction and Justice System Realignment
 - Indigent Defense
 - Evidence-Based "SMART" Programs

This option will require the Board to determine which of the information sources listed in a. and b. above to use to develop the four-year strategy and how the funding will be allocated among the seven PPAs.

Option 3: Approve a combination of Option 1 and Option 2.

This option will require the Board to determine the four-year strategy based on which of the currently funded programs or individual projects listed in Option 1 to continue to fund, for what period of time, and how much money to allocate to those program areas or individual projects. It will also require the Board to decide which of the information sources listed in Option 2 to use for the four-year strategy and how to utilize the balance of funds among the seven PPAs over what period of time.

Following staff presentation, the Board heard public comment from individuals representing programs that are currently funded through the BSCC with FY 2012 JAG funds as well as programs (California Youthful Offender Reentry and Anti Human Trafficking Task Forces) that

had received JAG funding in the years prior to 2012, when the California Emergency Management Agency (CalEMA) was the state administering agency.

Ms. Penner announced being that there were many who had requested to give testimonies that there would be a two minute limit for each testimony heard. Testimonies were heard from Christian Pehl, Captain, San Joaquin County Sheriff's Department, John Sydow, Detective, Sacramento County Sheriff's Department, Christine Morse Galves, Program Director, Ascend, Rosie McCool, Policy & Legal Services Director, Chief Probation Officers of California, Stephanie Richard, Esq., Policy & Legal Services Director, Coalition to Abolish Slavery & Trafficking – CAST, Rich Lucia, Under Sheriff, Alameda County Sheriff's Department, Ron Lawrence, Rocklin Chief of Police, California Police Chief's Association, Daniel Ruden, Chief of Police, Lincoln Police Department, David King, Executive Director, L.A. Impact, Mark Helms, Police Chief, Lodi Police Department, Janie Hodge, Executive Director/Founder, Paving The Way Foundation, Amanda Reiman, Policy Manager, Drug Policy Alliance, Steve Moore, Sheriff – Coroner San Joaquin County Sheriff's Department, Dennis Garcia, Legislative Associate, Hernandez Strategy Group on behalf of Homeboy Industries, Shawn Riggin Director s, Fresno County EOC Conservation Corps, Bill Lane, President, Freedom Through Education, Kent Shaw, Chief, CA DOJ/Bureau of Investigation, Kimberly Horiuchi, Criminal Justice & Drug Policy Advocate, American Civil Liberties Union – ACLU Northern California, Brian Goldstein, Policy Analyst, Center on Juvenile & Fresno Police Department Criminal Justice – CJCJ, Donald Stump, Executive Director, North County Lifeline, Ignacio Hernandez, Esq., Principal, Hernandez Strategy Group, LLC, Mark Dale, Founder, Families For Safer Schools, Curt & Ronna Bright, Project Manager, Fresno Economic Opportunities Commission, Curt Chastain, Sergeant, Opal Singleton, Director of Development, Million Kids, Tony Fl Sergeant ores, San Francisco Police Dept., SVU, Dan Engels, Deputy Sheriff, Riverside County Sheriff-Coroner, Lita Mercado, Program Director, CSP Victim Assistance Programs, Craig Friesen, Program Director, CSP Victim Assistance Programs, Craig Friesen, Sergeant, Anaheim Police/OC Human Trafficking, Caliph Assagai, Advocacy Manager, Sacramento Juvenile Justice Commission, Nancy O'Malley, District Attorney, Alameda District Attorney's Office, Anthony Ortiz, Jr., Data Reporter, Breakthrough Prison Outreach, Scott Miller, Sheriff, Northern California Sheriff's Office, Kris Lev-Twombly, Director of Public Policy, Cal Nonprofits, Carole D'Elia, Deputy Executive Director, Cal Nonprofits, Joseph Mata, Sergeant, San Diego County Sheriff's Department, Kim Horiuchi, Attorney, ACLU Northern California, Carlos Solano, Deputy Director, L. A. Clear, Paul Curtis, Executive Director, L. A. Clear and Fealofei Sofara, on behalf of attendees, Robert Massey, Isaac Trillo, Alex Marquez, Gabriel Hernandez, San Jose Conservation Corps.

Upon conclusion of the public comment session and discussion by the participating members of the panel, the participating Board members agreed to support Option 3. Mr. Maggard made the following motion:

We continue funding the task forces as we are now with the option of this Board, based on its timing, to hear other proposals that would be related to this four-year strategy.

The motion was seconded by Mr. Baca. The motion carried.

The discussion by the Board members after the Board's vote revealed there were differing opinions among the voting members as to the intent of the motion, e.g., which programs were

included in the motion and the length of time of the continuation funding for currently funded projects.

The Board's motion indicated that the Board intended to distribute all of the available FY 2013 local funds to continue the five JAG programs currently funded by the BSCC and at some future point in time consider other programs. To be able to implement this action and develop the JAG four-year strategy, the Board needs to set the length of time that they want to continue to fund the five currently funded programs and then decide what sources of information the Board would like to use to select the programs that will be the basis of the subsequent years of the strategy.

Due to time constraints, the loss of a quorum of the seven panel members (Mr. Baca left, leaving a panel of six) and upon the advice of counsel, the Board voted to adjourn the meeting until August 8, 2013 to continue discussion on this item.

Chairman Beard left at 2:47 p.m., Judge Pounders and Mr. Baca left at 4:40 p.m. Ms. Mauriello was the time keeper for the testimonies.

Ms. Penner asked if there were any final comments prior to adjourning the meeting.

PUBLIC COMMENTS

Scott Miller, Sheriff, Monterey County Sheriff's Department, requested that the AB 900 Phase I Conditional Award that was relinquished by San Joaquin County be placed on the agenda of the August 8, 2013 BSCC meeting. Monterey County was partially funded and would like to receive funding from the relinquished funds by San Joaquin County to fully fund Monterey County.

Kim Horiuchi, Attorney, ACLU Northern California voiced in favor of Monterey County be allocated the relinquished funds from San Joaquin County.

Testimonies were heard in favor of Human Trafficking Task Forces by several individuals from the audience.

Ignacio Hernandez, Esq., Principal, Hernandez Strategy Group, LLC, stated that the Board's action was a duplicate of the action taken at the July 26, 2012 meeting, that the Board's reason for electing to fund the same grantees at the July 2012 meeting was because the Board was new, just received this funding and needed time to review the funding and that the Board stated that the grantees being awarded at the July 2012 meeting would not be funded the following year. However the outcome of the Board's action at this meeting appeared to be that the same grantees that were funded last year would be funded again and if there were funds left over fund other programs.

Mr. Growdon asked if it would be possible for staff to provide how much funding had been allocated to the California Youthful Offender Reentry (Cal-YOR) program and the Anti Human Trafficking Task Forces even though they were not the purview of this group, he was interested to see what they were. Deputy Director Jean Scott acknowledged Mr. Growdon's request and agreed to provide the information he requested.

Ms. Penner asked if there were any further comments, hearing none, the meeting was adjourned.

Next meeting: August 8, 2013

Meeting adjourned at 5:04 pm.

Respectfully submitted,

Originally signed by

MARIA RODRIGUEZ-RIEGER
Executive Assistant
Board of State and Community Corrections

ROSTER OF PERSONS IN ATTENDANCE

BSCC Board Members

Chairman Beard, Secretary of California Department of Corrections and Rehabilitation (CDCR)
Mr. Stone, Director, Adult Parole Operations, CDCR
Mr. Growdon, Lassen County Sheriff's Department
Mr. Baca, Los Angeles County Sheriff's Department
Ms. Mauriello, Santa Cruz County Administrative Office
Ms. Penner, Fresno County Probation Department
Ms. Arnold, Tuolumne County Probation Department
Hon. William R. Pounders, Retired Judge of Los Angeles County
Mr. Maggard, City of Irvine Police Department
Mr. David Steinhart, Juvenile Justice Program Commonweal

BSCC Staff

Curtis J. Hill, Executive Officer (A)
Scott B. Frizzie, Chief Deputy Director
Maria Rodriguez-Rieger, Executive Assistant
Julia Bilaver, Deputy Attorney General, DOJ
Robert J. Takeshta, Deputy Director, Admn. & Research
Jean L. Scott, Deputy Director, CPP
Gary Wion, Deputy Director, FSO
Evonne Garner, Deputy Director, STC
Charlene Aboytes, Field Representative, FSO/CFC
Leslie Heller, Field Representative, FSO/CFC
Colleen Stoner, Field Representative, CPP
Daryle McDaniel, Field Representative, CPP
Oscar E. Villegas, Field Representative, CPP
Ricardo Goodridge, Field Representative, CPP

Shalinee Hunter, Field Representative, CPP
Barbara Fenton, Field Representative, STC