

MINUTES
State Advisory Committee on Juvenile Justice and Delinquency Prevention
March 13, 2013

Board of State and Community Corrections (BSCC)
Large Conference Room
660 Bercut Drive
Sacramento, CA 95811

Chair Sandra McBrayer called to order the State Advisory Committee on Juvenile Justice & Delinquency Prevention (SACJJDP) meeting at 10:00 a.m.

The following SACJJDP members were in attendance:

Ms. McBrayer	Judge Back	Chief Manheimer
Ms. Harbert	Ms. Biondi	Mr. Peters
Mr. Rivera	Ms. O'Malley	Ms. Wynn

Agenda Item A – Approval of Minutes

As a result of technological difficulties at the January 30, 2013 meeting, there were no minutes captured for approval.

Agenda Items B – Chair and Staff Updates

Chair and staff updates:

Chair Sandra McBrayer shared the following items of interest:

- Staff is working diligently to complete and submit the federal Title II Formula Block Grant and the Juvenile Accountability Block Grant applications.
- Coalition for Juvenile Justice will host their annual conference at which Ms. McBrayer and Ms. Hunter will be participants.

Deputy Director Jean Scott shared the following items of interest:

- Ms. Mazzilli resigned effective March 1st as the Executive Director of the Board of State and Community Corrections (BSCC); Mr. Scott Frizzie has been appointed as the interim Executive Director.
- Gang Issues Standing Committee (GISC) composition will be brought before the March 14 Board meeting for approval. The GISC will be responsible for a number of tasks including responding to AB526 legislation as well administrative oversight of the California Gang Reduction, Intervention and Prevention (CalGRIP) funding stream. In light of AB526 and the development of additional standing committees, Ms. McBrayer requested, that a formal process for information-sharing be placed on the May SACJJDP meeting agenda to ensure committees minimize duplication

and ensure their respective expertise inform each other and the Board at optimal levels.

- The process for developing the Edward Byrne Memorial Justice Assistance Grant will be brought before the March 14 Board meeting for approval. The process moves away from the traditional Executive Steering Committee (ESC) process, instead using both a survey and public comment sessions to capture the constituency voice as well as subject matter expertise. Chief Manheimer expressed concern regarding the focus of these funds; Ms. McBrayer requested a review of the reasons for utilizing the survey and public hearings rather than the ESC process. Ms. Scott indicated the BSCC's Deputy Attorney General (Attorney General's Office) recommended such a practice to minimize perceived conflict of interests. Ms. Biondi reinforced the necessity of ensuring each of the Standing Committees is knowledgeable on both the process and funding streams. Ms. Manheimer expressed concerns regarding whether the new processes (i.e. standing committees, revised ESC process) will allow for the work to continue to inform Board decisions as it has in the past. Ms. McBrayer and Chief Manheimer requested the Committee and staff consider developing a more formalized venue for informing the Board (e.g. standing agenda item for Juvenile Justice Issues on the Board agenda, etc.). Judge Back echoed the concerns regarding minimizing duplication between standing committees.
- Committee requested two items to be placed on the next SACJJDP meeting agenda:
 1. Develop a process for standing committees to work in concert with each other and the Board (i.e. information sharing process).
 2. Bolster the current process for informing the Board on critical juvenile justice issues.

The Public Policy Institute for California (PPIC) has proposed to partner with the BSCC to conduct a 10-county data collection research project to identify the most effective and efficient practices under California's public safety realignment. PPIC will work with the BSCC to document county activities and analyze outcomes across a set of key performance measures. The ultimate goals of the project are to identify the sanctions, interventions and services that are the most effective for reducing recidivism and to provide the necessary information for counties to plan further steps to reduce criminal justice costs while maintaining public safety. District Attorney O'Malley shared that the PPIC has been working with county Community Corrections Partnerships in part, to identify which 10 counties should be the focus.

- BSCC, through a strategic planning process, has identified four main goals. This information and associated tasks will be reviewed at the March Board meeting. the Goals include:
 1. Collect, analyze, and report corrections data in a manner that meets mandates and informs effective policy and practice at the state and local level.
 2. Support the implementation of best practices and policies to produce better outcomes for the criminal justice system and provide comprehensive training and technical assistance.
 3. Promote the effective utilization of local corrections facilities and quality alternatives to incarceration to maximize public safety and resource efficiency.
 4. Serve as a primary information source on managing criminal and juvenile populations.

- The Youthful Offender Block Grant and the Juvenile Justice and Crime Prevention Act annual reports have been submitted to the Governor's Office and will be shared with the SACJJDP once they are public.

Agenda Item C – Juvenile Justice Standing Committee (JJSC) Charter Review

Chair David Steinhart of the JJSC was welcomed by SACJJDP members. Subsequently, Chair Steinhart provided the background of the JJSC as one of several standing committees that the Board has created to meet the legislative requirement that Board deliberations and decisions be based on input from a “balanced range of stakeholders and subject matter experts” in adult corrections and juvenile justice (Penal Code Sec. 6024 (c)).

The JJSC will consider a range of issues affecting a broad population of youth who are under justice system control or at-risk of entry into the justice system in California. This includes review of Board of State and Community Corrections (BSCC) code mandates related to county juvenile facility standards and inspections, juvenile justice data collection and state-funded local programs. It also includes comprehensive consideration of community corrections strategies, programs and funding streams needed in California to ensure positive outcomes for justice-involved youth.

In November, the Board approved a scope of work statement for the JJSC, which outlines its tasks and responsibilities. That statement includes the following key points:

- The JJSC will be chaired by BSCC member David Steinhart.
- Meetings will be approximately once per quarter, generally at the BSCC headquarters in Sacramento, with member travel costs to be reimbursed by BSCC.
- BSCC staff will support the JJSC. Field Representative Shalinee Hunter was subsequently assigned as the lead staff.
- The JJSC will supplement but not replace the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) which administers federal juvenile justice funds in California. Both groups will work to ensure coordination of effort.
- The JJSC is an advisory body to the Board — recommendations on policy positions or other action will require approval by the Board.

Chief Manheimer reinforced concerns regarding duplication of efforts; she went on to request a thoughtful and strategic approach to ensuring this does not happen. Chair Steinhart agreed, and suggested that one aspect of assurance includes Ms. McBrayer as the liaison to both Committees. Mr. Peters encourages JJSC to continue to work toward measurable objectives.

Agenda Item J – National Council on Crime and Delinquency (NCCD)

Dr. Angela Irvine, Director of Research at the NCCD reviewed the landscape of risk-assessment instruments. Ten sites have been evaluated around the country implementing 8 different risk-assessment instruments. Several of these tools are not gender or racially equal. Tools should be consistent across three standards:

1. Reliability
2. Validity
3. Equity

California does not encourage any standards; this Committee might consider developing such a message. Additionally, the varying definitions of outcome measures are problematic.

Committee members agreed to consider/develop technical assistance regarding this issue. Additionally, they agreed it would benefit the Board and other Committees and Associations to have NCCD share this information with them.

Chair Steinhart of the JJSC recommended leadership be bolstered regarding the ability to assist local corrections partners in their local decision-making when considering and implementing risk-assessment tools.

Agenda Item D – Review of Proposed Legislation for Support or Opposition

Ms. Hunter opened the discussion on current legislation.

SACJJDP Members requested legislative staff involvement for the following four bills (either additional information or a presentation on intent):

1. SB 458 (Wright D) Gangs: statewide database.

Would require, prior to a local law enforcement agency designating a person as a gang member, associate, or affiliate in a shared gang database, or as otherwise specified, the local law enforcement agency to notify the person and his or her parent or guardian of the designation and the basis for the designation if the person is under 18 years of age. This bill contains other related provisions.

2. AB 1283 (Bonilla D) Homeless youth: service providers.

The federal Juvenile Justice and Delinquency Prevention Act of 1974 establishes a state advisory group that is required to fulfill certain duties relating to runaway and homeless youth, including, among other things, developing a directory of service providers and studying the feasibility and establishment of a statewide referral system for runaway and homeless youth. This bill would require the state advisory group to study the feasibility of the establishment of an Internet Web site for runaway and homeless youth that would include a directory of service providers and the rights of homeless and runaway youth.

3. AB 420 (Dickinson D) School suspension / Willful Defiance

Keeps this category for suspension of pupils in grades 6 through 12 and only after the third time a pupil is found to have disrupted school activities or willfully defied the authority of school officials. This bill also removes the authority to use this category for the expulsion of pupils.

4. AB 438 (Mitchell D) Juveniles: dual-status minors.

Current law prohibits the entry of an order by a juvenile court, or the filing of a petition, to make a minor simultaneously both a dependent child and a ward of the court, unless a written protocol has been created in that county, as specified, to allow the county probation department and the child welfare services department to jointly assess and produce a recommendation that the child be designated as a dual status child. This bill would delete the prohibition on the filing of a petition or the entry of an order to make a minor simultaneously both a dependent child and a ward of the court.

Additionally, Committee support was provided for SB 166 Juveniles: Attorney qualification.

Agenda Item E – Review Use of Pepper Spray in Juvenile Detention Facilities

Ms. Hunter provided the background regarding the pepper spray issue. At the January 30, 2013 State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) meeting, members discussed concerns directed to the SACJJDP by Victor Manuel Torres, Esq., Attorney at Law, regarding the use of pepper spray in San Diego County Juvenile Hall. Mr. Torres, representing a coalition of community-based organizations, advocates for children and youth, civil rights organizations, student groups, public interest law firms, and individual residents of San Diego County, contacted the Chair of the SACJJDP, believing this issue was applicable to the SACJJDP's scope of work. Subsequently, the Committee agreed it likely does not fall under their purview; however, did request answers to the following questions:

1. San Diego County Probation – Use of Force Compliance:

During the 2010/2012 Biennial Inspection cycle, which took place in January 2012, the San Diego County Probation Department was found in compliance with Title 15, Section 1357, Use of Force. This section requires the facility administrator to develop and implement policies and procedures relative to the use of force in cooperation with the health administrator. Policy must include a system for investigation of the use of force and administrative review, and a standardized format and procedure for reporting the type of force.

This is a performance-based regulation. This means, for example, Title 15 does not define what system is used for investigation, only that there indeed is a system for investigation. Nor does Title 15 require Board of State and Community Corrections (BSCC) staff to determine compliance with the investigation system. BSCC staff review policy containing these requirements; facility administrators are responsible for implementing procedures and ensuring their staff comply with the policies and procedures.

2. Number of juvenile detention facilities utilizing pepper spray:

The Facilities, Standards and Operations (FSO) Division (Juvenile team) indicate that approximately 50-55% of probation departments in California use pepper spray in their facilities.

3. Department of Juvenile Justice's (DJJ) reporting mechanism on the use of pepper spray: DJJ, like the counties, has a reporting mechanism for the use of force (including pepper spray). According to the Council of Juvenile Correctional Administrators' (CJCA) annual survey of all state juvenile correction agencies in the United States, only six agencies (12 percent) authorize staff to carry chemical

sprays in secure facilities, and just 15 agencies (29 percent) indicate that chemical restraints are authorized by their agency although staff are not necessarily authorized to carry spray on their person. In nine of these 15 agencies, chemical spray is available as a last resort measure, not carried on the person, to prevent serious injuries to youth and staff.

4. San Diego County's oversight: The Juvenile Justice Commission of San Diego County is a state-mandated, court-appointed citizens' commission. Its purpose is to inquire into the administration of juvenile court law in San Diego County, to provide leadership for citizen action and to promote an effective juvenile justice system operated in an environment of credibility, dignity, fairness and respect for the youth of San Diego County.

A motion was made by Ms. Harbert to recommend to the JJSC, review use of pepper spray as it relates to the safety and security of children detained in juvenile halls as it falls more appropriately under the JJSC mandates; Mr. Peters seconded the motion. The motion carried.

Agenda Item F – Definition of Recidivism

Ms. Hunter reviewed the background regarding common data elements, in particular recidivism and subsequently shared with the SACJJDP several options for supporting a universal definition:

- Embed recidivism (as defined) as an outcome measure within the federally funded programs;
- Recommend/Support the recidivism definition and outcome measure to other pertinent standing committees (Juvenile Justice Standing Committee, Data and Research Standing Committee) who have a stake in ensuring a standard definition for the purposes of measuring juvenile justice outcomes.

However, given the additional information including the establishment of the JJSC and the Data Standing Committee and corresponding data mandates, the SACJJDP recommended the establishment of a workgroup comprised of JJSC, DSC and SACJJDP members to further review options consistent with the Board mission and goals and resulting in an improvement toward measuring success in the juvenile justice field.

Agenda Item G – DMC Update

Ms. Hunter provided an update on the following DMC items:

- California Department of Education - Chronic Absenteeism Initiative
- DMC Assessment
- DMC Training - Sacramento Police Department
- Federal DMC Data Issues

Member discussion involved a focus on the Chronic Absenteeism Initiative. Member Gordon Jackson, lead of the Initiative, will likely provide an update at the next SACJJDP meeting.

Agenda Item H – Juvenile Accountability Block Grant – Direct Allocation Review

Ms. Stoner reminded members that the BSCC is the designated state administrative agency for the JABG, which is administered at the federal level by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Through the JABG Program, the federal government gives block grants to states under the premise that juvenile offenders should be held accountable for their crimes both as a matter of basic justice and as a way to prevent and deter delinquency. The goal of the program is to reduce juvenile offending through accountability-based programming focusing on both the offender and the juvenile justice system. The review focused on funding allocation intricacies including the following:

- JABG grants are awarded to the states, which in turn are required to pass through a majority of the funding to eligible units of local government in the form of a direct allocation.
- The OJJDP determines for each state which units of local government are eligible to receive a direct grant award once a year. Funding amounts for units of local government are based on a federal formula that takes into account local criminal justice expenditures and the level of violent crime. Local direct allocations represent 75% of the State's total allocation. The minimum amount for a direct sub-grant allocation is \$10,000.
- Jurisdictions receiving a direct award must convene a local Advisory Board to develop a coordinated plan for the use of JABG funds. This board must include representatives from the police, sheriff, prosecutor, probation, juvenile court, schools and business; the board may also include religious, fraternal, nonprofit, or social services organizations involved in crime prevention.
- Applicants must agree to provide cash match in the amount of 10 percent of the total funds to be expended. Currently there are 34 jurisdictions receiving a direct award. Probation departments have implemented the majority of projects supported by these sub-grants.
- Direct allocation funding is awarded through a non-competitive process and must be expended in one or more of 18 federally designated program purpose areas.

Agenda Item I – Communication Plan

Postponed due to time allotment

STAFF ATTENDANCE ROSTER

Jean Scott, Deputy Director, CPP
Gary Wion, Deputy Director, FSO
Shalinee Hunter, Field Representative, CPP
Helene Zentner, Field Representative, CPP
Colleen Stoner, Field Representative, CPP
Kim Bushard, Field Representative, CPP
Ricardo Goodridge, Field Representation, CPP
Veronica Silva-Ramirez, Secretary, CPP
Sandra Fletcher, Program Analyst, CPP
Rakesh Sharma, Program Analyst, CPP
Krystal Lewis, Fiscal Analyst, CPP