

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
Thursday, September 12, 2013

Meeting held at: The Irvine Marriot, 18000 Von Karman Avenue, Irvine, CA 92612

The meeting commenced at 10:00 a.m.

Chair Linda Penner welcomed the Board Members and public to the September 12, 2013 Board of State and Community Corrections (BSCC) meeting. She thanked and introduced Dana Smith-Lacy, President of the California Probation, Parole and Correctional Association (CPPCA) for inviting the BSCC to hold its September 12th meeting at the conference. Ms. Smith-Lacy welcomed the Board and staff to the conference, and introduced the incoming President of the CPPCA, Reuben Johnson.

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

The following members were in attendance:

Ms. Penner	Mr. Baca	Ms. Arnold	Mr. Budnick
Mr. Beard	Ms. Mauriello	Judge Pounders	Mr. Steinhart
Mr. Stone	Ms. Brown	Mr. Maggard	Ms. Silbert
Mr. Growdon			

ABSENCE OF BOARD MEMBERS

Mr. Baca arrived at 10:15 a.m. and Judge Pounders arrived at 10:30 a.m.

Chair Linda Penner introduced newly appointed member San Bernardino County Chief Probation Officer Michelle Brown who filled the vacant position - a chief probation officer from a county with a population over 200,000 - previously vacated by Ms. Penner.

Per statute, members must be sworn in by a Sheriff or Judge prior to attending their first meeting. Ms. Brown was sworn in by Board Member Dean Growdon, Sheriff of Lassen County.

DISCUSSION ITEM:

A PRESENTATION BY DR. EDWARD LATESSA, "What Works and What Doesn't in Reducing Recidivism"

(AGENDA ITEM A)

Both the BSCC's enabling legislation and the Board's recently adopted strategic plan place a heavy emphasis on promoting evidence-based programs, practices, and strategies. The purpose of this agenda item was to introduce Edward J. Latessa, Ph.D. from the University of Cincinnati, an expert on evidence-based programs, and allow him to share some of the work he is doing in California and what works and what doesn't in reducing recidivism.

Dr. Latessa's presentation was unanimously accepted and appreciated by all the members.

Ms. Penner announced the Board would be breaking for lunch after hearing the consent items.

CONSENT AGENDA ITEMS

REQUESTING APPROVAL OF THE BOARD OF STATE AND COMMUNITY CORRECTIONS' (BSCC) JULY 22, 2013 MEETING MINUTES

(AGENDA ITEM B)

REQUESTING APPROVAL OF THE BOARD OF STATE AND COMMUNITY CORRECTIONS' (BSCC) AUGUST 8, 2013 MEETING MINUTES

(AGENDA ITEM C)

REQUESTING ACCEPTANCE OF THE RELINQUISHMENT OF SAN JOAQUIN COUNTY'S AB 900 PHASE I CONDITIONAL AWARD

(AGENDA ITEM D)

San Joaquin County formally relinquished its AB 900 Phase I funding award and this agenda item requested the BSCC to acknowledge the County's relinquishment.

REQUESTING APPROVAL OF THE EXECUTIVE STEERING COMMITTEE'S PROPOSED GRANT ALLOCATIONS FOR THE EVIDENCE-BASED PRACTICES TO IMPROVE PUBLIC SAFETY PROJECT IN THE APPROXIMATE AMOUNT OF \$1 MILLION TO THE PROBATION DEPARTMENTS OF SONOMA, CONTRA COSTA, MONO, MARIPOSA, AND TULARE COUNTIES

(AGENDA ITEM E)

REQUESTING APPROVAL TO ESTABLISH THE DISPROPORTIONATE MINORITY CONTACT (DMC) SUBCOMMITTEE AS THE EXECUTIVE STEERING COMMITTEE TO GUIDE THE REQUEST FOR PROPOSALS PROCESS FOR THE 2014/2016 DMC TECHNICAL ASSISTANCE PROJECT (TAP) FUNDING IN THE APPROXIMATE AMOUNT OF \$1 MILLION

(AGENDA ITEM F)

This agenda item requested approval from the BSCC to establish an Executive Steering Committee (ESC) using the members of the DMC Subcommittee. The purpose of the ESC is to develop grant proposal eligibility and program requirements as well as criteria for rating the merit of proposals aimed at reducing racial and ethnic disparities and disproportionality (otherwise known as Disproportionate Minority Contact).

REQUESTING APPROVAL OF THE FINAL JUVENILE TITLE 15 REGULATIONS REVISION PUBLIC PERIOD AND RULEMAKING FILE

(AGENDA ITEM G)

At the September 2012 meeting of the BSCC, the Board approved the establishment of an 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.

Agenda B: Mr. Steinhart voiced a correction to the minutes on Agenda Item I (Requesting Approval to Develop the Edward Byrne Justice Assistance Grant (JAG) Four-Year Strategy and Funding), stating that although Judge Pounders initially felt he need not recuse, in consideration of the Attorney General's opinion he later recused himself. Judge Pounders concurred.

Agenda Item D: Ms. Mauriello asked if the item would be brought back to the Board for allocation. Mr. Hill stated there was a bill being moved through the legislature that would allow the redistribution of the funds. The item would be on the November 14, 2013 meeting agenda.

A motion to accept items B, C, D, F, and G was made by Ms. Mauriello and seconded by Ms. Arnold. The motion carried.

Agenda Item E: Was pulled for discussion. This item was asking the Board to approve the ESC's recommendations of grant awards for the EBP-TIPS Project.

Staff presented the ESC's funding recommendations for approval by the State Advisory Committee on Juvenile Justice and Delinquency Prevention's (SACJJDP) at its meeting on September 11, 2013. The SACJJDP questioned the ESC's recommendation awarding \$250,000 to Mono County, a small county with a small number of juveniles under probation supervision. The SACJJDP voted to approve grant awards for the counties of Sonoma, Contra Costa, Mariposa, and Tulare, and to conditionally approve the award for Mono County until the SACJJDP was able to get more information about the size and scope of the project. The Board discussed the SACJJDP's recommendation and raised questions about the process, including whether the SACJJDP should have sent the full funding recommendation back to the ESC for further consideration rather than approving part of the recommendation and conditionally approving the funding for Mono County. In addition, there was a question about whether SACJJDP's request for additional information about the size of the county in relation to the amount of funding requested would be applying additional criteria to the rating process that was not in the original RFP. After discussion, the members agreed Mono County and the ESC went through the proper Request for Proposals process and the County was recommended fairly as the county size is not and should not be a factor in the award decision. The members agreed to award all of the five counties recommended by the ESC.

A motion to approve the proposed ESC Recommended Grant Award Recipients for the Evidence-Based Practices to Improve Public Safety Project was made by Mr. Growdon and seconded by Ms. Silbert. Ms. Mauriello opposed. The motion carried.

12:05 p.m. the Board recessed for lunch.

12:47 p.m. the Board reconvened.

DISCUSSION AGENDA ITEMS:

SELECTION OF THE BOARD OF STATE AND COMMUNITY CORRECTIONS'
VICE-CHAIR

(AGENDA ITEM H)

Curtis Hill, Executive Officer (A) presented this item. Penal Code Section 6025(e) requires that the BSCC select a Vice-Chair from among its members who shall be either a chief probation officer or a sheriff.

Ms. Mauriello nominated member Dean Growdon. Ms. Penner asked for a motion to appoint member Dean Growdon as the Vice-Chair of the BSCC.

A motion to approve the appointment of Member Growdon as Vice-Chair was made by Ms. Mauriello and seconded by Mr. Beard. The motion carried.

REQUESTING FEEDBACK AND DIRECTION ON THE PROPOSED
RECOMMENDATIONS FOR ADDRESSING THE ASSEMBLY BILL 526 UPDATE FROM
THE GANG ISSUES STANDING COMMITTEE

(AGENDA ITEM I)

This item was presented by Field Representative, Oscar Villegas. Earlier this year, the Board's Gang Issues Standing Committee was tasked with the responsibility for developing recommendations to address the requirements of Assembly Bill (AB) 526 (Ch. 850, Statutes of 2012). This agenda item was intended to present the committee's recommendations for the Board's consideration and discussion. Staff was seeking feedback and direction on the recommendations offered by the Gang Issues Standing Committee. Staff's intentions are to return in November 2013 for final adoption of the recommendations.

A motion to approve the proposed recommendations for addressing the Assembly Bill 526 update from the Gang Issues Standing Committee was made by Mr. Maggard and seconded by Ms. Silbert. The motion carried.

There were no comments.

OUTSIDE LEGAL COUNSEL REVIEW OF THE JUSTICE ASSISTANCE GRANT (JAG)
PROCESS UTILIZED BY THE BOARD OF STATE AND COMMUNITY CORRECTIONS

(AGENDA ITEM J)

Executive Officer (A) Curtis Hill presented this item. On July 22, 2013, the BSCC convened to discuss and to take action on the development of the JAG four-year strategy plan, and to decide how to distribute this funding. Prior to any discussion or action by the Board, legal counsel advised the Board it should utilize the Rule of Necessity based on financial conflict of interest for members that receive government salary and whose department may apply for funding. The Rule of Necessity allows the Board to randomly select from a pool of conflicted members to establish a quorum (seven members) when there are not sufficient non-conflicted members. The Board randomly selected six members from a pool of nine conflicted members to establish a

quorum with one non-conflicted member. The Board took action but was not able to finalize all of their recommendations and the Board subsequently met on August 8, 2013 to conclude this agenda item. At the August 8th meeting, the Board requested that outside legal counsel review the process (the Rule of Necessity) that was invoked and provided the Board with outside counsel's legal analysis.

The services of Best Best & Krieger (BBK) Attorneys at Law were consulted. The BSCC asked the law firm to review the actions taken by the Board at its July and August 2013 meetings and a legal opinion prepared by the Attorney General's office regarding whether Board members had a conflict of interest under Government Code section 1090 when the Board considered options for funding the JAG program grant. The law firm provided a memo to the Board stating in their opinion, the "Potential Conflicts of Interest Related to the FY 2013 Edward Byrne Memorial Justice Assistance Grant ("JAG Grant") Program and would prepare a more in depth legal analysis for presentation to the BSCC Board at the November 14, 2013 meeting. BBK recommended the Board not make any financial decisions until the appropriate process is in place.

After some discussion, Ms. Penner asked that the Board meet in special session to conclude the item as the Board had an obligation to report their decision by September 30, 2013. The Members agreed to meet on September 25, 2013 by teleconference, work with counsel to determine the appropriate process, and ask that counsel be present at the September 25, 2013 meeting.

John Sida, Sacramento County Sheriff's Department, stated their understanding was the next round of JAG Funding would be discussed at this meeting. Mr. Penner stated the next item on the agenda was to establish the ESC to develop the Byrne JAG program strategy and the Request for Proposals (RFP) utilizing the 2013 JAG survey.

Testimonies were heard from: Opal Singleton, Training and Outreach Coordinator, Riverside County Anti Human Trafficking Task Force; Robert Long, Lieutenant II, Los Angeles Police Department, Robbery – Homicide Division; Jennifer Mendez, Trainee, Homeboy Industries; Herbert McKinley, Trainee, Homeboy Industries; Sue Webber-Brown, Executive Director, Drug Endangered Children Training Center; Gloria Pingrey, California Department of Justice Bureau of Investigation; Veronica Vargas, Director of External Affairs, Homeboy Industries; Jon Lopey, Sheriff, Siskiyou County Sheriff's Office; Teresa Rangel, Emergency Response Coordinator, Coalition to Abolish Slavery and Trafficking; John Sydow, Detective, Sacramento County Sheriff's Department; and Brian Goldstein for CalYOR and CJCJ. John Ruffcorn, Auburn Police Department stated he would wait until the September 25, 2013 meeting. Robert Zardeneta, Executive Director, YouthBuild Boyle Heights submitted a comment card but when called to testify, he had already left the meeting.

This was an informational item. No action was taken.

REQUESTING APPROVAL OF PROPOSED MEMBERSHIP FOR THE FY 2013 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM EXECUTIVE STEERING COMMITTEE

(AGENDA ITEM K)

This item was presented by Field Representative Daryle McDaniel. At the August 8, 2013 Board meeting, the BSCC voted to create an ESC to develop the Bryne JAG program strategy and the RFP utilizing the 2013 JAG survey and public comment sessions previously conducted during the month of April 2013.. The Board requested the names of the proposed ESC members for review and approval.

After some discussion it was determined a BSCC research staff would be needed for data collection. Board Member Scott Budnick made a motion to accept the proposed membership.

A motion to approve the proposed composition of the ESC contingent upon approval of counsel was made by Mr. Budnick and seconded by Mr. Stone. The motion carried.

PUBLIC COMMENTS

Ms. Penner asked if there were any comments on items not on the agenda. Hearing none, the meeting was adjourned.

Next meeting: September 25, 2013, Teleconference Special Session

Meeting adjourned at 2:27 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

Ms. Penner, Chair, Board of State and Community Corrections
Mr. 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. Brown, San Bernardino 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. Budnick, Anti-Recidivism Coalition (ARC)
Mr. David Steinhart, Juvenile Justice Program Commonweal
Ms. Silbert, Delancey Street Foundation

BSCC Staff

Curtis J. Hill, Executive Officer (A)
Maria Rodriguez-Rieger, Executive Assistant
Jean L. Scott, Deputy Director, CPP
Gary Wion, Deputy Director, FSO
Evonne Garner, Deputy Director, STC
Daryle McDaniel, Field Representative, CPP
Oscar E. Villegas, Field Representative, CPP