

**MINUTES
Juvenile Justice Standing Committee
October 30, 2013**

**Sierra Health Foundation
1321 Garden Highway
Sacramento, CA 95833**

Chair Steinhart called to order the Juvenile Justice Standing Committee meeting at 11:15 a.m.
The following Committee members were in attendance:

Chair Steinhart, Chair
Mr. Bell
Ms. Burrell

Ms. Chandler
Chief Davis
Mr. Lopez

Ms. McBrayer
Ms. Faer

Agenda Item A

Welcome and Introductions (11:15am)

Chair Steinhart introduced the board and staff after which he presented the new BSCC Executive Director Kathleen Howard who then introduced herself, welcomed the JJSC and spoke to her personal goals for the committee. (10:10am)

Agenda Item B

Approval of Minutes (11:28am)

Ms. McBrayer moved to approve the minutes; Ms. Burrell seconded the motion. The motion carried without opposition. (11:28am)

Agenda Item C

Chair and Staff Updates (11:29am)

Adjustment to the Minutes

Chair Steinhart commented that the previous minutes were quite extensive and noted that the happy medium between too much or too little notation has not yet been established. Mr. Bell suggested inserting action items into the minutes.

Action Item: Action items will now be documented in this formatting.

Agenda Item D

Adolescent Development and Juvenile Justice (11:34am)

Ms. Sue Burrell presented on Adolescent Development and Juvenile Justice. She cited many legal cases supporting her findings and solutions moving forward, Roper Vs Simmons (2005), Graham Vs Florida (2010), J.D.B. Vs North Carolina (2011), Miller v Alabama (2012), People VS Caballero (2012), SB 9 (2009) and SB260 (2013). Her presentation emphasized areas in which Adolescent Development Principles could be used to change the law, court processes and its impact on sentencing and disposition. These areas included but were not limited to proposition 21, the sexual exploitation of minors such as cases of prostitution, sexting, and zero tolerance laws, the waiver of rights, juvenile perception of authority, competence to stand trial, unlawful searches and confessions, and the abolishment of juvenile life sentences without parole.

Chairman Steinhart agreed with Ms. Burrell's presentation, but noted that the BSCC is not a sentencing or policy making body. Thus, he asked how to take what was presented and apply it to the work of the JJSC

Ms. Chandler asked how the Committee could apply this research to at risk youth prior to incarceration. The Committee then agreed that the defined term of "juvenile offender accountability" in terms of Juvenile Justice needs to be updated.

Agenda Item E

Adolescent Brain Development and Youth of Color (12:06pm)

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Mr. Bell addressed the Committee on how the California justice system should adapt to the new science of adolescent development. The presentation was based on Behavioral, Brain, and Social science research. He also presented policy and program challenges emerging from the research. How effective is incarceration in reducing the recidivism of juveniles?

Mr. Davis brought up a caveat to Mr. Bell's concerns. While supporting the findings, he suggested that they should be packaged and presented to the law enforcement community in a way so they are in alignment with the systematic changes the research prescribes. **(12:16pm)**

Ms. Chandler suggested to assess and survey at risk youth and juvenile offenders prior to incarceration.

Ms. McBrayer commented that while we can't regulate it would be wise to develop and then implement these ideas in the Committee's recommendations of best practices.

Working Lunch Break

(12:36pm)

Agenda Item F Juvenile Justice System Data & Performance Measures (12:55)

Chairman Steinhart reopened the meeting on behalf of Denise Herz who was absent. He cited Kathleen and Linda's concern regarding imposing new rules of accountability on Counties and whether or not doing so falls within the existing relationship, or is regulatory in nature.

Ms. Burrell pointed out that data collection is not regulatory. Afterwards the Committee reached a consensus that while creating performance based measures does set a scale to measure the performance of Counties it does not enforce or regulate them.

Mr. Bell asked if the JJSC could make a presentation to the BSCC and discussed the idea of making a motion to do so soon. **(1:31)**

Subsequently, Chairman Steinhart opened the floor to discussion regarding edits and approval of the draft document, "Juvenile Justice Standing Committee Development Principles and Goals" in terms of its content.

Mr. Bell proposed a language change to item 7 of the draft as follows, "This means, in specific terms, that publicly funded juvenile justice programs, facilities and controls should be 'evidence-based **principals and promising practices**' and ~~'cost effective'~~ as determined and measured by some rational set of common definitions and standards yet to be developed."

Ms. Burrell suggested that item 4 be edited as follows, "...should recognize and integrate the **brain** science of adolescent..."

Ms. McBrayer added that item 10 be edited as follows, "...system personnel and professionals who contact, serve, **educate**, house and supervise youth."

Ms. McBrayer then made a motion that the above changes be approved along with the replacement of item 8 with some language around hearing from and recognizing the youth voice.

The Chairman entertained Ms. McBrayer's motion. Mr. Bell seconded the motion. The motion carried without opposition. (1:44pm)

Action Item: Edit the development principles as moved.

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Mr. Bell motioned that the JJSC should have the opportunity to report their findings to the full BSCC at an appropriate time to be determined. Ms. Faer seconded the motion. Mr. Bell's motion carried without opposition. (1:45pm)

The committee then deliberated on presentation styles for the future presentation to the BSCC.

Agenda Item G

P.R.E.A. - Prison Rape Elimination Act (1:50pm)

Mr. Brian Johnson presented on PREA to further educate the Committee on PREA's requirements applicable to California's juvenile facilities, the standards, inspections and enforcement thereof, as well as BSCC mandates. Mr. Johnson posed the question from a facility management framework: Is it more cost effective to be PREA compliant or to endure the 5% federal funding cut and a possible lawsuit for being out of compliance? Mr. Johnson posed the idea of incorporating PREA standards into the BSCC Title 15 to the Committee. Ms. Allison Ganter spoke on behalf of the BSCC's Facilities Standards Operations Division as to the pros and cons of having BSCC Field Reps checking PREA certification. **(2:16pm)**

Agenda Item H

Future Agenda Items (2:17pm)

Pepper Spray and Juveniles

Chairman Steinhart then directed the Committee's attention towards the regulation and use of pepper spray on Juvenile detainees. Ms. McBrayer began the discussion and questions were raised so far as Title 15's evidence based standards. The standard only states that any given facility must have a policy on the subject of the use of pepper spray on juveniles, but doesn't define any scope of said policy.

Action Item: Develop and define the Committee's best use and practices for the use of pepperspray on juveniles.

Defining the Terms of AB1050

Ms. McBrayer asked that the committee be included in defining the data terms of AB1050 as it relates to juveniles and that this item should be included in the next meeting's agenda. **(2:27pm)**

She also commented that the Committee's meetings need to be longer in order to accomplish the goals of the Committee. **(2:28pm)**

Agenda Item I

Public Comment (2:28pm)

Mr. Brian Goldstein, a policy analyst with the Center on Juvenile and Criminal Justice thanked the JJSC for their efforts in the area of data collection. His Center is still waiting on 2012 data. He also asked the Committee to give great thought in regards to how they operate Mr. Bell's motion to present their findings to the BSCC, as well as what requests the JJSC derives from that data.

Agenda Item J

Adjournment (2:32pm)

Chair Steinhart adjourned the meeting at 2:32 p.m.

Staff Attendance Roster

Kathleen Howard, Executive Director, BSCC
Shalinee Hunter, Field Representative, CPP
Helene Zentner, Field Representative, CPP
Alison Ganter, Field Representative, FSO

Jean Scott, Deputy Director, CPP
Kimberly Bushard, Field Representative, CPP
Veronica Silva-Ramirez, Divisional Secretary, CPP
Nathan Cusick, Divisional Secretary, FSO