

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, SEPTEMBER 6, 2018

Meeting Held At:
Sheraton San Diego Hotel & Marina, Bay View Tower
Bel Aire Ballroom
1590 Harbor Island Drive
San Diego, California 92101

I. Call to Order

Chair Linda Penner called the meeting to order at 10:03 AM.

Chair Penner welcomed the Board Members and the public to the meeting.

Board Secretary Adam Lwin called roll and announced there was a quorum.

The following members were in attendance:

Ms. Penner	Mr. Diaz	Mr. Powers
Mr. Growdon	Mr. Gore	Mr. Varela
Mr. Baranco	Mr. Bejarano	Mr. Budnick (Arrived at 10:27 AM)

ABSENT BOARD MEMBERS

Ms. Perez, Ms. Tournour, Mr. Steinhart and Mr. Ertola

II. Information Items

1. Chair's Report

Chair Penner introduced the new Board Members, Judge Gordon Baranco (Retired) of Alameda County, Acting Secretary Ralph Diaz of CDCR, and Sheriff Bill Gore of San Diego.

Chair Penner administered the Oath to the three new Board Members.

Penner thanked the departing Board Members: Chief Michelle Scray-Brown of San Bernardino County, Sheriff Geoff Dean of Ventura County, and Secretary Scott Kernan from CDCR, for their outstanding work as Board Members.

Chair Penner thanked Jeff Goldman, President, and Michelle Nesbitt, Executive Director, of the California Probation, Parole and Correctional Association (CPPCA) for hosting the Board Meeting at their 87th Annual Training Conference.

Mr. Goldman and Ms. Nesbitt provided background on the CPPCA and information on the Standards and Training in Corrections certified courses being provided at the conference.

Chair Penner reported on her visits to the Proposition 47 program in San Diego and the RSAT program in Riverside.

2. Executive Director Report

Executive Director Kathleen Howard Reported on the following:

- The 2018-19 RSAT federal funding has not been released but the Board was advised by the Bureau of Justice Assistance that the 2018-19 award will be \$2.158 million. This is an approximate increase of 45% over the 2017-18 award of \$977,932. Upon receipt, this increase will allow the BSCC to fully fund Santa Cruz County. At the July Meeting the Board voted to fully fund the partially funded Santa Cruz County Sheriff's Office if the BSCC receives a sufficient increase in the 2018-19 federal RSAT award. The county requested \$314,000 and was partially funded at \$106,574. Upon release of the 2018/19 federal funds the Santa Cruz RSAT project will receive an additional \$207,426. Staff will come back to the Board later with recommendations for the remaining funds.
- The BSCC received more than 60 statements of interest in the Youth Reinvest Grant ESC and staff are currently working with the Co-Chairs to develop the ESC membership. Staff is also in the planning stages to execute a contract with a state college or university for the evaluation component of the grant program.
- As of August 31, the BSCC had received 15 statements of interest for the Adult Reentry Grant ESC and have extended the time frame in which individuals can express interest.
- On August 28, 2018 the Governor appointed two new members to the State Advisory Committee on Juvenile Justice Delinquency Program (SACJJDP). We are now fully compliant with Juvenile Justice and Delinquency Prevention Act membership requirements.
 - Vanessa Emily Najjar Marquez is the new youth member. She is a full-time student at Sacramento City College working on the Puente Project as a Peer Mentor assisting disadvantaged students in the transition from high school to college.

- The second new member is Amika Mota Sergeev. She is the Prison Reentry Director at the Young Women’s Freedom Center in San Francisco, where she provides services for system-involved and incarcerated young women and girls preparing for reentry into the community.
- SACJJDP met on August 22, 2018 and approved Chair Rios and SACJJDP member Chief Brown to co-chair the ESC that will develop the RFP to implement the new State Plan grant programs (Title II and Tribal). SACJJDP also delegated authority for staff to work with the Co-Chairs to develop an ESC, and a recruitment for statements of interest is currently posted on the BSCC’s website.

3. Legislative Update Report (Presented by Executive Director Howard):

Legislative Board Report in Board binders.

4. Legal Update:

None to report.

III. Action: Consent Items

A. Minutes from the July 12, 2018 Board Meeting: Requesting Approval

Mr. Bejarano moved approval. Mr. Varela seconded. Mr. Diaz, Mr. Gore, and Mr. Baranco abstained. The motion carried. Mr. Budnick was absent during this vote.

IV. Discussion Items

B. Proposed 2019 Board of State and Community Corrections Meeting Schedule: Requesting Approval

Executive Director Howard presented this item which requested the adoption of the 2019 Board of State and Community Corrections meeting schedule:

Thursday	January 17, 2019	Sacramento County	10:00 a.m.
Thursday	April 11, 2019	Alameda County	10:00 a.m.
Thursday	June 13, 2019	Sacramento County	10:00 a.m.
Thursday	July 11, 2019	Sacramento County – If Needed	10:00 a.m.
Thursday	September 12, 2019	Los Angeles County	10:00 a.m.

Thursday	November 14, 2019	Sacramento County	10:00 a.m.
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Mr. Gore moved approval. Mr. Budnick seconded. The motion carried.

C. Proposition 47 Updates:

No Cost Extensions: Requesting Approval

Field Representative Ricardo Goodridge presented this agenda item which requested the Board’s approval of a no-cost, 12-month extension for current Proposition 47 grantees. The extension would allow current grantees additional time to run their programs to account for time-consuming startup activities that delayed the initiation of service delivery.

Some of the Proposition 47 grantees are providing services, but the startup activities for all grantees proved time-consuming. As a result, very few, if any, Prop 47 grantees will exhaust their funding by the end of the current grant cycle. Providing a no-cost, 12-month extension until August 2021 will allow current grantees additional time to deliver services and would help offset the startup activities that delayed the initiation of service delivery.

Mr. Budnick moved approval. Mr. Growdon seconded. Mr. Gore recused himself and left the room pursuant to government Code Section 1091. The motion carried.

Presentation on San Diego County Proposition 47 Grant Program: Information Only

Dorothy Thrush, County of San Diego, Public Safety Group; John Hemmerling Assistant City Attorney, Criminal & Community Justice Divisions; Angela Law, City of San Diego, Office of the City Attorney; and Sandy Keaton San Diego Association of Governments, Criminal Justice Research Division presented this agenda item.

The County of San Diego has joined with the City of San Diego, Office of the City Attorney to develop three programs which included:

- Central Region Strengthening lives through Treatment and Holistic Services (StrengTHS)
- Northern Region Recover for Life, and
- San Diego Misdemeanants At-Risk Track (S.M.A.R.T).

These programs provide substance-use disorder treatment, housing-related assistance, and community-based supportive services. San Diego was awarded \$6 million and leveraged \$6.5 million from other sources from the Proposition 47 grant.

Some of the guiding principles for the Proposition 47 Grant in San Diego include:

- Value community partnerships and collaborations
- Culturally competent services for restorative justice
- Defining target populations especially those underserved
- Identify and address known barriers
- Prioritize client focused/centered holistic programs
- Include community-based organizations with diverse staffing which includes system-impacted individuals

Intake characteristics included 75% unemployed. 58% diagnosed with a mental disorder. 33% of those less than a high school-level education.

The San Diego Proposition 47 program is working with local law enforcement, community based partners, and the client to ensure successful reintegration into the community with the goal of reducing recidivism.

Mr. Growdon and Mr. Varela commended San Diego County for their work with the Proposition 47 grant.

Chair Penner stated that the program in San Diego is doing great work with Proposition 47 funds.

D. Proposition 47 Request for Proposals Development Process for 2019-2021: Requesting Approval

Prior to the presentation on this Board item, Mr. Varela, Mr. Budnick, and Mr. Bejerano recused themselves from the discussion citing potential remote interests (Gov. Code, § 1091) in the Proposition 47 grant process. However, these recusals resulted in the Board lacking a quorum to proceed with the discussion. General Counsel Maguire invoked the rule of necessity citing the Board's mandatory obligation to operate the Proposition 47 grant program. Through random drawing, Mr. Budnick was selected to return to the discussion in order to maintain the quorum.

Field Representative Ricardo Goodridge presented this agenda item, which requested the Board's approval for the development process for the second round of Proposition 47 awards. The staff report and recommendations included the following key components:

1. A process to make minor and technical edits to the Round 1 Proposition 47 RFP and seek public comment. The Board would review and approve the revised RFP at a future meeting;
2. An increase in the grant cycle duration from 38 months to 45 months to account for start-up and recidivism measurement;
3. Using two years of Proposition 47 savings deposits for Cohort 2;
4. A requirement that eligibility for Cohort 2 funding be limited to new lead public agency applicants;

5. Convene a scoring committee to read and rate new proposals.

Public Comments were heard for Agenda Item E:

Dominique Nong (Children’s Defense Fund): Suggested that the former Proposition 47 ESC be involved in the decisions regarding proposed changes to the RFP before submission to the Board.

Brian Goldstein (Center on Juvenile and Criminal Justice): Suggested that the former Proposition 47 ESC be involved in the process of developing proposed changes to the RFP.

End of Public Comment

After a lengthy discussion about applicant eligibility, the Board approved staff to:

- release for public comment the initial Proposition 47 RFP with suggested technical amendments, including changes to the grant cycle and two years of funding
- Convene a scoring committee for the sole purpose of scoring proposals and developing award recommendations.

The Board also directed staff to seek public comment on whether cohort 1 grantees should be eligible for the next round of funding or whether eligibility should be limited to those jurisdictions that are not already grantees. This was in response to Board Member discussion about the various pros and cons of each option. Staff was directed to bring the public comment responses to the Board at the November Board meeting.

Following the discussion, Mr. Budnick moved approval. Mr. Powers seconded. The motion carried.

The Board recessed at 11:40 AM

The Board resumed at 11:46 AM

E. Juvenile Titles 15 & 24 Regulation Revisions, Final Approval, and Permission to Submit to Office of Administrative Law: **Requesting Approval**

Deputy Director Allison Ganter presented this agenda item, which requested the Board approve the final proposed regulations and the Final Statement of Reasons and direct staff to submit the final rulemaking documents according to APA.

The Board of State and Community Corrections is authorized to develop regulations for the operation and design of local juvenile detention facilities under Welfare and Institutions Code sections 210 and 885.

At its February 2018 meeting, the BSCC Board approved proposed regulation revisions and directed BSCC staff to complete a 45-day public comment period in accordance with the Administrative Procedures Act (APA).

BSCC staff has complied with the APA requirements and seeks approval to submit the final Title 15 rulemaking documents to the Office of Administrative Law for adoption.

Chair Penner read a statement from Mr. David Steinhart.

Mr. Steinhart stated that the new juvenile facility standards are modernized in key areas, including programming, education, health and mental health, nutrition and conditions of confinement, among others. The new set of standards is more sensitive and responsive to special needs populations including LGBTQ and undocumented youth and youth with mental health issues. Mr. Steinhart, in his statement thanked Allison Ganter and the BSCC staff who worked on this revision.

Mr. Budnick moved approval. Mr. Baranco seconded. The motion carried.

F. Senate Bill 1022, (Local Criminal Justice Facilities) Madera County Requesting Scope Change: **Requesting Approval**

Deputy Director John Prince presented this item, which requested the Board's approval of Madera County's request for a scope change. County officials requested the change after conducting a needs assessment that included updated, smaller population projections and the impacts of Propositions 47 and 57, which identified new goals and inmate treatment needs.

Public comment was heard for agenda item F:

Michael Gonzalez, (Madera County Department of Corrections): Requested the Board for approval of the change of scope for Madera County SB 1022 project.

End of Public Comment

Mr. Growdon moved approval. Mr. Gore seconded. The motion carried.

V. Public Comments

Sylvia Castillo (Women Organizing Reentering Communities of Color – Proposition 47): Requested supporting data on statewide gender and ethnicity on Proposition 47.

VI. Closed Session- (Gov. Code, § 11126, subd. (e)(2)(B) & (C).):

- State of California v. Sessions, Case No. 17-cv-4701 (Byrne/JAG Litigation). (Gov. Code, § 11126, subd. (e)(2)(B) & (C).)
- Discussion and Decision on Whether to Initiate Litigation (one matter). (Gov. Code, § 11126, subd. (e)(2)(C).)

The Board met in closed session. The Board took no action on this item.

VII. Adjourn

The meeting adjourned at: 12:56 PM

Next Meeting:

- ❖ BSCC Board Meeting: Thursday, November 8, 2018 (Sacramento)

ROSTER OF PERSONS IN ATTENDANCE

BSCC BOARD MEMBERS:

Chair Penner, Chair, Board of State and Community Corrections
Mr. Diaz, Acting Secretary, California Department of Corrections and Rehabilitation
Mr. Powers, Director, Adult Parole Operations, CDCR
Mr. Growdon, Sheriff, Lassen County Sheriff
Mr. Gore, Sheriff, San Diego County Sheriff
Mr. Varela, Chief Probation Officer, Ventura County
Mr. Baranco, Retired Judge, Alameda County
Mr. Bejarano, Retired Chief of Police, City of Chula Vista
Mr. Budnick, Film Producer and Founder of the Anti-Recidivism Coalition

BSCC STAFF:

Kathleen T. Howard, Executive Director
Tracie Cone, Communications Director
Aaron Maguire, General Counsel
Mary Jolls, Deputy Director, Corrections Planning and Grant Programs
John W. Prince, Deputy Director, County Facilities Construction
Allison Ganter, Deputy Director, Facilities Standards and Operations
Evonne Garner, Deputy Director, Standards and Training for Corrections
Adam Lwin, Associate Governmental Program Analyst
Ricardo Goodridge, Field Representative, Corrections Planning and Grant Programs