

**MINUTES**  
**State Advisory Committee on Juvenile Justice and Delinquency Prevention**

Board of State and Community Corrections  
2590 Venture Oaks Way, Sacramento, CA 95833  
September 9, 2015  
10:00 a.m. – 1:00 p.m.

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The State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) meeting was called to order at 10:03 a.m. by Sandra McBrayer.

The following Committee members were in attendance:

Ms. Sandra McBrayer, Chair	Ms. Susan Harbert	Ms. Michelle Brown
Mr. Winston Peters	Ms. Carol Biondi	
Honorable Brian Back	Mr. James Anderson	

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**Agenda Item A**

**Approval of the SACJJDP Meeting Minutes**

Before approval of the last meeting minutes, Chair Sandra McBrayer requested that an update on expenditures of the community recidivism reduction grants be provided at the next meeting. There is new funding coming available for a second year so the committee would like to see the status of last year's funding. Chair McBrayer stated that some counties have not spent their first round of funding so before a second round of funding is distributed a status check on the current funding is needed.

SACJJDP Chair McBrayer requested a motion to approve the July 16, 2015 meeting minutes.

***Judge Back so moved. Winston Peters seconded. None abstained or opposed. Approved.***

**Agenda Item B**

**Chair and BSCC Updates**

1. SB 124

Chair McBrayer stated that SB 124, a bill that limits solitary confinement, did not pass this year but could still be enacted during the second year of the session. Solitary confinement was addressed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the Georgetown training where it was stated that solitary confinement needs to be addressed for the mental and physical health of juveniles.

2. AB 2276

AB 2276 ensures that juveniles exiting the juvenile justice system have immediate enrollment in their home school and cannot be denied entry. BSCC is participating on a workgroup with the Department of Education in an effort to ensure kids released are put into a school that is appropriate for them. The bill requires probation to have a plan for the juveniles once they leave probation, including a timeline for entry into school. The Department of Education will develop best practices for County Offices of Education, probation, and schools to ensure that all parties understand the requirements and collaboration that has to take place.

### 3. Strengthening Law Enforcement and Community Relations Grant and Data Collection:

The Strengthening Law Enforcement and Community Relations \$6 million grant will have an Executive Steering Committee chosen following a period of time when the public can indicate interest in ESC participation through the BSCC's website. The Board will be asked to approve a Chair at its September 17, 2015 meeting. Awards for the competitive grant process will occur by June of 2016. Chair McBrayer requested an email notifying her when the online request to indicate interest in being on the ESC is available for this grant. The SACJJDP would like to distribute the online request so it reaches a broader range of potential participants. Chair McBrayer listed some potential ESC members.

### 4. Local Law Enforcement Funding

BSCC Executive Director Kathleen Howard stated that the \$20 million going to local law enforcement agencies is contingent upon an agreement that they report to the BSCC use-of-force incidents resulting in hospitalization or death. The BSCC will be providing FAQs on the data being requested and a form with instructions.

### 5. Juvenile Justice Data Working Group (JJDWG):

For YOBG, BSCC Deputy Director Mary Jolls, stated that BSCC is asking counties to report on expenditures but not outcomes this year. It is anticipated that changes will occur prior to the next reporting cycle to modify the statute on what data must be reported. Ms. Howard stated that the BSCC is working with the Governor's Office and the Chief Probation Officers of California (CPOC) to develop recommendations going to the Legislature regarding what YOBG and JJCPA reporting requirements should be in the future. Chair McBrayer stated that the JJDWG wrote a report recommending revised data collection requirements; she expressed concern that changes were made to those recommendations without input from, or notification to, the JJDWG. Ms. Howard noted that the JJDWG made a recommendation to the BSCC Board and that the Board took those recommendations under consideration. In subsequent discussions with the Governor's Office and the Department of Finance, it was agreed that reporting requirements must be consistent with Proposition 30, including no increase in county workload, and that the reporting should be useful to the field. Carol Biondi stated that the data recommended by the JJDWG would be useful to the juvenile justice field and across jurisdictions. She went on to say that the governor's office can be shown that outcome data is important. Ms. Howard noted that the next JJDWG meeting is October 5, 2015, providing a forum for further discussion.

Ms. Jolls stated that the JJDWG will also prepare a report to the Legislature on ways to improve and update the statewide juvenile justice data collection system. At its most recent meeting, the JJDWG considered ways to collect recidivism data and wellness measures, and discussed how counties can assess information, and how data systems can be integrated.

In other updates, Ms. Howard shared that two new members were just appointed to the Board – Police Chief David Bejarano and County Supervisor Leticia Perez.

### 6. Prior Tribal Grants

Ms. Jolls stated that for the four-year period of 2011-2014, there were two recipients of Tribal Youth Grants – the Tule River Tribe and the Yurok Tribe. Each Tribe was given \$480,000 to use over four years. The overall purpose of the Yurok Tribe's grant was to alleviate residual effects of historical trauma and community environmental factors that affect the wellbeing of Yurok youth at risk of being involved in the Juvenile Justice System. Similarly, the Tule River Tribe's overall grant purpose was to

support delinquency prevention and intervention programs by providing direct service to at-risk and system involved youth. Both tribes served up to 50 youth a year and met their goals through youth projects and programs.

Chair McBrayer stated that the SACJJDP sets aside additional funds from Title II to support tribes. Currently, \$120,000 is set aside yearly for each Tribal Youth Grant.

## **Agenda Item C**

## **Title II Formula & Tribal Youth Grant Programs**

### **1. Funding Recommendations**

BSCC Staff Helene Zentner updated the committee on the new Title II Grant. An ESC was formed for Title II with the Co-chairs being Judge Brian Back and Chief Probation Officer Michael Ertola. The ESC earmarked \$3 million in Title II funds for Racial and Ethnic Disparity efforts (R.E.D.), Evidence Based Practices (EBP), and towards positive outcomes for youth and their families/communities by supporting efforts to develop services and policies within counties. The Title II application had eight program purpose areas (including the American Indian Programs purpose area). Two RFP's went out: one for Title II and one for Tribal Youth grants. The ESC reviewed 20 proposals - requesting a total of \$5 million - from 13 large counties, three (3) medium counties, two (2) small counties, and two (2) Tribes. Recommended proposals for grant funding are: Two tribal applicants (Shingle Springs Rancheria in El Dorado County and Mechoopda Indian Tribe in Butte County) at \$120,000 each, two small county applicants (El Dorado and Shasta County Probation Departments) at almost \$150,000 each, three medium county applicants (City of Watsonville Police Department, Restorative Resources in Sonoma County, and Santa Cruz County Probation Department) at approximately \$225,000 each, and four large county applicants (Centinela Youth Services in Los Angeles County, South Bay Community Services in San Diego County, North County Lifeline in San Diego County, and Fresno County Probation Department) at approximately \$300,000 each. There was a \$600,000 balance in Title II funding after applicants in the tribal, small county, and medium county categories were identified and fully funded for their requested amounts. The second part of the item recommendation is to redirect the balance of funds from the set-aside categories to the large county category and fund additional projects based on ranked order. On September 17, 2015, the Board will be provided the recommendations from this group and will make the final funding decision.<sup>1</sup>

SACJJDP Chair McBrayer requested a motion approving the ESC's Title II funding recommendations.

***Michelle Brown so moved. Carol Biondi seconded. Judge Back abstained. Approved.***

### **2. Lesson Learned in the Process**

Chair Sandra McBrayer and Judge Brian Back were both involved in the reading and rating of Title II proposals over the past couple of months. As a result of that experience, both members had recommendations for improving the process. Chair McBrayer suggested that the minimum score for a proposal to be funded should be 70% rather than 50% since 50% is analogous to an "F." She conveyed a concern that not all raters have an understanding of EBP or R.E.D. and recommended intensive training on EBP and R.E.D. so readers and raters understand how an application needs to incorporate these areas. Chair McBrayer expressed a desire to ensure that proposals are not funded if they are not based on the required criteria and that the ESC Chair take a stronger role in ensuring

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<sup>1</sup> Although this information was presented to the SACJJDP on September 9, 2015, additional funding updates were made to the BSCC Board agenda item on September 17, 2015 due to an error in county-size categorization. Changes in funding recommendations to the Board were minimal.

the RFP criteria is applied.

BSCC Staff Helene Zentner stated that all content with a score value needs to be scored by the raters, while staff perform technical reviews only. Helene suggested that BSCC staff can provide more intensive training of raters on how to score factors within applications. Michelle Brown noted that some proposals are ranked high simply because they are well written, while other less well written proposals are not funded even though the need is as high or higher.

Chair McBrayer summarized the discussion as follows:

All rating teams should include some members who have prior experience rating proposals,  
ESC members should be trained in assessing/scoring proposals for inclusion of RED and EBP,  
A minimum score of 70% should be required for any program to be funded, and  
Sustainability requirements should be removed.

## **Agenda Item D**

### **Reducing Racial and Ethnic Disparity Subcommittee**

Chair McBrayer noted that the RED Subcommittee will meet in October and will make a recommendation related to the Strengthening Law Enforcement and Community Relations ESC. In response to a question from Carol Biondi, Ms. McBrayer also noted that an ESC Chair will be selected at the September 17<sup>th</sup> Board meeting and the application process will open sometime thereafter.

#### **1. Georgetown and BSCC Training**

Chair McBrayer reminded the committee that she, along with Judge Back and BSCC staff members Shaline Hunter, Mary Jolls, and Colleen Curtin, recently attended training at Georgetown where they were provided a wealth of information on R.E.D. She noted that the training invited internal reflection on how BSCC can support counties in reducing racial and ethnic disparities. This is consistent with the current focus at the federal level to have states increase their support of counties. The BSCC's capstone project will focus on (1) ensuring all BSCC staff are trained in RED and (2) conducting a survey internally with managers to determine their role in supporting RED. Carol asked about revision of the Title 15 juvenile regulations which led to a request from the committee to invite Allison Ganter, Deputy Director of the Facility Operations & Standards Division, to provide an update at the next SACJJDP meeting.

Judge Back shared that he obtained information on family engagement that he was able to immediately put to use upon his return. Chair McBrayer added that she was compelled by the family engagement information to look at how visitation is handled in her own community and consider ways it could be improved locally as well as statewide.

## **Agenda Item E**

### **Review of Proposed Legislation**

In relation to AB 80, Ms. McBrayer stated that the SACJJDP made a recommendation for one of its committee members or an R.E.D. committee member to serve on the state interagency team, but noted that had not happened. She further noted that AB 217 has been chaptered and is moving forward, and that AB 891 is in the suspense file and is now a two-year bill.

BSCC Deputy Director Mary Jolls pointed out that AB 1056 was amended to give the BSCC greater discretion to pick ESC members within the parameters provided for subject matter expertise. This drew a question from Sandra McBrayer regarding how it is decided who will serve on the ESC. Ms.

Jolls explained that BSCC Staff will recommend ESC membership based on the specific needs for each ESC and then seek BSCC Board approval. Chair McBrayer requested that the SACJJDP be notified when the opportunity to express interest in sitting on the ESC for Strengthening Law Enforcement & Community Relations and Proposition 47 are made available.

BSCC Staff Kimberly Bushard pointed out that SB 382 was enacted and has the effect of modifying the criteria for fitness hearings. That led to a conversation about juvenile offenders whose cases are filed directly in adult court. The committee agreed this is an area that should be studied. Chair McBrayer offered that the SACJJDP can share best practices with counties.

## **Agenda Item G**

### **Discussion regarding SACJJDP Priorities and Next Steps**

Noting that the committee has access to funding through Title II, Chair McBrayer stated that a series of studies would help in understanding juvenile justice issues and needs and would be consistent with the approach taken in other states as Judge Timberlake discussed at the last meeting. Should the committee conduct a review of other states, a best practices initiative could be developed. As part of that effort, Chair McBrayer noted that BSCC staff would need to be trained on how to use this information to assist counties. The newly established “Youth Matters” area of BSCC’s website could be used to facilitate information sharing with both staff and counties.

## **Agenda Item F**

### **Pepper Spray**

Judge Back suggested that a survey be conducted to gather information regarding county use of pepper spray, noting that “best interest of the child” is the legal standard required for decisions regarding juvenile placements and programming. He reminded the committee that data exist to demonstrate the impact on youth of isolation, pepper spray, direct files, and family visitation. James Anderson and Carol Biondi expressed their agreement that pepper spray is an area of concern and Ms. Biondi added that the US DOJ has a big concern with pepper spray.

In summarizing the discussions relative to this and the prior agenda item, Chair McBrayer identified several priorities for the SACJJDP to work on, including:

1. Conducting studies on topics such as mental health issues, direct files and pepper spray,
2. Identifying for counties those best practices the federal government is supporting,
3. Surveying counties regarding what is happening with pepper spray, and
4. Surveying counties regarding what happens to cases after they are direct filed.

Michelle Brown stated that there need to be audits done on the use of pepper spray in camps and detention centers with particular emphasis on pepper spray use on kids that have mental health needs. Chair McBrayer stated that as the SACJJDP they can help counties assist juveniles with mental illness and they can go to the Office of Juvenile Justice & Delinquency Prevention (OJDDP) for assistance on how to tackle issues such as direct files, mental health issues, and pepper spray problems. The SACJJDP can survey counties on these areas to see what the needs are and then provide best practices information based on what is provided through OJJDP. Helene suggested the SACJJDP may want to work with the Council on Mentally Ill Offenders as they look at mental health issues.

**Agenda Item G****Future Agenda Items**

In the little time remaining, Ms. McBrayer recounted the action steps agreed upon during the meeting:

1. Helene will send a synopsis of the Title II grantee recommendations
2. Helene will send Judge Back's recommendations for the RFP process
3. Allison will come and speak on Title 15 Regulations
4. Staff will come to the next meeting to review the ESC process
5. The dates for next year's SACJJDP meetings will be sent out

**Adjournment**

The September 9, 2015 SACJJDP meeting was adjourned at 12:55 p.m.

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**BSCC Staff Attendance Roster**

Kathleen Howard, Executive Director  
Mary Jolls, Deputy Director, CPP  
Kimberly Bushard, Field Representative, CPP  
Helene Zentner, Field Representative, CPP  
Corey Kai, Research Specialist, Administration  
Rakesh Sharma, AGPA, CPP