

**MINUTES
Juvenile Justice Standing Committee
July 15, 2014**

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

Chair Steinhart called to order the Juvenile Justice Standing Committee (JJSC) meeting at 10:15 a.m.

The following Committee members were in attendance:

Mr. David Steinhart, Chair
Ms. Denise Herz
Mr. Julio Marcial

Ms. Sue Burrell
Mr. Gerry Lopez

Ms. Charity Chandler
Ms. Sandra McBrayer

Agenda Item A

Welcome and Introductions

Chair Steinhart opened the meeting, welcoming all those who were present, and then began the meeting by introducing the Committee members and Board of State and Community Corrections (BSCC) staff members. Chair Steinhart updated the Committee on the promising outlook on the horizon for juvenile justice. He also discussed how frequently the Committee should be meeting.

Agenda Item B

Approval of the February 13, 2014 Meeting Minutes

Ms. McBrayer made a motion to approve the minutes for the February 13, 2014 JJSC meeting. Chair Steinhart seconded the motion. The motion carried without opposition.

Agenda Item C

Staff and Chair Updates

Chair Steinhart began this agenda item by reintroducing BSCC Deputy Director Allison Ganter, who updated the JJSC on BSCC staff changes, a new BSCC website (which has a new report on partnerships within community corrections), and made mention of the results of Assembly Bill (AB) 1050 as it relates to defining the term "recidivism." She cited that the AB1050 definition does not apply to juveniles.

Chair Steinhart then updated the JJSC on business at the BSCC Board. This included his reappointment to the Board; the resignation of Board member Sheriff Leroy Baca, who has since been replaced; and that Chief Probation Officer Adele Arnold has left the BSCC Board.

Ms. McBrayer then updated the JJSC on this year's legislative session as it pertains to juvenile justice. She mentioned state legislation that made it illegal for counties to hold minors in contempt of court for school truancy.

Ms. Burrell then updated the JJSC, noting that this year juvenile justice was moving from a defensive position to presenting affirmative ideas. Ms. Burrell cited Senate Bill (SB) 1296, which closed a loop that has existed for 25 years. She also spoke about a number of bills regarding collateral consequences for youth in the juvenile system, which shows promise for this pivotal moment in the juvenile justice arena.

Mr. Marcial echoed Ms. McBrayer and Ms. Burrell. He stated hope for the opportunities within juvenile justice. He stated that it is no longer simply about awareness, actual action being taken. He also stated that he has been working with Los Angeles County's SB81 project for a few years now, and noted that it is pretty amazing to see all the transformation taking place, including interagency collaboration.

Mr. Lopez then addressed the Committee. He stated that trends in his county of Riverside are promising; juvenile arrest rates and incarceration rates are way down. The focus is on now intervention and prevention. His office is currently sponsoring a training symposium for county school districts to focus on chronic absenteeism rather than truancy. He stated that when a youth is successfully prosecuted for truancy, a truancy battle is won, but the war of helping at-risk youth make the most of themselves is lost. He also inquired as to the goal of the Committee and its future direction.

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Ms. Chandler agreed with all Committee members. She stated she is excited to see that truancy prosecution is on a downward trend.

Ms. Herz began her update with information on the research she has been involved in. Specifically, she is finishing a probation outcomes study; this study takes a very deep look at what youth experience while in contact with the juvenile justice system. In many different ways, this report helps to underscore what many believed to be true anecdotally, with actual data points. She also stated there is currently a plethora of data being collected/research being conducted in Los Angeles County that may have far reaching implications.

After these updates, Mr. Lopez asked the Committee, now that the juvenile justice system is shrinking, what is the impact of the number of direct files (pertaining to violent offenses committed by youth) district attorneys are filing statewide. Chair Steinhart replied that the direct files statewide are in a moderate downward trend, primarily because juvenile arrest rates are also decreasing.

Agenda Item D

Juvenile Justice Data Working Group Update

Chair Steinhart began with a brief overview. On June 20, 2014, the budget trailer bill was signed. Included within that bill was the creation of a Juvenile Justice Data Working Group (JJDWG). The JJDWG has been charged to produce a report within a year and a half, identifying changes or upgrades that would improve the capacity utility of juvenile justice caseload and outcome data. This report is to include information on recidivism and other outcome measures. It is also supposed to develop recommendations on the creation of a state-based information clearinghouse that would be web-based and query-based for the public to access. The JJDWG will have the opportunity to investigate the responsibility of the juvenile justice system as it pertains to the monitoring or underwriting education outcomes for children under justice system control. The JJDWG has also been charged with the examination of the reporting requirements for the Youthful Offender Block Grant (YOBG) and the Juvenile Justice Crime Prevention Act (JJCPA), with the goal of streamlining the reporting requirements. The JJDWG's membership had not been formed as of this meeting. Chair Steinhart also noted that the timelines for the reports need to be looked at. The JJSC then discussed including juvenile justice stakeholders with data-intensive backgrounds in the membership of the JJDWG.

BSCC Research Specialist V David Lovell then weighed in on the future of the JJDWG and made mention of the data set in the adult system that is very comparable to what the JJDWG envisions. As such, it could be used as a model for the JJDWG to improve upon. He expressed concern about the reporting deadlines for the JJDWG reports. He also made mention of the counting rules various agencies use in data collection that are not congruent. To some extent, streamlining the reporting requirements may actually assist in verifying counting rules that will allow a reliable and comparable data set. He also mentioned that the BSCC has assigned a staff member to the JJDWG, Research Program Specialist I Corey Kai.

Mr. Goldstein, a policy analyst with the Center on Juvenile and Criminal Justice, provided public comment. He stated he was in favor of the JJDWG, and asked about the advocate role pertaining to the membership of the JJDWG and the possibility of additional members. Chair Steinhart replied that it will need to be looked into, but that there will be "catch-all spots" within the JJDWG membership. He asked Mr. Goldstein to remain in contact with him regarding this.

Ms. Burrell then asked if there were any parts of the JJDWG workload that could be carved off and delegated to possible JJDWG subcommittees; she cited detention profile surveys as an example. Chair Steinhart stated that there will be membership from the JJSC and the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) on the JJDWG. He went on to state that there should be communication from the JJDWG to the other juvenile committees. Ms. Herz stated that JJDWG subcommittees would be beneficial in order to dig deeper into juvenile justice data. She also stated that each subcommittee could be chaired and overseen by JJDWG committee members.

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Ms. McBrayer wanted the JJDWG to keep in mind the economies of scale, capacity, and infrastructure of the various counties within California. She expressed concern in terms of building a system too cumbersome or unusable by its county counterparts.

Citing the need to move forward with the agenda, Chair Steinhart expressed his commitment to be the primary investigator for an ad-hoc JJSC subcommittee. Its membership would consist of Ms. McBrayer, Ms. Burrell, Ms. Herz, and himself. The objective of this subcommittee would be to discuss and focus on the issues explored within this agenda item, including the composition of the JJDWG membership.

Agenda Item E

Education Working Group Update

Chair Steinhart shared Ms. Faer's apology for not being in attendance as the JJSC's education expert. As such, he introduced Ms. Ganter to provide an update on the JJSC's Education Working Group. Ms. Ganter began her update with the membership of the Education Working Group and its discussion from March 2014. This included the need for technical review of the education standards within the juvenile justice system. The BSCC currently relies on county superintendents to provide annual inspections of educational programs. Ms. Ganter shared a rubric developed by Ms. Faer to show how regulations for educational inspections could be approached. Within that rubric was the provision for educational inspection training for BSCC staff. However, the BSCC inspection checklist is currently 16 pages long; including an educational inspection would double the size of this inspection checklist.

Ms. McBrayer stated the responsibility of the Education Working Group is to ensure that the educational attainment of children within juvenile halls is not adequate but excellent; that the Education Working Group was investigating how to support increasing educational attainment of students inside juvenile detention facilities. Currently, legislation dictates that county offices of education provide that service, mitigating county probation offices' ability to act.

Ms. Ganter concurred but cited the shortage of resources within the BSCC to provide educational inspections. After completion of the 2012/2014 facility inspection cycle, the BSCC juvenile inspection team, which is responsible for 124 facilities, had been reduced to one inspector due to retirements and staff changes. Additionally, Ms. Ganter shared that changes have been made to the juvenile regulations prohibiting review being conducted by the principals or on-site staff. Ms. Ganter noted that the BSCC currently relies on environmental experts to assist on environmental inspections and the same could be done for educational inspections. Another possible resource could be subject matter experts on the county level that are not on-site facility staff.

Ms. Herz then pointed out that the collegiate system could provide students within Ph.D. programs to provide these inspection services. In turn, these Ph.D. students would receive training and real-world experience in the field. Ms. Burrell supported the idea of using Ph.D. students; that tapping into the collegiate system would open the door to the possibility of federal Title I, Part D funding. The Committee then deliberated over what needs to happen in order to use Title I, Part D funding for educational inspections. Ms. McBrayer suggested the BSCC should consider following the California Department of Education's action in outreaching to foundations, community-based organizations, and other stakeholders to possibly fund positions and find subject matter experts to perform educational inspections.

Ms. Burrell brought up Ms. Faer's checklist for all of the Title 15 educational program requirements and an appendix of written documents to discern if those requirements are met. Also mentioned was consultant and subject matter expert, Mr. David DiDomenici's, two-page summary on how to tell if quality education is being provided. Ms. Burrell stated that these would be wonderful tools for county juvenile halls to use in grading their educational programs.

MINUTES
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Agenda Item F

Budget and Legislative Update

Chair Steinhart began with information on SB838, which enhances penalties, including sex offender treatment programs for sexting crimes. Ms. Burrell noted that this bill is an excellent reminder that one case can change the landscape of juvenile justice. She went on to state that threats of totally punitive measures like these are still close to surface of the juvenile justice system.

The next bill discussed by the JJSC was SB1038, which proposes automatic dismissals and sealing of juvenile court records. Chair Steinhart expressed concern regarding this bill when it comes to data collection for the JJDWG. This bill would give juvenile offenders, upon reaching adulthood, the ability to check the 'NO' box on employment applications in response to the question about previous convictions.

The next bill discussed by the JJSC was AB2607. Supported and introduced to the JJSC by Chair Steinhart, this bill would set limits on secure juvenile post-dispositional detention.

AB2276 was then discussed. The bill strengthens a minor's rights to public school re-enrollment after having contact with the juvenile justice system. This bill will also provide for the BSCC to co-convene a stakeholder group with the State Department of Education to inquire into a set of issues within juvenile court schools.

Chair Steinhart discussed SB1111. This bill reintroduces last year's SB744, which was vetoed by the governor. This bill would modify the criteria for involuntary enrollment on youth serving probation.

Chair Steinhart addressed SB1054, the Mentally Ill Offender Crime Reduction Grant (MIOCR). This bill would issue \$18 million via the BSCC for the funding of competitive county-level grant programs for the treatment and stabilization of released mentally ill offenders over the next 3 years. The grant will split its funding equally between adult and juvenile programs. Also discussed was the budget item regarding the \$850,000 in planning funds for the California Leadership Academy. The JJSC then discussed leadership changes within the legislature and keeping in contact with elected officials pertinent to the JJSC's scope of work.

Ms. McBrayer and Chair Steinhart then discussed AB1920, a bill that would direct the BSCC to develop incentives for regional partnerships in regard to services for offenders. Mr. Marcial explained to the JJSC that this new alternative financing method is intended to "improve outcomes and lower costs because payment is made only after measured results are achieved." For a better understanding of the bill, he recommended the Committee Google search "Social Impact Funds."

Mr. Lopez returned the JJSC's attention to SB1038 and asked about the exception for prosecutors to determine eligibility under Section 790. More specifically, he asked if there was also an exception to Section 654. Chair Steinhart noted that there were no exceptions.

Ms. Herz brought up an issue with SB1038 as it pertains to data collection. If juvenile records are automatically sealed, no outcome measures can be established. As a follow-up, she also asked about SB466. She asked if the BSCC will be charged with administering the proposed actions within the bill. Chair Steinhart stated that the administering entity will be an independent, university-based research outfit responsible for producing and collecting the data.

Mr. Goldstein, a policy analyst with the Center on Juvenile and Criminal Justice, provided public comment on SB852. He asked if the performance metrics within the bill would be applicable to both adult and juvenile justice. Ms. Ganter and Mr. Lovell responded to the question, stating that its application was currently adult only.

MINUTES
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Agenda Item G

Federal Juvenile Justice Grants and SACJJDP Report

Ms. McBrayer updated the Committee on the request for proposal (RFP) for Evidence-Based Training. Pending Executive Steering Committee (ESC) membership approval by the BSCC Board, the ESC shall issue the grant's \$250,000 in funding in the beginning of 2015. Ms. McBrayer also updated the JJSC on the RFP for the Reducing Racial and Ethnic Disparity grant (R.R.E.D.).

Ms. McBrayer also shared the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) new guidelines for sight and sound separation and jail removal. The OJJDP is calling for the collection and reporting on data for all facilities where juveniles can be held in secure or non-secure detention.

Ms. Ganter informed the JJSC that the BSCC monitors the secure and non-secure detention of minors in accordance with federal and state statutes and regulations.

Agenda Item H

Facilities Update

Reconvening after a brief lunch, Ms. Ganter updated the Committee on the SB81 Round 2 RFP, which will allocate the remaining \$79.2 million for construction financing. This RFP will be released on September 12, 2014, with proposals due to the BSCC by December 19, 2014.

Ms. Ganter then updated the Committee on the BSCC's 2012/2014 biennial inspection cycle. This inspection cycle was approached with specialized inspection teams; BSCC field representative were broken into juvenile, adult, and city inspection teams. This inspection cycle had an expanded pre-inspection briefing process. Inspectors typically look at the facility's policies and procedures, followed by interviews with facility staff and youth. She stated that as a whole there were many positive trends found within the inspection cycle, with isolated incidents of non-compliance. Also noted was that agencies have become more reliant on data, more aware of trauma-informed care, have shown increases in mental health staffing, and have expanded their use of multi-disciplinary teams.

Ms. Ganter then updated the JJSC on Prison Rape Elimination Act (PREA) compliance. She noted that local agencies have made great strides in incorporating PREA standards and meeting PREA compliance, even though there is no sanction or enforcement mechanism for PREA in juvenile detention facilities. She noted that the BSCC has no formal role with PREA, but BSCC staff is doing their best to help county and local agencies incorporate PREA standards into their policies and procedures.

Ms. Burrell restated that as an accrediting agency, the BSCC is obligated to incorporate PREA standards into state regulations. Ms. Ganter responded by stating that PREA standards will be considered during the next adult Title 15 regulation revision, which is scheduled for 2015.

Ms. Ganter then discussed corrective action plans for facilities found in non compliance. She also spoke to the Committee about compliance drifts, which happen when an incremental improvement made to policy or procedure creates a new issue in terms of compliance with regulations.

Mr. Marcial asked Ms. Ganter about post-inspection contact with facilities inspected by the BSCC. Ms. Ganter noted that there is generally post-inspection contact; if an agency is found non-compliant, BSCC inspectors typically return for a follow-up inspection.

Chair Steinhart then reviewed with the JJSC his handout showing the juvenile population reduction in California's correctional system; the data on juvenile populations begs the question, what types of juvenile facilities and program space will be built in the future? After further discussion, Chair Steinhart stated that secure residential facilities will not be eligible through SB81 Round 2 funding, while non-secure, non-residential facilities will be.

MINUTES
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Chair Steinhart then opened the floor to public comment. Mr. Goldstein, a policy analyst with the Center on Juvenile and Criminal Justice, asked if the BSCC will inspect new facilities in reference to RFP applications. More specifically, he asked how the BSCC holds agencies accountable to follow through on programming proposals in prior applications for funding.

Ms. Ganter responded by stating that the BSCC is not charged with the responsibility to inspect for compliance with programs outlined in proposals. In lieu of a formal process, she noted that the assigned BSCC inspector could take a copy of the facility's proposal for funding to the inspection.

Agenda Item I

Open Discussion

Chair Steinhart distributed two handouts to the JJSC and began the open discussion agenda item on the topic of vacancies within the JJSC. There were two membership positions vacant; the police chief seat vacated by Mr. Ron Brown and the judicial seat vacated by Mr. Kurt Kumli. Chair Steinhart discussed possible candidates recommended to the Committee. After which, he stated that in light of Mr. Kumli's medical retirement, the JJSC was looking for the most sensitive way possible to honor and excuse Mr. Kumli from his work with the JJSC. As such, he provided a draft resolution to the JJSC and opened the floor to its adoption.

Ms. McBrayer made a motion to approve the resolution for Mr. Kumli. Chair Steinhart seconded the motion. The motion carried without opposition.

Chair Steinhart directed the JJSC's attention to its priorities for the 2014/2015 fiscal year. He prompted the Committee to review the JJSC Scope of Work adopted by the BSCC Board in November 2012 to see if it was still consistent with the Committee's consensus.

Ms. McBrayer stated that the BSCC Board should allocate a portion of its agenda to pending juvenile justice issues. Ms. Herz agreed that the BSCC Board meeting should have a standing agenda item on juvenile justice and Mr. Marcial concurred. Mr. Marcial also asked that if doing so was a goal of the JJSC, how they get there. The Committee then deliberated about the formatting of the BSCC Board meeting agenda. Afterwards, Mr. Lopez stated that given the nature of the JJSC as an advisory committee, his suggestion would be for the JJSC to advise that the BSCC have a standing agenda item on juvenile justice at their bi-monthly Board meetings. Ms. McBrayer suggested that committee chairs of all juvenile committees serve as representatives to report to the BSCC Board at their meetings. She went on to state that the juvenile committee chairs should convene via teleconference every six weeks to share information and avoid redundancies in efforts and services.

Chair Steinhart then asked the JJSC members to share any substantive issues that the JJSC could address within their scope of work. Ms. Chandler wanted the Committee to look at domestic human trafficking and prostitution of juveniles. Ms. Burrell brought up mental health as it pertains to juveniles and wanted the JJSC to make recommendations on ESC membership for the MIOCR grant to the BSCC. Chair Steinhart suggested JJSC members review the MIOCR grant before recommending people for the ESC, and if a Committee member had names of individuals to consider for MIOCR ESC membership, they should send the contacts' information to Chair Steinhart and Ms. Ganter.

Agenda Item J

Future Agenda Items

Ms. McBrayer asked to make BSCC committee communication channels an agenda item for the earlier part of the next meeting.

Ms. Burrell wanted to investigate tasking BSCC staff more effectively and also wanted to find support staff outside of the BSCC to assist the Committee. The Committee deliberated on the possibility of graduate students or community-based organizations as possible avenues to find such staff. Chair Steinhart mentioned the possibility of private funding for such a staff member.

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Ms. McBrayer then spoke about the 36 possible purpose areas within Title II funding, including topics covered in the current meeting, such as substance abuse, human trafficking, and prostitution. She encouraged the JJSC to seek funding via Title II funding as it moves forward with work in those purpose areas. She then stated that those purpose areas will be taken to the SACJJDP for funding considerations.

Mr. Goldstein, a policy analyst with the Center on Juvenile and Criminal Justice, provided public comment before the JJSC adjourned. He stated he was really impressed by the Committee's presentations at BSCC Board meetings. He also asked how to foster more attendance from juvenile justice stakeholders at JJSC meetings and suggested meeting in different cities within California as a means to that end. Lastly, he requested that BSCC staff post meeting materials earlier for better distribution to the public. It was his feeling that juvenile justice stakeholders would be impressed by the discussions held at these meetings and giving the public more notice would help in boosting meeting attendance.

Chair Steinhart adjourned the meeting at 1:45 p.m.

BSCC Staff Attendance Roster

William Crout, Deputy Director, Corrections Planning and Programs (CPP)
Allison Ganter, Deputy Director, Facilities Standards and Operations (FSO)
David Lovell, Research Specialist V, Administration, Research and Programs
Shaline Hunter, Field Representative, CPP
Helene Zenter, Field Representative, CPP
Nathan Cusick, Division Secretary, FSO