#### MINUTES Juvenile Justice Standing Committee

Board of State and Community Corrections 2590 Venture Oaks Way, Sacramento, CA 95833 March 21, 2018 10:00 a.m. – 12:30 p.m.

The Juvenile Justice Standing Committee (JJSC) meeting was called to order at 10:05 a.m. by Chair David Steinhart.

The following Committee members were in attendance:

Mr. David Steinhart, Chair Ms. Sandra McBrayer Judge Donna Groman Dr. Arash Anoshiravani Ms. Sue Burrell Chief David Bejarano Mr. Gerry Lopez Chief Laura Garnette

### Agenda Item A

# Welcome and Introduction

Chair Steinhart opened with welcoming all in attendance. Introductions were made by members of the committee. Chair Steinhart asked members to provide updates to member profiles to Field Representative Lisa Southwell.

### Agenda Item B

# Approval of the December 2017 Meeting Minutes

Ms. McBrayer motioned to approve minutes. Judge Groman seconded with one amendment: correct Chief Garnette's name and add Chief before her first name. Motion approved.

#### **Public Comment:**

No comments

#### Chair Steinhart opened the floor for member comments on proposed agenda for the day.

Chief Garnette shared the recent media coverage involving San Jose Police Department and the increased arrest of young kids; there appears to be a lack of diversion.

Judge Groman noted the need for a legislative fix for probation to have more discretion for diversion options.

Chief Garnette noted that the removal of deferred entry of judgment (DEJ) screening tool is the result of lack of understanding from higher levels of law enforcement of the codes, requirements, options, DEJ, and adolescent brain development.

Ms. McBrayer suggested that perhaps this is an opportunity for education between the League of CA Cities and California Chiefs of Police.

Chief Garnette encouraged members to review the report that Santa Clara distributed in response to media coverage on arrests and crime. The report highlights a five-year trend tracking the seven most common offenses.

Chair Steinhart stated that this was an important item to bring up in the joint meeting with the SACJJDP.

Mr. Lopez shared that the that there is a growing disillusion among law enforcement and people in the community that the juvenile justice system isn't working, despite the decreases in arrests and detentions. There is a belief that the system is a revolving door and everyone gets diverted or let go. Focusing on recidivism isn't always helpful; there must be a system in which youth can be held accountable in a developmentally appropriate way and learn from past actions.

Mr. Steinhart responded that nationwide, there are backlashes from detention reform. When an incident or rash of crimes threaten to undo reform, we must not get discouraged and be ready to work administratively through policymakers.

Ms. Burrell noted that we need to develop the notion of accountability further; youth should be held accountable, but they don't need to be locked up.

Judge Groman shared a concern that after school shootings, more resource and police officers on school campuses will lead to more arrests and criminalization of youth.

Ms. McBrayer shared hope that the BSCC juvenile committees can be proactive and help create concrete strategies and a workplan that will tackle the misconceptions, data issues, and language. Chief Garnette echoed this sentiment, noting that the committees must be intentional. All stakeholders must be engaged to increase understanding of youth development.

Mr. Bejarano noted that Cal Chiefs have been proactive in last few years by forming working committees to try to come up with next steps; going through Cal Chiefs would be a good way to reach out to every chief in the state.

# Agenda Item C Update on Juvenile Justice Legislation and Budget Proposals

Chair Steinhart provided an update on proposed legislation as outlined in the 3.2.18 Commonweal report.

Governor's Budget Proposal outlines two Division of Juvenile Justice proposals, one to raise the age of retention from 23 to 25, and the young adult pilot program, modeled on SB 1004. Both proposals have broad support. The BSCC will be tasked with monitoring the young adult pilot program in DJJ.

Ms. Ganter provided an update on the SB 1004 transitional age youth pilot program. All but one county is up and running; there are currently 20 youth, statewide, participating. Data collection on programs has just begun, and results will be included in a legislative report. The program is set to sunset in 2020.

SB 1106, introduced this session, will add Ventura County as a participant and extend the program until 2022. Members requested an update and an opportunity to provide feedback at a future meeting.

Mr. Steinhart reported that he is engaged in an effort to persuade the Assembly and Senate Budget subcommittees to adopt language requiring the Department of Justice to produce a plan to replace the DOJ/JCPSS juvenile justice data system, as recommended by Juvenile Justice Data Working Group

Mr. Steinhart reminded members about the recent publication of the AB 1998 report and asked if there was input about how to provide technical assistance in this area. Members of the public have requested that the report be widely distributed. BSCC staff will be placing the report on the BSCC website and distributing where appropriate.

# Agenda Item D Discuss JJSC Workplan, Priorities and Coordination with SACJJDP

Previously identified key issues for coordination between JJSC and SACJJDP committees are:

- diversion
- upgrading JDPS data collection
- assuring cultural fairness and eliminating racial and ethnic disparities
- mental health and competency

With respect to competency, Chief Garnette noted that if a regional center is serving a youth, that young person shouldn't be declared noncompetent. If an adult is declared noncompetent, they will not be placed in jail; however, youth declared noncompetent can end up in detention.

Judge Groman agreed, the determination of noncompetency is very narrow. Ms. Burrell replied that legislation related to restoration of competency was vetoed because of concerns that some kids were dangerous and not remediated within six months. The bill will be reintroduced by CPOC this year; an alternative should be that youth be eligible for conservatorship, which is difficult to achieve for young people.

Ms. McBrayer commented that mental illness and behavioral health are different things and there is a belief that youth have issues that can be resolved.

Dr. Anoshiravani asked the members if the JJSC has recommended supporting restorative justice; members agreed that this is an important practice where youth have an opportunity to repair harm and not be swept into the criminal justice system.

Members discussed the fact that there are law enforcement interventions that seem counterproductive to rehabilitation. Young people with no prior history are getting locked up locking up based on fear.

# JJSC decided to break for lunch before reconvening with SACJJDP for joint meeting.

BSCC staff members in attendance:

Ms. Allison Ganter, Deputy Director Ms. Lisa Southwell, Field Representative Ms. Tameka Shedwin, Associate Governmental Program Analyst