

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
Thursday, September 14, 2017

Meeting Held At: Queen Mary Hotel
Room: Britannia Salon & Deck
1126 Queens Highway, Long Beach, CA 90802

Telephonic Location: 2590 Venture Oaks Way Suite 100 Sacramento, CA 95833

I. Call to Order:

Chair Linda Penner called the meeting to order at: 10:02AM.

Chair Penner introduced Michele Kennedy, President of the California Probation, Parole and Correctional Association (CPPCA) and thanked Ms. Kennedy and CCPCA for hosting the Board meeting.

Ms. Kennedy gave an overview of the CPPCA and gave details of the training provided at the CPPCA conference. Kennedy thanked the Board for joining the CPPCA at the conference.

Chair Penner welcomed Board Members and the public to the meeting and announced that a public telephonic location has been set up at the BSCC Headquarters in Sacramento and shared that Judge Garrett was not able to attend via teleconference.

Board Secretary Maria Rodriguez-Rieger called roll and announced there was a quorum.

The following members were in attendance:

Ms. Penner	Mr. Growdon	Mr. Budnick
Ms. Scray-Brown	Mr. Bejarano	
Ms. Perez	Mr. Dean	
Mr. Steinhart	Mr. Ertola	

ABSENT BOARD MEMBERS

Mr. Kernan, Mr. Powers, Ms. Tournour, and Judge Garrett

II. INFORMATION ITEMS:

1. Chair's Report

None to report

2. Executive Director's Report

Executive Director Kathleen Howard provided updates on the following:

- Offered congratulations to Sheriff Growdon, Chief Ertola, and Francine Tournour on their reappointments to the Board.
- Referred to the consent agenda and presented the proposed Board meeting schedule for 2018.
- Noted the JAG 2017 application was submitted on its due date of August 25, 2017 and is currently posted on the BSCC website for 30 days to receive public comment. The award amount that California applied for is approximately \$17.7 million.
- Reported that the Juvenile Justice Regulation Revision ESC met for two days to discuss the proposed changes to the regulations that are being recommended by the eight workgroups. Howard thanked the co-chairs, Chief Michelle Brown and Mr. David Steinhart, for their leadership, commitment, focus, and dedication throughout the process. The ESC will meet again on November 15, 2017 to review a few outstanding items. Staff has been directed to conduct further legal and operational analysis. Howard acknowledged Allison Ganter and the FSO team for their outstanding work in support of the regulation revisions.

(Mr. Steinhart and Ms. Brown echoed and thanked the staff and those involved in the process).

- Reported that the CalVIP ESC will convene September 28 and 29, 2017 to finalize the RFP to conform to changes in statute. It is anticipated the RFP will go to the Board in November for approval and the award recommendations in April 2018.
- Stated that the RSAT and Proud Parenting ESCs will both begin in November for RFP development with a tentative plan to bring them to the Board in February for approval. Howard said that Board Member Sheriff Growdon is being recommended to chair the RSAT ESC.

- Reported that work continues on a new three-year Title II state plan development. SACJJDP will be hosting its second public input meeting in Los Angeles on September 20, 2017. The first meeting was held in Sacramento in June. On August 31, 2017, the BSCC released a statewide Title II survey to get input from the public.

Howard said that at the previous Board meeting, the final negotiations for the Governor's budget were still in progress. Howard summarized the changes in the 2017-18 budget that affect the BSCC:

- CalGRIP was renamed CalVIP (Violence Intervention and Prevention) Grant Program and funded \$9.215 million, with \$1 million allocated directly to the City of Los Angeles. The significant change is that under this year's funding, grants can be awarded directly to community-based organizations. Other requirements were added, such as a preference to cities or regions that are disproportionately affected by violence. The ESC will be working through the RFP development process with those changes in mind.
- Howard discussed AB 103, the Public Safety trailer bill, and its requirements which:
 - Require any county that receives relinquished funding to provide in-person visitation
 - Require the BSCC to ensure that any local detention facility that provides in-person visitation as of January 1, 2017 maintains the availability of in-person visitation at its facility
 - Require that the BSCC's inspection of local detention facilities addresses components relating to the availability of visitation
 - Require the BSCC to post all reports and notices of findings on its website pertaining to the inspection of a facility that, during the preceding calendar year, was used for confinement for more than 24 hours of any minor
- BSCC will be having an entrance interview with the State Controller's office (SCO) on September 18, 2017 as preface to the biannual audit process required by Proposition 47.
- AB 1998 made numerous changes to the reporting requirements for the Juvenile Justice Crime Prevention Act and the Youthful Offender Block Grant programs. As of May 1, 2017, each county has submitted a plan under these new requirements and those plans are available on the BSCC website. The first round of reporting under the new requirements will be due October 1, 2017. The new, combined reporting format was released to counties on August 28, 2017 and is posted on the BSCC website. A Conference call was hosted on September 6, 2017 to answer county questions.

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

- Updated version up to September 11, 2017.

4. Legal update:

- General Counsel Aaron Maguire said that there will be a legal update during the closed session of the meeting. Maguire reminded the Board that there would be items on the Consent Agenda that may affect counties in which Board Members hold positions. Those affected were directed to recuse themselves from voting and step out of the room.

III. CONSENT ITEMS:

A. Minutes from the June 8, 2017 Board Meeting: Requesting Approval

B. Proposed 2018 Board of State and Community Corrections Meeting Schedule: Requesting Approval

This item requested the adoption of the 2018 Board of State and Community Corrections meeting schedule. This agenda item requested approval for specific dates and planned locations as needed below.

Thursday	February 8, 2018	Sacramento County	10:00 a.m.
Thursday	April 19, 2018	San Bernardino County	10:00 a.m.
Thursday	June 7, 2018	Sacramento County	10:00 a.m.
Thursday	July 12, 2018	Sacramento County – If Needed	10:00 a.m.
Thursday	September 6, 2018	San Diego County	10:00 a.m.
Thursday	November 8, 2018	Sacramento County	10:00 a.m.

C. Proposed Residential Substance Abuse Treatment Program Chair and Executive Steering Committee: Requesting Approval

This agenda item requested approval to establish an Executive Steering Committee (ESC) to oversee the development of a Request for Proposals for the Residential Substance Abuse Treatment Program. This agenda item also requested that the Board: Approve the appointment of Board Member Dean Growdon, Sheriff of Lassen County, as Chair of the ESC; grant the Chair the authority to oversee ESC establishment and the grant development process; delegate authority to the Chair to subsequently modify the ESC membership, if needed.

D. Proud Parenting Grant Program Funding Augmentation for Year Three: Requesting Approval

This agenda item requested approval to augment current Proud Parenting Grant Program grantees contract amounts for the third and final year of funding due to unclaimed reapplication dollars and left over initial funds. This agenda item also requested the Board allow staff to reallocate any funds not accepted by a grantee to the remaining 2017-2018 grantees.

E. Law Enforcement Assisted Diversion Program No-Cost Extension of Grant Period: Requesting Approval

This agenda item requested approval to offer Law Enforcement Assisted Diversion Program grantees an 18 month no-cost time extension to their current grant period to December 31, 2020.

F. Assembly Bill 900 Phase II (Local Jail Construction Financing Program) Siskiyou County Requesting Extension and Site/Scope Change - Project Establishment Extension to May 2018: Requesting Approval

This agenda item requested that the Board approve staff's recommendation to extend Siskiyou County's AB 900 Phase II jail construction project establishment schedule from October 2017 to May 2018 and approve the requested scope change.

G. Senate Bill 844, Financing of Adult Local Criminal Justice Facilities Construction Financing Program, Promulgation of Regulations: Requesting Approval

On June 27, 2016, Senate Bill 844 (SB 844) (Statutes of 2016, Chapter 34) became law, authorizing state lease-revenue bond financing for the acquisition, design, and construction of adult local criminal justice facilities. BSCC staff worked with the SB 844 ESC to make the necessary revisions to Title 15 of the California Code of Regulations to implement SB 844.

This agenda item requested approval of the draft revisions to the regulations to conclude the rulemaking process with the Office of Administrative Law and requested staff to file a Certificate of Compliance to make permanent the regulations enacted during the time the emergency regulations are in effect.

Mr. Ertola moved approval of Consent Items A-G. Mr. Budnick seconded. The motion carried.

IV. DISCUSSION ITEMS:

H. Senate Bill 1022 Adult Local Criminal Justice Facilities Construction Program: Humboldt County Relinquishment and Conditional Awards Authority: **Requesting Approval**

Deputy Director John Prince presented this item: Humboldt County formally relinquished its \$16,586,000 award from SB 1022 Adult Local Criminal Justice Facilities Construction Financing Program. This agenda item requested that the Board acknowledge and accept this relinquishment and approve staff to reallocate the funds to the next counties in rank order within the same county population category.

Public Comment was heard for Item H:

Brian Goldstein (Center on Juvenile and Criminal Justice): Asked for clarification on how the preference criteria affect scoring.

Chair Penner and Director Howard addressed the question and explained that the preference criteria affected how the proposals were ranked, but that they were not required to be met in order for counties to receive funding.

Mr. Dean moved approval. Mr. Bejarano seconded. The motion carried.

I. Board of State and Community Corrections' 2017-2020 Strategic Plan: **Requesting Approval**

Executive Director Kathleen Howard presented this item: This agenda item requests approval of BSCC's 2017-2020 strategic plan and requested the Board approve the revised draft Strategic Plan, including revisions made through the public comment process.

The following Goals along with their respective objectives were discussed:

1. Decision Making (Make decisions fairly, inclusively and transparently)
2. Programs, Training, and Technical Assistance (Support practices and policies shown to reduce recidivism and improve justice system outcomes for individuals and families)
3. Facilities and Alternatives to Incarceration (Maximize successful re-entry and public safety by promoting the effective use of alternatives to incarceration and local corrections facilities)
4. Data Collection and Reporting (Analyze and provide justice system data that inform effective policy and practice decisions)

Mr. Growdon asked that there be more inclusivity in the term *treatment*, rather than just mental health treatment. Mr. Growdon also suggested that the term *best practices* be removed.

Howard said that the Strategic Plan will be revised by staff and will be presented at the

November Board meeting.

Public Comment was heard for Item I:

Dominique Nong (Children’s Defense Fund): Requested more information about the BSCC’s plan for Goal 1: Decision making. Requested Objective 1.2 and Strategy 1.2.4 be clarified.

Erica Webster (Graduate Student): Asked for elaboration on the workplans and its collaboration with mental health treatment.

Brian Goldstein (Center on Juvenile and Criminal Justice): Stated agreement with prior two comments, and noted his belief that the BSCC works best with broad public engagement. Encouraged including community service providers and people with prior justice system involvement in the development of the Strategic Plan. Asked for clarification and more detail to be given to guidelines for the formation of ESCs.

Mr. Steinhart noted that he believes that stakeholder participation in BSCC activities has been very positive, and that broad guidelines should be included in the Strategic Plan.

Ms. Howard added that the goal would be to include enough detail in the strategic plan to reflect the Board’s values and principles, but also to allow flexibility in how the work of the BSCC is carried out on particular projects.

Mr. Ertola moved approval of the revised strategic plan in concept, and requested that staff move forward to work on revisions and bring back to the Board at the November meeting for approval. Mr. Growdon seconded. The motion carried.

J. Adult Title 15 Section 1062, Visiting — Amendments to Conform with Assembly Bill 103 (Chapter 17, Statutes of 2017): Requesting Approval

Deputy Director Allison Ganter presented this item. Pursuant to Penal Code Section 6030, the Board of State and Community Corrections is required to biennially review, and revise if necessary, the Minimum Standards for Local Detention Facilities. At its February 2017 meeting the Board approved draft regulations for visiting in local detention facilities. At its June 2017 meeting the Board approved submittal of those regulations to the Office of Administrative Law. On June 27, the Governor signed Assembly Bill 103 (Chapter 17, Statutes of 2017), which created new requirements for facility visitation. BSCC staff has incorporated those changes into the proposed draft regulations and requested the Board approve the changes. Staff also asked permission to begin a 15-day public comment period to comply with the Administrative Procedure Act process for regulation adoption.

General Counsel Maguire said that with AB 103, future facilities that are funded through relinquishments will be required to have in-person visitation space.

Public Comment was heard for Item J:

Carole Urie (Returning Home Foundation): Stated that the changes still need clarification and discussed the difficulties of video-only visitation.

Mr. Dean moved approval. Mr. Ertola seconded. Mr. Budnick voted no. Mr. Steinhart abstained. The motion carried.

K. Senate Bill 844, Financing of Adult Local Criminal Justice Facilities Construction Financing Program, San Joaquin County - Statement of Decision from Appeals Panel: For Discussion

This agenda item requested adoption of the SB 844 Appeals Panel recommendation. San Joaquin County appealed the Board's June 8, 2017 decision on SB 844, alleging it was unfairly denied preference points based on the County having received only a partial award previously. Specifically, the County argues that "the Executive Steering Committee failed to take into account the intent of the legislature [sic] to provide supplemental funds for those who received only partial awards under SB 1022, before providing funding for those who received no award at all." Additionally, San Joaquin County also suggests that it should have competed in the "medium county" category for SB 844 as it did when SB 1022 awards were made. On July 10, 2017, the three-member Appeals Panel for the Board considered the County's appeal and unanimously recommended that the Board deny the appeal.

Mr. Growdon recused himself during the discussion and vote on this item and left the room (Gov. Code, §1091)

Public Comment was heard for Item K:

Sheriff Steve Moore (San Joaquin County Sheriff): Thanked the Board for the appeal process. Asked the Board to reconsider the appeal and honor San Joaquin's request of \$7.7 million and make a partial award to Contra Costa County.

Mr. Bejarano moved to approve the SB 844 Appeals Panel recommendation. Ms. Brown seconded. The motion carried.

V. Public Comment

There were no further public comments.

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

- State of California v. Sessions, Case No. 17-cv-4701 (Byrne/JAG Litigation)

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

The meeting adjourned at: 11:48 AM

Next meeting:

- ❖ BSCC Board Meeting: Thursday, November 9, 2017 (Sacramento)

ROSTER OF PERSONS IN ATTENDANCE

BSCC Board Members

Chair Penner, Chair, Board of State and Community Corrections
Mr. Growdon, Sheriff, Lassen County Sheriff's Department
Mr. Ertola, Chief Probation Officer, Nevada County Probation
Mr. Bejarano, Retired Chief of Police, City of Chula Vista Police Department
Mr. Dean Sheriff, Venture County Sheriff's Department
Ms. Perez, County Supervisor, Kern County
Ms. Scray-Brown, Chief Probation Officer, San Bernardino County
Mr. Budnick, Film Producer and Founder of The Anti-Recidivism Coalition
Mr. Steinhart, Director, Commonweal Juvenile Justice Program

BSCC Staff

Kathleen Howard, Executive Director
Tracie Cone, Communications Director
Aaron Maguire, General Counsel
Mary Jolls, Deputy Director, Corrections, Planning, Grants and Programs (CPGP)
John W. Prince, Deputy Director, County Facilities Construction (CFC)
Allison Ganter, Deputy Director, Facilities Standards and Operations (FSO)
Helene Zentner, Field Representative, Corrections, Planning, Grants and Programs
Colleen Stoner, Field Representative, Corrections, Planning, Grants and Programs
Maria Rodriguez-Rieger, Executive Assistant