

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, NOVEMBER 8, 2018

Meeting Held At:
BSCC Board Room
2590 Venture Oaks Way, Suite 101
Sacramento, CA 95833

I. Call to Order

Chair Linda Penner called the meeting to order at 10:00 AM.

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

Chair Penner introduced new Board Member Andrew Mills, Chief of Police for the City of Santa Cruz.

Chair Penner administered the Oath to Chief Mills.

Board Member Mills provided background on his career and said he looks forward to serving on the Board.

Penner thanked departing Board Member, retired Chula Vista Police Chief David Bejarano, for his service.

Chair Penner let the Board Members and the public know that the Agenda will be taken out of order and will be heard as follows:

1. Closed Session
2. Agenda Item A
3. Agenda Item B
4. Agenda Item E
5. Agenda Item C
6. Agenda Item D
7. Agenda Item F
8. Agenda Item G

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

The following members were in attendance:

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|--------------|---------------|------------|
| Ms. Penner | Mr. Steinhart | Mr. Powers |
| Mr. Growdon | Mr. Gore | Mr. Varela |
| Mr. Baranco | Mr. Mills | Mr. Ertola |
| Ms. Tournour | Ms. Perez | |

ABSENT BOARD MEMBERS

Mr. Diaz and Mr. Budnick

II. Information Items

1. Chair's Report

Nothing to report

2. Executive Director Report

Executive Director Kathleen Howard Reported on the following:

- Confirmed that the Board will need to meet on all six proposed dates for the 2019 calendar year, which includes June and July 2019 meetings.
- The Youth Reinvestment Grant and the Tribal Advisory Group are doing great work under Co-Chairs David Steinhart and Chief Mark Varela.
- The Adult Reentry Grant ESC will meet on November 14 and will continue to work on the Request for Proposal development. It is led by Co-Chairs Linda Penner and Ms. Tournor.
- The 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) application was posted to the BSCC's website for public comment for 30 days as required by the Bureau of Justice Assistance (BJA). No public comment was received.
- The 2018 JAG application be presented to the Board members for their consideration for 30 days. It is in the Board Member binders for this purpose and is posted on the BSCC's website.

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

Legislative Board Report in Board binders.

4. Legal Update:

General Counsel Aaron Maguire reported that there might be items on the Agenda that could be a conflict of interest for some of the Board members and the Members should recuse themselves during the discussion of the respective Agenda Items.

On Friday, November 2, 2018 the BSCC received the award packet for the 2017 JAG grant pursuant to the court action for State of California v. Sessions' court case; however, there has been a court motion to modify that judgment that is still ongoing.

5. Juvenile Justice Update:

Board Member David Steinhart reported on the following:

- Highlights of the Youth Reinvestment Grant
 - This is a \$37 million grant program established by 2018 Legislation
 - \$35 million will support trauma informed and community-based youth diversion program in cities and counties
 - \$1.1 million will go to Indian tribal youth diversion programs and a separate RFP is being developed by a working group of tribal experts.
 - Both RFPs are expected to come to the Board for approval at the January 2019 meeting.
 - The State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) continues to make excellent progress in grant development.
 - The committee convened a Title II ESC chaired by SACJJDP Chair Rachel Rios and Co-Chaired by SACJJDP member Michelle Brown, Chief of Probation of San Bernardino County.
 - The Title II award has been offered to California with special conditions that are under legal review. Consistent with the Title II State Plan, which the Board approved in April 2018, local grant awards will be approximately \$3 million, which includes \$100,000 set aside for Tribal grants.
 - The State Plan established the two highest priority needs:
 - Keeping youth out of the juvenile justice system by promoting community and family support, and
 - Promoting youth success by reducing recidivism.
 - Efforts to reduce racial and ethnic disparities will be embedded into the Title II Grant Program.
 - Two RFPs, one for non-tribal and one for tribal, will be brought to this Board for approval at the July 11, 2019 meeting.
 - The juvenile justice system is changing in California. The focus is now less on prosecution and incarceration and more on trauma-informed approaches.
 - Some legislation helping the change in culture includes: banning youth transfer to adult court, revision in sentencing laws, and sealing of records so that the youth may gain housing and jobs.
 - The Governor and Legislature have terminated delinquency jurisdiction for youth under the age of 12.
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III. Closed Session- (Gov. Code, § 11126, subd. (e)(2)(B) & (C).):

The Board went into closed session at 10:22 AM.

- State of California v. Sessions, Case No. 17-cv-4701 (Byrne/JAG Litigation). (Gov. Code, § 11126, subd. (e)(2)(B) & (C).)
- State of California v. Sessions II, Case No. 18 -cv-5169. (Gov. Code, § 11126, subd. (e)(2)(C)).

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

The Board reconvened at 10:47 AM.

IV. Action: Consent Items

A. Minutes from the September 6, 2018 Board Meeting: Requesting Approval

Mr. Gore moved approval. Mr. Growdon seconded. Mr. Ertola, Mr. Mills, and Ms. Tournour abstained. The motion carried.

V. Discussion Items

B. Edward Byrne Memorial Justice Assistance Grant (JAG) State Strategy, Request for Proposals (RFP) and Request for Applications (RFA) Requesting Approval.

Field Representative Daryle McDaniel presented this agenda item, which requested the Board's approval to continue the current JAG State Strategy and conditionally release the JAG RFP and the JAG RFA for the California Department of Justice (DOJ). This agenda item further requested that staff be delegated to pass through the DOJ funds upon award after the CA DOJ successfully completes its application.

The RFP and RFA would establish three-year grant cycles that are contingent upon receipt of California's Bureau of Justice Assistance (BJA) 2017, 2018 and 2019 awards. BSCC has submitted applications to BJA in response to its 2017 and 2018 solicitations but have not yet received the awards.

Counsel Maguire stated that once judgment has been entered regarding the case of State of California v. Sessions in the Northern District of California, then the BSCC will proceed to accept the award packet and release the RFP to the field.

Staff asked for approval of the JAG State Strategy, RFP, DOJ RFA, and CA DOJ funding.

Mr. Ertola moved approval. Mr. Steinhart seconded. Prior to the discussion Mr. Growdon, Mr. Gore, and Mr. Mills recused themselves and left the room pursuant to Government Code section 1091. The motion carried.

E. Standards and Training in Corrections Training Project and Supplemental Award of unspent Edward Byrne Memorial Assistance Grant (JAG) Funds: Requesting Approval.

Deputy Director Evonne Garner presented this agenda item, which requested the Board's approval to use \$7 million of unused prior year JAG funding for an education and training initiative for corrections law enforcement agencies and to authorize staff to seek a one-year extension for spending if necessary. The funds are set to expire in September 2019 and will revert if unspent. The proposal falls within two of the three JAG priority areas (law enforcement and education) and has been approved in concept by the BJA.

Chair Penner asked for background on how the unspent funding accumulated.

Garner responded that the money is two years' of JAG funding that reverted to the BSCC from grantees that were unable to spend it. Typically, reverted funds are rolled into future JAG awards, but the litigation and uncertainty surrounding the JAG funds prevented it. Additionally, the funds couldn't be expended by their reversion date if rolled into the next round of JAG funding.

Public comment was heard for agenda item E:

Rene Minart (Center for Juvenile and Criminal Justice): Asked for clarification on the decision-making process for the reverting funds and why law enforcement was selected instead of the other two JAG priority areas. Additionally, she asked about how BSCC will know whether the training effort will be effective.

End of Public Comment

Garner stated that the BSCC has contracted with the University of Colorado to develop the model behavioral health training module and that it includes the development of an assessment tool to determine the effectiveness of the training. Additionally, the lesson plan is being reviewed and vetted during the design process by a combination of job experts and mental health professionals to ensure the content is appropriate. The lesson plan will also be pilot tested before final roll out. Garner also stated that mental health training was selected because of the need for more and better mental health training to prepare corrections staff to recognize and respond appropriately to mental illness and trauma.

Mr. Powers stated that any additional training for law enforcement is needed and recommended.

Mr. Steinhart asked how the training will be distributed between adult and juvenile responsibilities.

Garner stated that the distribution will be by a formula that will identify a specific amount that will be provided to all adult and juvenile corrections staff that receive the training.

Mr. Mills asked if there will be an evaluation tool that will examine the new training.

Garner responded that the evaluation tool will be part of the design process.

Mr. Powers moved approval. Chair Penner seconded. Mr. Gore, Mr. Growdon, Mr. Varela, and Mr. Ertola recused themselves and left the room prior to the discussion of this agenda item pursuant to Government Code section 1091. The motion carried.

C. Proposition 47 Executive Scoring Panel Chair and Request for Proposals Approval: Requesting Approval

Prior to the presentation on this Board item, Mr. Growdon, Mr. Gore, Ms. Perez, Mr. Varela, Mr. Ertola, and Mr. Mills 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. Mills and Mr. Gore were selected to return to the discussion to maintain the quorum.

Field Representative Ricardo Goodridge presented this agenda item, which requested the Board appoint a chair for the scoring panel, determine the agencies that are eligible to apply, and approve release of the Proposition 47 Request for Proposals for Cohort 2.

Applicant Eligibility was based on two options:

- Option 1: Restrict applicants to public agencies that did not receive funding in the first round.
- Option 2: All public agencies including existing grantees from the first round are eligible to apply for funding.

Staff recommended that the Board:

1. Approve the release of the Proposition 47 RFP;
2. Allocate the FY 2019-20 deposit and FY 2020-21 to the Cohort 2 RFP;
3. Identify public agency applicant criteria; and
4. Appoint a chair of the scoring panel.

Chair Penner nominated Board Member Gordon Baranco as the Chair of the Scoring Panel.

Public comment was heard for Agenda Item C:

Cheavon Brown and Connie Chan Robinson (Women Organizing Re-Entry Communities of Color): Asked that the Proposition 47 grant allocate funds to women of color.

End of Public Comment

After discussion amongst the Board Members, the Board approved the following recommendations:

All public agencies, including existing grantees from the first round, are eligible to apply for funding.

The following recommendations were approved by the Board:

1. The release of the Proposition 47 RFP;
2. The FY 2019-20 deposit and FY 2020-21 to the Cohort 2 RFP;
3. All public agencies, including existing grantees from the first round, are eligible to apply for funding.
4. Appointment of Gordon Baranco as chair of the scoring panel.

Mr. Powers moved approval. Mr. Steinhart seconded. Mr. Growdon, Ms. Perez, Mr. Varela, and Mr. Ertola recused themselves pursuant to Government Code section 1091. The motion carried.

D. Standards and Training for Corrections Compliance Report and Annual Update: Information Only

Deputy Director Evonne Garner presented the Standards and Training for Corrections annual report. The agenda item provided program statistics and compliance findings for the Standards and Training for Corrections Division for Fiscal Year 2017-18.

Section 318 of Title 15 of the California Code of Regulations directs the BSCC to annually monitor local correctional agency compliance with STC training standards. In Fiscal Year 2017-18, 152 agencies were in compliance and nine were out of compliance with the training standards. In accordance with STC policies and procedures, the nine local agencies that were out of compliance for FY 2017-18 are required to submit corrective action plans to remedy the problems in the succeeding fiscal year. All have done so, and those plans are responsive to the out-of-compliance finding.

Executive Director Howard acknowledged the STC team and the work they have performed to compile the data.

This item did not require a vote by the Board.

F. Senate Bill 81 (Local Youthful Offender Rehabilitative Facilities (LYORF) Construction Financing Program Round 2) Riverside County Site and Scope Change: **Requesting Approval**

Field Representative Michael Shores presented this agenda item, which requested the Board approve Riverside County's request for a change in project scope for its SB 81 Round 2 project. Because of declining youth incarceration rates, Riverside County is seeking to construct a new 64-bed youth detention facility to replace the aged 184-bed Riverside Juvenile Hall in Riverside instead of the planned 16 bed Youth Treatment and Education Center (YTEC) in Indio. The new project would be on a site adjacent to the existing Alan M. Crogan Youth Treatment and Education Facility (SB 81, Round 1), which has enough beds to adequately meet the county's needs.

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

G. Senate Bill 81 (Local Youthful Offender Rehabilitative Facilities (LYORF) Construction Financing Program Round 1 & Round 2) Yuba Tri-County Scope Change: **Requesting Approval**

Field Representative Michael Shores presented this agenda item, which requested the Board approve the Yuba Tri-County request for a change in project scope. Yuba Tri-County is seeking to reduce the total number of beds by 16, to a new total of 32.

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

VI. Public Comments

Randal Broadhurst (Gang Awareness and Prevention): Asked the Board for help in funding more counseling programs and other resources, especially housing, for youth coming out of probation.

VII. Adjourn

The meeting adjourned at: 12:15 PM

Next Meeting:

❖ BSCC Board Meeting: Thursday, January 17, 2019 (Sacramento)

ROSTER OF PERSONS IN ATTENDANCE

BSCC BOARD MEMBERS:

Chair Penner, Chair, Board of State and Community Corrections
Mr. Powers, Director, Adult Parole Operations, CDCR
Mr. Growdon, Sheriff, Lassen County Sheriff
Mr. Gore, Sheriff, San Diego County Sheriff
Ms. Perez, Kern County Supervisor
Mr. Varela, Chief Probation Officer, Ventura County
Mr. Ertola, Chief Probation Officer, Nevada County
Mr. Baranco, Retired Judge, Alameda County
Mr. Mills, Chief of Police, City of Santa Cruz
Mr. Steinhart, Director, Commonweal Juvenile Justice Program
Ms. Tournor, Director, City of Sacramento, Office of Public Safety Accountability

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
Daryle McDaniel, Field Representative, Corrections Planning and Grant Programs
Ricardo Goodridge, Field Representative, Corrections Planning and Grant Programs
Michael Shores, Field Representative, County Facilities Construction