

**MINUTES**  
**Juvenile Justice Standing Committee**  
**December 10, 2014**

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

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Chair David Steinhart called to order the Juvenile Justice Standing Committee (JJSC) meeting at 10:12 a.m.

The following Committee members were in attendance:

Mr. David Steinhart, Chair  
Ms. Charity Chandler  
Mr. Julio Marcial

Mr. James Bell  
Ms. Laura Faer  
Ms. Sandra McBrayer

Ms. Sue Burrell  
Mr. Gerry Lopez

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**Agenda Item A**

**Welcome and Introductions**

Chair David Steinhart opened the meeting with roll call and introduced Ms. Barrie Becker, J.D., Executive Director of Fight Crime: Invest in Kids *California*, who was an invited presenter. Board of State and Community Corrections (BSCC) staff members were then introduced. Also in attendance were members of the public: Ms. Michelle Newell, Senior Policy Associate with the Children's Defense Fund (CDF), and Mr. Brian Goldstein, Director of Policy and Development with the Center on Juvenile and Criminal Justice (CJCJ).

**Agenda Item B**

**Approval of the July 15, 2014 Minutes**

Chair Steinhart requested that Committee members review the July 15, 2014 JJSC meeting minutes for any corrections; or, if there were none present, Chair Steinhart asked for a motion to approve the minutes. Committee members reviewed the minutes and no edits were requested.

***Mr. James Bell made a motion to approve the minutes from the July 15, 2014 JJSC meeting, and Mr. Julio Marcial seconded the motion; all were in favor. The motion carried without opposition.***

Chair Steinhart then called for a moment of silence to recognize Judge Kurt Kumli who passed away in October 2014, and proceeded to hold the meeting in Judge Kumli's honor.

**Agenda Item C**

**Review of the 2014 California Legislative and Election Results**

Chair Steinhart referred the JJSC to the Commonweal summary of Juvenile Justice and Related Youth Program Bills included in their packets, and summarized some of the more noteworthy items, inviting comment along the way. The first bill highlighted was Senate Bill (SB) 1296, Ban on incarceration of children for truancy offenses. Chair Steinhart thanked the Youth Law Center (YLC) for piloting this bill, and stated that it fits into the new persona of the legislature – developmentally appropriate outcomes for the future of the justice system in California.

There was group discussion, with Ms. Sue Burrell sharing that probation was a real ally in this bill and they were also assisted by earlier work done on school discipline issues. Mr. James Bell stated he feels this was a really big session because it seems that the conversation is changing – looking at these bills this year as a floor, it will be hard to take that back as the Committee tries to build on the case for developmentally appropriate. Mr. Julio Marcial shared that he feels right now it is all about Assembly Bill (AB) 109 [public safety realignment], but people forget about SB 81, realignment that took place on the juvenile side. He thinks people feel they do not need to pay attention to juveniles since such a good job has been done already. Mr. Marcial stated that this legislative season was a good example – it was banner year – but where does the Committee go from here. There still is not a dedicated youth agenda item on the BSCC meeting; there are presentations here and there, but it is not a standing item.

Chair Steinhart stated that the request to have a standing report at every BSCC meeting had previously been turned back. Additionally, it would make the BSCC meetings very lengthy to include a report from every committee at every meeting. Ms. Sandra McBrayer clarified that the Committee was not asking for a standing committee report out, they wanted a youth agenda item – so it could be a committee report, it could be from staff about something that is happening, etc., but it would be about youth not a committee report-out. Ms. Laura Faer stated that she thinks now is the right time to make the request again. There was further group discussion about how the Committee felt about the issue, with Chair Steinhart stating that the BSCC voted to create the JJSC based on an understanding and scope of work that was adopted; however, if the JJSC wanted to make a motion about input to the BSCC, he would be happy to hear it and see what comes of it.

Ms. Faer stated that she would like to make a motion that the JJSC make a formal request with a report of some kind (to be decided) that there be a standing agenda item for youth issues on the BSCC. There was group discussion about this motion and the Committee agreed that they were talking about youth who are under the jurisdiction of the BSCC, so the phrase 'juvenile justice' was a closer fit. Ms. Faer then stated the following:

***"The motion is that we make a joint report to the Board of State and Community Corrections to have a regular agenda item related to juvenile justice youth."***

Mr. Gerry Lopez seconded the aforementioned motion: however, before the Committee moved, Chair Steinhart asked if there was further discussion and opened the floor to brief public comment. Public comment was provided by Ms. Newell, Senior Policy Associate with the CDF, and Mr. Goldstein, Director of Policy and Development with the CJCJ. Ms. Newell stated that she has attended every BSCC meeting for the past year. As someone that cares deeply about issues regarding young people, she feels there are very rarely agenda items that the public feels they can engage on. She stated that a lot of groups are taking notice of the BSCC, and a lot more people are coming to the meetings and are interested, but they do not know how to engage. She would love it if there could be more agenda items focused on juvenile justice, but thinks care is needed so it does not become a "check the box" [item].

Mr. Goldstein stated that he completely concurred with what Ms. Newell stated. He felt the challenge would be if just a standing item was asked for, there could be something like a scope change a county submitted for a juvenile justice facility; that could technically count as a juvenile justice item, so he wanted to make sure that it was something substantial.

There was group discussion about how to ensure the item was substantive, as well as ensuring there was room for issues from any of the committees, subcommittees, working groups, etc. of the BSCC. Committee members also expressed that it would be very important not just to rely on BSCC staff to develop the juvenile justice agenda item, but that there should be outreach to advocates, researchers, and community members. Mr. Marcial asked for clarification on the process of deciding what items would be on the agenda to ensure they were substantive and important. Ms. McBrayer answered that in the proposal that Committee would eventually write, they could actually make recommendations on how to do that; for example, in the body they could recommend that the assigned staff work with the juvenile justice specialist whose job it would be to reach out to the committees for any issues.

Chair Steinhart then stated that there was a motion and a second on the original proposal, and he restated the motion, incorporating Committee input, as follows:

***"The motion is to approve a report and request to the Board of State and Community Corrections that there be a regular juvenile justice item at every meeting incorporating the input of both juvenile committees."***

Committee members expressed that they did not want to limit the motion to just two committees; it was not that they were (for example) directing the gang committee to do anything, but they were trying to respond to the concern that it could be limited and wanted to ensure that there was a full and robust conversation about juvenile justice issues with the BSCC. After discussion, Chair Steinhart again restated the motion, incorporating further Committee input, as follows:

***"To submit a request to the Board that there be regular input at the Board meetings on juvenile justice matters"*** with Ms. McBrayer adding ***"with input from any relevant committee."***

There was further discussion with the motion being restated several times to ensure that "joint report" was included. The final motion, as agreed upon by the Committee, was as follows:

***"Submit a request via a joint report to the Board that there be a regular agenda item at every Board meeting on juvenile justice matters with input from all relevant committees."***

Chair Steinhart then inquired if he could assume that the motion, having been restated, still stood, with Ms. Faer proposing the motion and Mr. Lopez seconding; the Committee agreed that it did.

***Ms. Laura Faer moved to approve the motion that stated: "Submit a request via a joint report to the Board that there be a regular agenda item at every Board meeting on juvenile justice matters with input from all relevant committees," and Mr. Gerry Lopez seconded the motion; all were in favor. The motion carried without opposition.***

Chair Steinhart then updated the Committee on SB 1038, which he felt was another developmentally appropriate outcome. This bill goes into effect on January 1, 2015, and provides for the automatic sealing of records/dismissal of charges upon completion of probation. Chair Steinhart also reviewed Proposition 47 with the Committee. This proposition reclassifies a set of felonies as misdemeanors providing that the state savings from the reduction in felony imprisonment would be put into a Safe Neighborhoods and Schools Fund, a fund that would then be distributed by three entities in California. The BSCC, as one of those entities, would allocate

65% of those savings. Funds to be allocated will not be identified by Department of Finance until 2016, and most likely will not be distributed until late 2016 for use in 2017.

The JJSC discussed emerging issues with this proposition, including the struggles counties were having trying to identify the juvenile justice impact of Proposition 47 (e.g., whether it affects sentencing, can sentences be modified for juveniles as they are now being modified for adults, etc.). Committee members shared that some counties immediately applied this to juveniles; however, in others it is being applied to juveniles on a county-by-county basis. Mr. Marcial asked what role the JJSC could play in ensuring there is consistency in every county, and Ms. Faer inquired if the JJSC had the authority to send out an advisory. Chair Steinhart stated that any statements from the JJSC would need to go through the Board, but he thought the avenue for impact for the JJSC is to make sure the concerns of this Committee are incorporated into the BSCC plan. Deputy Director Allison Ganter also clarified that the BSCC's role relative to Proposition 47 is only in funding grant programs (e.g., substance abuse, mental health, reducing recidivism, etc.) to public agencies, not in its implementation. Ms. Faer asked for clarification as to the role of the JJSC in this very important discussion. In response, Chair Steinhart stated that the Board created the JJSC with a scope of work statement that outlined the areas they could work on relating to the BSCC mandates. Chair Steinhart also expressed that there was another role to be performed by the JJSC, in which is that the Committee could inform and empower their constituent organizations. He further stated that it was not to say the Committee could not do anything or shape policy because there was plenty on the table for the JJSC to make a difference on, especially on the funding and spending side.

At this point in the discussion, public comment was provided by Mr. Goldstein, Director of Policy and Development with the CJCJ, who stated that he thought the funding piece could actually be a role for the JJSC to provide comment on. Rather than focusing on how the courts are implementing [Proposition 47], which is outside of what the Committee is doing, but focusing on the BSCC itself and how it is going to disburse the funding. He asked if the Committee could not only potentially make a recommendation at the February 2015 [BSCC] meeting, but also have a public recommendation that the [Proposition 47] Executive Steering Committee (ESC) could refer to. That way, when the ESC is formed, it could say that the JJSC within the BSCC has expertise in this area around juvenile justice, which would be something to consider when they are developing their recommendations about the fund.

Chair Steinhart responded that he would be comfortable with a motion that says the JJSC recommends to the Board that as it evaluates the BSCC's role in Proposition 47, it fully evaluate the juvenile justice impact of the measure, including the allocation method and plan for juvenile justice programs. Committee members expressed concerns regarding ensuring adequate juvenile justice participation on the Proposition 47 ESC. Chair Steinhart suggested that the best way to intervene in this process would be for the JJSC to present a recommendation that the juvenile justice impact of Proposition 47 be fully analyzed by BSCC Board and that any ESC that may be established have adequate juvenile justice input into the allocation process. Chair Steinhart restated the motion:

***“The recommendation of this Committee to the Board is that the juvenile justice impact of Proposition 47 be fully analyzed by the staff and the Board of BSCC as it addresses the Proposition 47 impact, and that the analysis include the juvenile justice impact on allocation and that there be adequate juvenile justice representation.”***

Ms. McBrayer asked to remove the reference to allocation, and Chair Steinhart restated the recommendation:

***“The recommendation is that the Board in its analysis of Proposition 47 include an analysis of the juvenile justice impact of Proposition 47 and that the analysis be informed by adequate representation of juvenile justice stakeholders.”***

There was group discussion regarding the term “adequate” and suggestions to substitute “robust” or “meaningful” in its place; however, the Committee decided not to add anything further at that time. Chair Steinhart expressed that he thought in the process of discussion at the Board level, this would be fleshed out. The motion was requested to be read back, as follows:

***“Recommend that the Board in its analysis of Proposition 47, include an analysis of the juvenile justice impact of Proposition 47 and have adequate representation of juvenile justice stakeholders”*** with Chair Steinhart adding ***“ in the process of analysis.”***

Chair Steinhart announced that there was a motion, and asked who moved; Ms. McBrayer moved and Ms. Faer seconded. Chair Steinhart called for all in favor; however, Ms. Newell of the CDF requested the opportunity to make public comment first.

Public comment was then provided by Ms. Newell, Senior Policy Associate with the CDF, and Mr. Goldstein, Director of Policy and Development with the CJCJ. Ms. Newell stated that the only thing she would say is

obviously as a juvenile justice advocate she fully supports this and thinks that the Committee already knows that there are going to be a lot of groups at the February 12<sup>th</sup> [BSCC] meeting that are very engaged with Proposition 47, but they are also really interested in this piece, the juvenile justice piece. Wherever the Committee thinks there is a role for other organizations, advocates, and the public to play in supporting this agenda item, whether it is a letter campaign, etc., she thinks a lot of people will be there. Mr. Goldstein stated that if Committee members could attend the [BSCC] meeting it would be great; however, if they could not attend, could they think about drafting a letter as public comment to be submitted to the Board as well.

***Ms. Sandra McBrayer moved to approve the motion that stated: "Recommend that the Board in its analysis of Proposition 47, include an analysis of the juvenile justice impact of Proposition 47 and have adequate representation of juvenile justice stakeholders in the process of analysis," and Ms. Laura Faer seconded the motion; all were in favor. The motion carried without opposition.***

Chair Steinhart closed the discussion by stating he would present this motion during the Proposition 47 item expected to be on the [BSCC] agenda, and he would flesh it out with the concerns expressed about ESC membership, should an ESC be formed, and some of the other points expressed by Committee members.

## **Agenda Item D**

### **Juvenile Justice Data Working Group Report**

At the July 2014 JJSC meeting, Chair Steinhart reported the Juvenile Justice Data Working Group (JJDWG) had been adopted; this workgroup was formed to address a number of concerns/mandates. There had been discussion previously about who could/should be on the JJDWG; however, the legislation had representative slots defined, although they did give the BSCC the discretion to add other members as it deemed necessary. In the JJSC's meeting packet, the Committee was provided with a handout detailing the composition of the JJDWG. Chair Steinhart stated that the JJDWG met on October 9, 2014, and had a good first meeting. The mandates of the group are:

- 1) Analyze the capacities and limitations of current data systems. The report to the legislature on that analysis is due in January 2016, and must include recommendations on agency and department reporting responsibilities, recommendations on an upgraded data system for California, and recommendations to create a state-based clearinghouse or website for juvenile justice data.
- 2) Develop recommendations for changing the reporting requirements of the Juvenile Justice Crime Prevention Act (JJCPA) and the Youthful Offender Block Grant (YOBG) funding streams. This is due on April 30, 2015, as a report to the BSCC Board.

The JJDWG established a sub-committee to get a head start on the above-mentioned report to the BSCC Board, and will meet on December 17, 2014. Subcommittee members are Chair Steinhart, Chief Jill Silva, Chief Jim Salio, Ms. Sue Burrell, Ms. Denise Herz, and Ms. Dorothy Thrush.

The full JJDWG will meet on January 15, 2015. The first goal at the January 2015 meeting is to identify the scope of research and investigation, the second is to develop reasonable short- and long-term recommendations. Areas they will be investigating include: identifying the gaps and capacities of the current system, looking at the Juvenile Court and Probation Statistical System (JCPSS), and considering other state models (e.g., Colorado, Florida, Georgia, etc.). One thing on the agenda for the January 2015 JJDWG meeting is to have a live Wi-Fi setup in order to view other state's data clearinghouses.

There was group discussion about the state models mentioned and the work they were doing with data gathering, and Mr. Bell stated he felt that Colorado would be a good place to focus on in terms of data. Ms. Faer asked if the JJDWG was looking at education as a potential part of the data system, and stated she would be happy to give her input or connect the JJDWG to resources while they were considering what might be a part of a statewide database on the education front. Chair Steinhart stated that the JJDWG has a set of tasks around identifying statewide/system wide outcome measures for youth beyond recidivism. He acknowledged that recidivism is the number one measure that everyone wants to look at for juvenile justice in terms of planning, policy, and outcome, but given the new developmental framework into which juvenile justice is evolving, it will also be on the agenda of the JJDWG to examine how outcomes in other key areas can be measured, including: education, mental health, employment, and placement stability. He expressed that there are technological challenges not only with possibly expanding the current system to collect those measures, but also in working across system lines, education, etc. – how it will be implemented, and using what data systems and crossover networks remains to be seen.

Chair Steinhart also informed the JJSC that both meetings – the meeting of the JJDWG sub-committee (to discuss the reporting requirements of YOBG and JJCPA) on December 17, 2014, and the meeting of the full JJDWG on January 15, 2015 – will be open meetings.

**Agenda Item E****Education Working Group Report**

Reconvening after a brief lunch, Ms. Laura Faer summarized legislation that will impact juvenile justice youth, including the following:

- AB 420, which goes into effect on January 1, 2015, ends willful defiance and disruption suspensions for kindergarten through third grade students and also eliminates all expulsions [for willful defiance]; that is 6,000 suspension in the state (for that group) and about 500 plus expulsions a year. This also applies to juvenile court and community schools. This bill is only in effect for three years and then it sunsets.
- AB 2276 does two things. First, although existing law said that youth who had any contact with the juvenile justice system had the right to be immediately enrolled with partial credits, speedy records transfer, and school of origin protection, most counties' juvenile probation departments did not think this applied to youth in the juvenile justice system. AB 2276 clarifies the law and makes it very clear that all the protections that apply to foster youth apply to youth in the juvenile court schools. Second, this bill requires the county office of education and the probation department to implement a joint transition policy. The other part of the bill creates a statewide committee led by the California Department of Education (CDE), with support from the BSCC. The point of this bill is to reaffirm the strong joint responsibility everyone has to make sure youth are enrolled in school. There is local flexibility with the transition policy, so it is very clear that locals can decide the best way for their community.
  - Chair Steinhart commented that this is an area within the mandated zone of the scope of work for the JJSC, so he would look forward to a continuing discussion at JJSC meetings and progress reports on how this is going. Ms. Faer recommended potentially doing a deeper dive/educating the JJSC on transition issues.
- AB 1806 helps foster youth facing expulsion to ensure their social worker is present at the [individualized education program team] meeting; this bill extends some of those protections to homeless youth, allowing for the homeless youth education liaison to come to the meeting.
- AB 1993 is about bullying prevention training [this bill would require the department to develop an online training module to assist all school staff, school administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying].
- Local Control Funding Formula (LCFF) is the new funding formula from the state that provides supplemental and concentration funds for high need groups specifically identified as: 1) foster youth, 2) low-income, and 3) English language learners. Probation youth were initially part of the LCFF as a unique needs group in the original passage of AB 97, but they were taken out with the exception of probation youth in group homes. Ms. Faer expressed she wants all probation youth brought back into the LCFF as a unique needs group, as they have, from the limited data we have, the lowest graduation rates in the state.

**Agenda Item F****Juvenile Justice – Mental Health Reform**

Chair Steinhart opened this presentation by stating this is a subject the JJSC has discussed every time they have met – finding a way to improve the prospects for youth with mental health treatment needs in the California juvenile justice system. Along those lines, in 2014, the Mentally Ill Offender Crime Reduction (MIOCR) program was renewed, with the legislation defining how this money can be spent – half to the juvenile justice system and half to the adult. After a set-aside for administration, this leaves about \$8.55 million dollars to be distributed statewide on juvenile justice projects. A MIOCR ESC has already been selected and met to discuss the framework of how that money is going to be allocated. Chair Steinhart invited Ms. Barrie Becker, who is a member of the MIOCR ESC, to give the JJSC a sense of how that first meeting went, some of the issues they dealt with, and how the spending might be apportioned.

Ms. Becker began by stating that she was interested in hearing all the Committee's questions and ideas, and she passed out two publications from Fight Crime: Invest in Kids *California* (one discussing Proposition 63 with different kinds of programs and one on school-based mental health) that she thought might be helpful to the Committee. Ms. Becker informed the Committee that what the MIOCR ESC was struck with was how important it was not to be really prescriptive about how the funding should be used because it would amount to such a small amount and only a handful of counties would likely be awarded. Chair Steinhart shared that \$18 million is going to support three year grants, with the juvenile justice share being approximately \$9 million spread out over three years – that is about \$3 million per year to address juvenile justice mental health offender needs in 58 counties in California, so there is the necessity of funding only a few counties.

Ms. Becker then stated that given the small amount of funding, the ESC talked about several things, including, again, not being prescriptive and not having a set-aside for small, medium, or large counties. However, considering the size of Los Angeles' population, the ESC did discuss allowing Los Angeles to be eligible for a higher amount – they recommended \$1.5 million – and that \$950,000 would be the top limit that any other county could apply for. Additionally, the ESC discussed allowing counties to combine forces and apply together.

There were questions from Committee members about divvying up the MIOCR ESC forces between juvenile and adult, whether the ESC had conversations about having a minimum score for suitability, and before making their decision, did the ESC discuss establishing policies for county size and geographic distribution. In response, Ms. Becker answered that the ESC was going to be split into adult raters and juvenile raters, that the ESC did discuss setting a minimum standard for suitability, and that they did have those policy discussions. However, going back again to the fact that there is so little money to distribute, the ESC determined that they were going to have to use their judgment, but they thought that they should not do a geographical or size set-aside.

Chair Steinhart credited Senator Darrell Steinberg for bringing MIOCR back, and stated that this is a small beginning that he hopes can be built on in some way. Chair Steinhart thanked Ms. Becker for her report and then asked the JJSC for their comments on the state of juvenile justice and mental health and what the Committee should be doing. Comments included the following:

- Mr. Marcial expressed concern that allocations are made without any data; you cannot be effective without understanding the information in front of us.
- Ms. Faer spoke to a study that found that three of the four children in the juvenile justice system in California have post-traumatic stress disorder. One of the biggest issues she feels is the need for youth to be placed in a residential therapeutic treatment setting instead of being incarcerated. She felt there should be a system, such as the one in Los Angeles, where a multi-disciplinary team looks at all placement options, including residential treatment, for those youth with really severe mental health needs. She would love to see some exploration of this.
- Ms. Burrell expressed the need to focus on the front door to the juvenile justice system because youth are coming in, when probation agrees they do not belong in detention, and they deteriorate, wind up penetrating deeper and deeper into the system, and deteriorate even further.
- Mr. Bell voiced the need for caution with the whole notion of evidence-based practices in terms of mental health treatment in communities of color, as this may cancel out a lot of programs that seem promising. He thinks in California, especially since there are so many multi-lingual people of color in this state, that this is something to consider – that a county may/will not fund unless the provider is an evidence-based mental health treatment provider. Ms. Becker responded that the MIOCR ESC specifically discussed how expensive it was to get trained and certified [as an evidence-based provider]. Chair Steinhart further clarified that this was a very broad evidence-based standard, not a lock-down standard.
- Ms. McBrayer shared that she was working on a project on this topic where they asked for the top 10 crimes committed by youth in different cities. What was shocking is that in many cities mental health showed up as a crime. Part of what is occurring in many regions seems to be how youths' behavior is interpreted. She hopes, when looking at this, it is not just through a probation lens or a mental health lens, but through a young lens and a community lens.

Chair Steinhart invited brief public comment before moving to the next agenda item. Public comment was provided by Ms. Newell, Senior Policy Associate with the CDF, and Mr. Goldstein, Director of Policy and Development with the CJCJ. Ms. Newell stated that she would echo everything stated by the Committee members. Mr. Goldstein asked about the status of MIOCR, where they were in the process, and if it was still possible to influence the rating criteria the BSCC is going to use to judge [the RFPs]. Chair Steinhart confirmed that these are open meetings, and Ms. Becker stated that the MIOCR ESC has held one meeting with another scheduled in February 2015. Mr. Goldstein invited Committee members to let people in their networks know that this process is still ongoing and can be influenced.

Chair Steinhart then called for a time check and a revision of the agenda after consulting with the Committee. Agenda Item G was shortened to an update, to be set for a fuller discussion at another meeting. Ms. McBrayer yielded her time for Agenda Item H, and Agenda Item I was limited to a discussion of the ESC selection process. Following which, Chair Steinhart gave time to Ms. Faer to briefly summarize SB 111 [Agenda Item E].

- SB 111 essentially creates protections for youth to hopefully increase their graduation rates. The primary thing is if there is a School Attendance Review Board (SARB) referral, before the school district decides to refer a youth to a county community school they have to see if there is space available, that there is transportation and geographic accessibility for the family, and they have to make a finding that this is in the educational interest of the youth. The district also has to ensure that the county community school can actually serve the youth's need, for example providing special education or English language learner services. Another part of this bill makes it clear that probation officers cannot refer a youth to a county community school without the consent of the parent, guardian, or education rights holder. For youth involuntarily transferred to a county community school, they have the right to return to their former school or another comprehensive school, essentially the semester after they came into the county community school. There is a time limit because county community schools are supposed to be short-term placements.

Ms. McBrayer asked for clarification, as the amendment states it allows the school district to override the parental objection. Ms. Faer explained that this was related to the SARB practice. It says that a parent can object when there is a SARB referral and the district is going to involuntarily transfer a youth; however, if the district can satisfy their concerns around geographic accessibility and transportation, and if they have looked to see if there are other schools within the district themselves, then ultimately the district gets to make the final decision. Ms. Faer volunteered to send a fact sheet on this bill to the Committee members.

### **Youth Law Center Request for Department of Justice**

#### **Agenda Item G Investigation of Pepper Spray Use in Detention: Status Report**

Chair Steinhart stated that this is a continuing item that was brought up in some detail at a previous meeting. In the Committee members' packets were the YLC's complaint filed with the Department of Justice (DOJ) regarding a particular California county's use of pepper spray, as well as another county's Juvenile Justice Commission report on the pilot use of pepper spray (a brief issue analysis of how pepper spray was used in the county and its impact). In the interest of time, this agenda item was shortened to an update.

Ms. Sue Burrell presented some of the key points from the YLC complaint, in which the examples given were based on an incident reports received from probation. She stated that she hoped Committee members would read the YLC complaint to the DOJ; and that while today was obviously not the day to figure out what to do, she thought that those practices needed to be tightened up in California. Chair Steinhart asked about the response from the DOJ, and Ms. Burrell stated that she has spoken with the DOJ a few of times.

Ms. McBrayer also shared that there are less than 15 states that allow pepper spray in their juvenile halls and less than that actually allow it to be carried on staff's person, so separate from a county issue she thinks this is actually a state issue of what are we allowing for the treatment of youth. Ms. Burrell further referenced the Council of Juvenile Correctional Administrators study on the use of pepper spray in juvenile facilities. Mr. Lopez stated that he thinks the JJSC needs to have a meaningful discussion on institutional oversight and how to tighten up those gaps.

After further group discussion, Chair Steinhart stated that if the Committee had another discussion, he thinks they should have a probation voice in the room to ensure the discussion is balanced and that the Committee gets to hear what probation has to say. He also stated that he liked the aforementioned Juvenile Justice Commission's approach, as they did not make a decision in a vacuum – they interviewed everybody, got all the stakeholders together, and examined the facts. Due to time, Chair Steinhart then moved to the next agenda item.

### **State Advisory Committee on**

#### **Agenda Item H Juvenile Justice and Delinquency Prevention Report**

Chair Steinhart asked Ms. Sandra McBrayer if she had anything to briefly discuss on this agenda item before moving forward. Ms. McBrayer quickly updated the Committee on the formation of the ESC for the Title II Formula Grant, which gives each state 36 purpose areas to choose from ranging from mental health to drugs to gangs. The State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) has historically focused on three purpose areas: Reducing Racial and Ethnic Disparity (R.E.D.), alternatives to detention, and evidence-based practices. The Title II Formula Grant ESC should be formed by January 2015, and will be meeting to discuss releasing the new federal dollars; the Request for Proposals (RFP) should be out in spring 2015. Additionally, Ms. McBrayer informed the Committee that the SACJJDP funded fund four counties (San Joaquin, Santa Barbara, Stanislaus, and Mono) for R.E.D., and that the SACJJDP will be releasing the Evidence-Based Practices Training Project. She then yielded the rest of her time.

#### **Agenda Item I**

#### **BSCC/JJSC Development Issues**

Deputy Director Allison Ganter presented a few updates on the ESC selection process proposal; this policy was on the agenda for the last BSCC meeting but was pulled based on public comment and is currently being revised. Ms. Ganter shared that the intent is an open, transparent, and flexible process. The BSCC wants to be responsive to all the stakeholders and interest groups and welcomes that collaboration; they are trying to balance the stakeholders and the expertise that goes into making decisions and funding priorities. Ms. Ganter stated that if the BSCC is having an ESC, according to the current version of the policy there will be an open call for stakeholder input and expertise – this will be factored in to determining who is on the ESC.

Chair Steinhart further shared that another piece of this proposal is that the Board would no longer approve the ESC membership. Under the new plan, the Board will propose the chair or co-chairs of the ESC, and then BSCC staff and the chairs would work together to select ESC members; then that ESC could go to work without being ratified by the Board. The rationale for this is lost time, as it generally takes two months to get an ESC off the ground if there is a wait for the Board to approve ESC membership. The counterargument was that ESCs, who allocate funds and make very important decisions, are selected without public input. The BSCC addressed

public input by the creation of an open application process in which members of the public can apply to be on an ESC. This does not go as far as some recommended, which was to have at least a 30-day public comment period either to recommend ESC members or to comment on who was proposed for membership in the ESC. The question for the next BSCC meeting is how will BSCC staff address the request for improved public comment in the ESC final selection process and will it stick with the plan of having the chairs and staff choose who is on the ESC.

Public comment was provided by Ms. Newell, Senior Policy Associate with the CDF, and Mr. Goldstein, Director of Policy and Development with the CJCJ. Ms. Newell stated that there were multiple things discussed in proposal. Because this ESC policy is so important, there was a request made for an official public comment period, which would lead into the policy. There could be record keeping, with the BSCC compiling all of the public comment and responding to it. She also asked if there was an open application process, would there be some requirement as to how long it would have to be open (e.g., 30 days) and would there be transparency about who has been recommended? Whether there would be any transparency around that information and whether there would be a meaningful period that the application process would be open were some of her concerns.

Mr. Goldstein further commented that he feels this is an incredibly important process and wants to make sure there is consistency, and that the public understands what the timelines are and who to reach out to. Also, he thinks that the BSCC, when forming ESCs, can look to professional associations when those are referenced, but when it comes to community-based service providers, advocates, researchers, who are BSCC staff reaching out to? He thinks this is a question that is tough sometimes for BSCC staff to answer. He feels that the reason this policy is so important is not just to make sure there is broader representation on these ESCs, but to actually help BSCC staff, guide them through this process. He noted that the CJCJ and the CDF would be submitting a public comment letter when the BSCC posts this draft policy.

Ms. Ganter stated that because this is so important and people are looking for opportunities for public comment, the BSCC is planning to post this policy 30 days prior to the February 2015 meeting, so there will be opportunities for formal public comment. She also stated that the BSCC is always looking for ways to improve the way they do business and make it more meaningful. Ms. Burrell shared that she thinks the BSCC needs to have a way for people to sign up for email notifications of things such as this. Chair Steinhart then closed this discussion by stating that this policy is coming up at the next Board meeting on February 12, 2015, and this would be a place to direct input into the process.

**Agenda Item J**

**Next Steps, Next Meeting**

Before closing the meeting, Chair Steinhart asked for a motion to approve the non-substantive, formatting revisions to the October 30, 2013 and February 13, 2014 JJSC meeting minutes.

***Mr. Gerry Lopez made a motion to approve the minutes from the October 30, 2013 and February 13, 2014 JJSC meetings, and Mr. Julio Marcial seconded the motion; all were in favor. The motion carried without opposition.***

Mr. Bell then requested that the items at end of the agenda (e.g., pepper spray) be put at the beginning of the next JJSC meeting so they get the attention they need. Ms. McBrayer requested to do a presentation on the San Diego Pathways [of High-Risk Youth] Project at the next JJSC meeting. Mr. Marcial also recommended a presentation on the Los Angeles County Juvenile Justice Data Project for the next JJSC meeting.

**Agenda Item K**

**Adjournment**

Chair Steinhart adjourned the meeting at 2:10 p.m.

**BSCC Staff Attendance Roster**

Allison Ganter, Deputy Director, Facilities Standards and Operations (FSO)  
 Melynda Gillies, Staff Services Analyst, FSO  
 Nathan Cusick, Division Secretary, FSO