

MINUTES
State Advisory Committee on Juvenile Justice and Delinquency Prevention

Board of State and Community Corrections
2590 Venture Oaks Way, Sacramento, CA 95833
October 12, 2016
9:30 a.m. – 1:00 p.m.

The State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) meeting was called to order at 9:38 a.m. by Sandra McBrayer.

The following Committee members were in attendance:

Ms. Sandra McBrayer, Chair	Ms. Carol Biondi	Ms. Michelle Brown
Mr. Winston Peters	Mr. Gordon Jackson	Mr. James Anderson
Honorable Brian Back		

Agenda Item A

Approval of the SACJJDP Meeting Minutes

Ms. McBrayer stated a quorum was not present to approve the June 15, 2016 and September 12, 2016 minutes. Ms. McBrayer asked if there were any corrections to the September minutes and there were none. Ms. McBrayer stated the minutes would be set for approval at the next SACJJDP meeting. Ms. McBrayer requested that a member's title is only used the first time they are named in the minutes and after that they will be addressed as Mr. or Mrs.

Agenda Item B

Chair and BSCC Updates

1. BSCC Updates

Deputy Director Mary Jolls updated the committee on new staff assignments for the Title II Grant Program. Field Representative Nicole Woodman is now assigned full-time to SACJJDP and its work groups. Eloisa Tuitama (lead) and Tim Polisak (back-up) are the Field Representatives assigned to Title II grant administration. Associate Governmental Program Analyst Taunya Joseph will provide support to SACJJDP and Title II.

Proposition 47: Ms. Jolls stated that the Executive Steering Committee (ESC) for Prop 47 will meet in Burbank on October 17, 2016 to follow-up on meetings held in June and August for Request for Proposal (RFP) development work. Ms. Jolls stated that a draft RFP is available on the BSCC website and that RFP approval will be sought at the November board meeting.

CalGRIP: Ms. Jolls stated that on September 22, 2016, the Board appointed Board member Michelle Brown as chair of the CalGRIP ESC. The ESC will meet in early November to begin the RFP development work and the ESC roster is available on the BSCC website. Ms. McBrayer requested the ESC roster be sent to SACJJDP.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program: On September 22, 2016, the Board approved its Chair, Linda Penner to serve as the Chair of the JAG ESC. Individuals interested in being on that ESC may submit a statement of interest to the BSCC

until October 21, 2016. BSCC staff will seek approval of the ESC roster at the November Board Meeting and begin grant development in January 2018. Ms. McBrayer asked if the BSCC is using the previous state survey to determine the focus areas of the new grant. Executive Director Kathleen Howard stated it is likely that the ESC will use the current State Strategy, but it is up to the ESC. Ms. Jolls indicated she could provide a copy of that survey. Ms. McBrayer asked if there an evaluation requirement to determine if the programs are successful. Ms. Jolls stated every grantee must submit an evaluation as a condition of the grant. The three current program purpose areas are Education and Prevention; Law Enforcement; and Prosecution, Defense, and Indigent Defense. Honorable Judge Brian Back stated that Ventura County had used some of its JAG grant funds to support a full day Reducing Racial and Ethnic Disparities (R.E.D.) training that included 120 – 150 attendees from probation, law enforcement, the court and community members. Judge Back stated there is a desire to expand the training and to involve Georgetown University.

Los Angeles County Indigent Defense Motion

Winston Peters stated that on October 11, 2016 the Los Angeles County Board of Supervisors passed the Indigent Defense Motion focused on improving the quality of representation for youth in the juvenile delinquency system. Ms. McBrayer asked if the Committee could receive a copy of that report. Juvenile cases will now go to the Public Defender as the first option, the alternate Public Defender as the second option, and to the LA bar association and their group of lawyers as the third option if there is a conflict of interest. The LA County board eliminated the flat fee; attorneys representing youth in Los Angeles County will be paid on an hourly basis. Ms. McBrayer stated this can help inform the Title II ESC on the Program Purpose Area of Indigent Defense. She reminded the committee that part of role of SACJJDP is to prepare local communities for grant opportunities. Ms. McBrayer asked if there are requirements for attorneys working with juveniles and stated training should look at the whole child and cover topics such as adolescent brain development, trauma, abuse and neglect, mental health and education. Mr. Peters stated that training was discussed at the Los Angeles Board of Supervisors meeting. Judge Back stated there is an existing training requirement for attorneys representing juveniles, but there is a push to make it a requirement for all attorneys in juvenile court, including prosecutors. Mr. Back stated that judges who have not worked with juveniles in over 2 years are required to attend a week-long training. Chief Probation Officer Michelle Brown stated the public defender in San Bernardino now employs social workers. Ms. McBrayer stated these were best practices to share with ESCs and asked the Committee how to facilitate sharing best practices with counties in California. Gordon Jackson asked if there is a best practices section on the BSCC website and stated that calling them promising practices might provide more opportunities to share information. Ms. McBrayer stated the Committee has talked about adding a juvenile justice section on website that could have best practices listed. Ms. Howard stated that the BSCC will launch BSCC strategic planning in February of 2017 and can look into a best practices section in the future. Ms. McBrayer stated that a January SACJJDP agenda item would be to provide suggestions to the BSCC for their strategic planning.

Mentally Ill Offender Crime Reduction (MIOCR) Grant: Ms. Jolls stated the MIOCR Grant is in the first quarter of the second year. The draft Legislative Report is under review and will be released within the next two weeks. Ms. McBrayer requested that Committee members be sent the link to the final MIOCR Legislative Report. Ms. McBrayer suggested that project descriptions, lessons learned, and contact information could be included in the Juvenile

Justice page on the BSCC website discussed earlier. Ms. Howard stated the MIOCR funding source was divided into two pots for adult and juvenile programs.

Law Enforcement Assisted Diversion (LEAD) Pilot Program: Ms. Jolls stated that the LEAD ESC met on October 11, 2016 and October 12, 2016 and plans to take the RFP to the BSCC Board for approval on November 17, 2016. Seattle LEAD program staff visited and provided a presentation to the ESC. California State University, Long Beach has been selected as the evaluator. The ESC roster is available on the website.

Title II: Title II and Tribal grants are entering the second year of the grant cycle, while R.E.D. grants are entering year 3.

Juvenile Regulations Revision

Deputy Director Allison Ganter introduced Craigus Thompson as a new field representative in the Facility Standards and Operations (FSO) Division and reported that FSO is continuing to work through the two year inspection cycle that began in July 2016. On September 13, 2016 there was a joint meeting of SACJJDP and the Juvenile Justice Standing Committee (JJSC) looking at Juvenile Title 15 Regulations Revision. Staff will go to the Board on November 17, 2016 asking to appoint ESC co-chairs. After receiving Board approval, the BSCC will post information on its website about how the public can submit a statement of interest in membership on the ESC. The ESC will convene in January or February 2017. Between November 2016 and January 2017, the BSCC will also request feedback on regulations revisions from the field. All recommendations from the joint meeting and field will be given to the ESC. The ESC will determine what subject matter workgroups will convene. The workgroups will propose recommendations to the ESC, which will make recommendations to BSCC that, if approved, will continue through the Office of Administrative Law process. There will be opportunities for public comment at every meeting.

Compliance Monitoring

Ms. Ganter stated that BSCC remains in compliance with the separation requirement and in de minimus compliance with the de-institutionalization of status offenders and the jail removal requirement. The committee discussed possible changes to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) regulations. Ms. Ganter stated that after re-evaluation the BSCC does not anticipate being out of compliance with any of the potential new requirements. In California there is a statute that prohibits the non-secure detention of youth over 6 hours in lock-ups so state law is already aligned with the proposed Federal regulations. Ms. Brown asked how the data is reported and what determines the 6 hour time frame. Ms. Ganter stated the police departments self-report on a monthly basis. The time they are being processed is not counted in part of the six hours, only the time they are stationary. The officer is required to keep a juvenile in a non-secure detention in constant visual contact. Ms. Brown suggested having a training at the California Police Chiefs Association meeting. Ms. Ganter advised that the BSCC compliance monitoring team will work to provide technical assistance to police department lock-ups on secure and non-secure detention. Ms. Ganter stated all 1200 facilities in California are monitored by the BSCC. Welfare and Institutions Code (WIC) Sections 209(a) on juvenile detention facilities and 209(b) on adult lock-ups that detain youth require a juvenile court judge or Juvenile Justice Commission (JJC) to inspect facilities that hold youth in secure detention for any amount of time. WIC 209(b) applies to police department lock ups to adult detention facilities. The BSCC sends an annual notice to remind judges and JJs to conduct the inspections and submit

their reports to the judge, the facility administrator, and to the BSCC. Ms. Biondi asked how many JJC's fail to submit their report to the BSCC. Ms. Ganter stated that when she conducted inspections she found around 25% were missing, but it was easy to get them done and obtain them by working with the facility administrator. Ms. Biondi and Ms. McBrayer asked to get information on how many JJC reports are not submitted to the BSCC. Ms. Ganter stated the BSCC is in the process of updating the database but can work on getting that information. Ms. Brown asked if there is a penalty if the facility is out of compliance. Ms. Ganter stated that repeated failure to submit the required report could lead to a determination that the facility is not a suitable place for the confinement of youth. Ms. McBrayer requested that WIC Sections 209 (a) and (b) and a copy of the letter to the JJC's be sent to the Committee. Ms. Biondi referenced WIC Sections 225-236 and 240 asked to have them sent to the Committee as well. Ms. Brown asked what the penalty on the federal level is for non-compliance and if it is to the state or the individual location that is out of compliance. Ms. Ganter stated that Title II funding is reduced by 20% for each core requirement that is found out of compliance and that 50% of the remaining funds must be dedicated to bringing the state back into compliance. Ms. McBrayer noted that while it is the state that is penalized the money comes out of the Title II funds so it does reduce the amount available for local assistance grants. Ms. Ganter stated the BSCC spends a lot of time doing targeted technical assistance and training. Ms. Howard stated that because of new reporting requirements connected to city law enforcement grants the BSCC is better known across the state and that Ms. Penner has presented to Cal Chiefs at their quarterly meeting which helps get information out to police chiefs. Ms. Ganter stated there is a video BSCC produced several years ago for police departments on laws, statutes and regulations related to youth detention that was sent to Peace Officer Standards and Training (POST). She will send the link to the committee.

SB 1004

Ms. McBrayer stated that Senate Bill 1004 creates a juvenile hall confinement pilot program for young adults in Napa, Santa Clara, Nevada, Alameda, and Butte counties. This bill allows those five counties to use available juvenile hall space as an alternative to adult confinement for young adults ages 18 to 21. Ms. Ganter stated BSCC's responsibility will be to inform these agencies that they must meet sight and sound separation to be able to house 18-21 year olds in a juvenile detention facility and to approve their plans, including provision of programming. The BSCC is developing the approval process. Ms. Brown stated that the goal of SB 1004 is to incorporate adolescent brain development principles. Although they are technically adults, they are not fully developed and have different treatment needs. The bill allows for a maximum one year length of stay. The anticipated start date is January 1, 2017. Ms. McBrayer asked to have this added as a standing agenda item.

National Criminal Justice Association Conference (NCJA)

Ms. Howard stated that NCJA is holding its annual conference in Long Beach July 31, 2017 through August 2, 2017. She asked that Committee members to suggest anything they would like to have showcased there.

2. SACJJDP Chair Update

Use of Force Workgroup: Ms. McBrayer stated the Workgroup would like to 1) gain understanding from FSO as to the types of use of force they see on inspections, 2) get a better understanding of what the Chief Probation Officers of California (CPOC) Executive

Committee may currently be doing and partner with them on an anonymous survey to counties to get a better understanding of types of force being used in California, 3) hold a listening tour to hear from staff and families regarding the types of force being used and the thought processes behind them. The Workgroup would then like to develop a report for counties on relevant national best practices. Ms. Brown met with the CPOC executive team and presented information on what the Use of Force Workgroup would like to do. Ms. Brown stated that she did not receive feedback on the proposal at that time and has sent an email to Karen Pank to obtain an update.

Joint Committee meeting between SACJJDP and JJSC on the Title 15 Regulations: Ms. McBrayer stated that one of the recommendations was to ensure a broad scope of expertise and diversity and to make sure persons representing community mental health, family and parent engagement, best practices, trauma informed care, culturally and linguistically responsive services, and youths are represented on the ESC. Ms. McBrayer stated that Title 15 only sets the minimum standards so there was discussion on how to supplement that minimum. She stated that areas discussed included how young people get oriented on the rules and processes and reading level of materials, bringing in medical personnel to talk about what the effects of use of force are on a young person's mind and body, education and services provided, visitation, correspondence, telephone access and no-cost communication. Ms. McBrayer also stated the committees discussed wanting the workgroups to be formed from the list of names of people who were interested in being on the ESC. Ms. Ganter stated there are typically 5 to 10 work groups but it is determined by the ESC. Ms. Ganter stated that forming the members of the work group has not been a formal process in the past and the ESC web-based statement of interest process is new. The BSCC will ask if anyone has interest in a workgroup to contact Ms. Ganter to be added to the list. Ms. Ganter stated the FSO team is always asking and relying on committees to get more people involved in the process and get the word out. Ms. McBrayer made a recommendation to use the same process of recruiting for the ESC members for forming workgroups.

Mr. Peters stated that the use of cameras and videos should be considered important in the context of use of force because when it is the word of the youth versus the word of the officer and there is no video, there is no transparency or accountability. He stated that any critical incident report involving use of force and any complaint on behalf of a child should be investigated and parents notified. Ms. Biondi stated the critical incident reports are supposed to go to the Department of Justice. Ms. Brown stated that every county is different and issues in certain counties cannot necessarily be applied to every county. There are many protocols in monitoring use of force and enforcing is an oversight issue. Mr. Peters stated that even if there is an oversight body that is supposed to look at critical incidents there can be disagreement because one side feels they are not getting all of the needed information. Ms. Bondi added that investigations occur months after the incident. Ms. Brown stated leadership is everything and the expectations come from the top. She added that cameras are a huge deterrent. Ms. McBrayer stated that as they look at Title 15 there are many guidelines and recommendations that need to be included.

Ms. Biondi stated that former Title 15 BSCC guidelines were very useful. Ms. Ganter stated the BSCC strives to provide technical assistance to counties in respect to the intent of the regulations, but there is a danger in holding a county or a facility to a guideline standard rather than the actual minimum standard. She stated that most of the Title 15 regulations are performance based and it is up to the county to implement that procedure in the best way

possible.

LUNCH

Ms. McBrayer asked for clarification on community based organizations and conflicts of interest. Ms. Jolls stated that previously government entities were permitted to participate on ESCs of this board without creating a conflict of interest but not non-government entities. Trailer bill language earlier in the year changed the statute which now prohibits both non-government and government officials from participating on an ESC if they have a financial interest in the grant that is being developed with the exceptions of the Prop 47 ESC and the JAG ESC. Ms. Jolls stated that BSCC will still use the grant rating recusal process for government officials should they also have an application under consideration for Prop 47 or JAG.

Legislation Update

Ms. McBrayer stated the following:

Assembly Bill 1730: The governor vetoed this bill because of new federal regulations and multiple bills addressing the same topic.

Assembly Bill 1843: It was sponsored by the California Juvenile Court Judges Association and amended the labor code that an employer may not ask a juvenile or adult their history in the juvenile justice system from the arrest through adjudication.

Assembly Bill 1849: It now requires probation officers and social workers to have an independent living transition plan and requires the court verify that the non-minor is provided with a MediCal benefits ID card and written notification that they were enrolled.

Assembly Bill 1945: It cleaned up language on the sealing of records and who can access the information and how to use it for evaluation.

Assembly Bill 2298: It now requires the officer to tell parents prior to entering a juvenile into the gang database and must inform the juvenile and the parent how to appeal that process and be removed from the database if they have never been convicted of a crime.

Senate Bill 1056: It was vetoed by the governor but would have required a juvenile who waives his or her Miranda Rights to speak to a lawyer.

Senate Bill 1004: It created the pilot program to house youths aged 18 to 21 in juvenile halls.

Senate Bill 882: It now exempts minors from prosecution for an infraction or misdemeanor for evading public transit fees.

Senate Bill 1143: It limits room confinement, administrative segregation, and privilege suspension for minors. It prohibits being locked in a sleeping room or other room with no other adult contact, room confinement has to be limited to 4 hours or less and cannot be used for punitive reasons, and kids with mental health issues cannot be sent to solitary confinement. In June 2018, Los Angeles is eliminating solitary confinement in their facilities. Ms. Biondi stated it has been done without any training for probation officers on youth

development and trauma informed care, and without adding any other special programming. Ms. McBrayer stated that San Diego is looking at non-traditional training where topics are identified that are not core such as community engagement, parent engagement, de-escalation, and positive communication. They are partnering with the Department of Social Welfare and looking at it through a rehabilitative lens.

Mr. Peters stated the Camp Kilpatrick model is building an entirely new camp facility that describes the least restrictive environment and is not the traditional camp. Ms. Biondi stated the staff in the camp will be trained on the Missouri model for youth development, trauma informed care and that there will be two different vocational programs--culinary and building trends. There will be arts for incarcerated youth through a community based program located there. There are five dormitories with a staff ratio of 1:6. There will be 24 in a dorm, 12 on a side and 6 in a room. Youth will be in their own clothes or choice of clothes and the staff will not be in uniform. It is scheduled to open in April 2017. Ms. Biondi stated the goal of the program is helping the highest risk kids, but one of the fears of making it so attractive is that judges will say that eligible 16-18 year olds could benefit from a timeout from the community with a beautifully-designed education system with culinary and building trades.

Ms. McBrayer stated that San Diego is in the beginning process of tearing down the juvenile hall and rebuilding as well as closing camps and other facilities and will be co-locating youth. She stated that the Chief wants to take staff to college campuses to see different models of serving food rather than putting food through the space in the door.

Proposition 57 (Prop 57): Ms. McBrayer stated that at the last meeting with OJJDP administration, the roles and responsibilities of the state advisory committee were discussed. She stated that historically SACJJDP has weighed in on state and federal policy, sending recommendations to elected officials. Ms. McBrayer recommended that the counsel of the BSCC confer with the counsel of the OJJDP. General Counsel Aaron Maguire stated no one from the OJJDP had followed up to set up a meeting. McBrayer stated she would coordinate a conference call and bring it back to the committee in January. Mr. Maguire stated that his recommendation still stands--there is a difference between engaging in the legislative process and campaign activities it's a very complicated area of law.

Agenda Item C**Update for Juvenile Justice Standing Committee**

This agenda item was removed.

Part of Agenda Item E was moved up in the agenda and discussed prior to the OJJDP reflection and discussion.

Agenda Item E**Future Agenda Items and Meeting Dates**

Ms. McBrayer recommended canceling the November meeting and going back to an every other month schedule starting in January. Future meetings will be held on January 13, 2017; March 15, 2017; May 17, 2017; June 21, 2017; September 20, 2017; and October 18, 2017. The November 2016 meeting will be cancelled and the January meeting will be held in San Francisco at a location to be determined.

Agenda Item D OJJDP attendance at 9/12/16 Meeting: Reflection and Discussion

Ms. McBrayer stated that she wants Committee members to engage in a more robust conversation in January about ideas going forward. Mr. James Anderson stated that in looking at all other states and their advisory groups SACJJD needs to figure out how to have a larger capacity for impact and to disseminate the information to the public, possibly using universities and other resources. Ms. McBrayer stated one of her takeaways from Administrator Listenbee's visit was the committee needs to keep the core protections in mind and look at opportunities for education and providing guidance. Mr. Gordon Jackson reminded the committee that trauma is not discussed enough and they need to come up with preventative measures and provide additional training to help people understand all the contributing factors affecting youth in the system. Ms. McBrayer stated that as the committee begins to form the behavioral health group, trauma is something that may not currently be in the core training for probation and perhaps Title II funds could be set aside for training on trauma responsive services and trauma informed care. Mr. Jackson stated there are opportunities for collaboration with other agencies to help people and it is in everyone's interest to have offenders return to society better. Judge Back stated the WIC Section 202 requires the juvenile justice system to rehabilitate youth. He stated that California needs to expand the inclusion of many people outside the court in the rehabilitative process, that additional services can continue until the age of 21, and that there are many people in the juvenile justice system that have not had basic education. Ms. Brown suggested that Mr. Raymond Aguilar who spoke at the BSCC meeting who did 25 years and was sentenced as a juvenile speak to SACJJD. She stated that he discussed the traumatic events in his life, is newly released, and spoke effectively about his experiences.

Agenda Item E**Future Agenda Items and Meeting Dates**

Ms. McBrayer stated items for the next meeting include:

- Approve the June, September, and October minutes
- Agendize a conversation to give recommendations to the BSCC as they enter into their strategic planning such as the idea for a Juvenile Justice page online
- Ms. Ganter will send the letters that go out to the Juvenile Justice Commissions, statutes for WIC 209 (a) and (b), and send the link to the police training video
- Agendize the SB 1004 pilot project as a standing item and have a presentation at a future meeting describing what is and is not working for those counties
- Have the speaker Ms. Brown mentioned come to a future meeting and give a presentation
- Ms. McBrayer will schedule a conference call with Mr. McGuire and the Office of General Counsel of the Office of Juvenile Justice and Delinquency Prevention and will sit in on the call to get clarity on the SACJJD role and responsibility regarding policy and legislation
- Agendize Ms. Ganter reporting on the number of Juvenile Justice Commission reports received by BSCC and the tentative FSO compliance monitoring schedule for 2017

Mr. Jackson recommended that staff give members the appropriate link to find BSCC information on its website versus providing a hard copy.

Public Comment: Michelle Grant stated that the Council on Mentally Ill Offenders (COMIO) is interested in participating in the Behavioral Health Workgroup.

Adjournment

The meeting was adjourned at 1:05 p.m.
