



BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING

THURSDAY, July 10, 2014, 10:00 A.M.
San Diego Marriott Marquis & Marina
333 West Harbor Drive
San Diego, CA 92102
(916) 445-5073 www.bscc.ca.gov

Telephonic Location Site
BSCC Executive Conference Room
600 Bercut Drive
Sacramento, CA 95811

*Notes provided by Brian Goldstein, Policy Analyst
Center on Juvenile and Criminal Justice*

Note: Further meeting documents can be found online at:
http://www.bscc.ca.gov/s_bsccboardmeetingagenda.php

Roll Call

- LINDA PENNER Chair, BSCC – In Attendance
- JEFFREY A. BEARD Chair Secretary, CDCR
- DANIEL STONE Director, Adult Parole Operations, CDCR – In Attendance
- DEAN GROWDON Sheriff, Lassen County – In Attendance
- GEOFF DEAN Sheriff, Ventura County – In Attendance
- SUSAN MAURIELLO County Administration Officer, Santa Cruz County – In Attendance (Remote)
- MICHELLE BROWN Chief Probation Officer, San Bernardino County – In Attendance
- ADELE ARNOLD Chief Probation Officer, Tuolumne County – In Attendance
- WILLIAM R. POUNDERS Retired Judge, Los Angeles County – In Attendance
- DAVID L. MAGGARD Jr. Chief of Police, City of Irvine – In Attendance
- SCOTT BUDNICK Founder, Anti-Recidivism Coalition (ARC) and Film Producer – In Attendance
- DAVID STEINHART Director, Juvenile Justice Program, Commonwealth – In Attendance
- MIMI H. SILBERT Chief Executive Officer and President, Delancey Street Foundation – In Attendance

CONSENT CALENDAR: *Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless pulled by a Board Member for discussion or separate action. At this time, any member of the public may ask the Board to be heard on any item on the Consent Calendar.*

A. Board of State and Community Corrections (BSCC) May 8, 2014. Meeting Minutes. Requesting Approval.



DISCUSSION ITEM: *There will be a Public Comment period prior to Board action on each item.*

B. Executive Director's Report

B-1 Budget Update

B-2 Update on Assembly 1050 Executive Steering Committee

B-3 Data and Research Standing Committee Update

C. Adult Titles 15 and 24 Regulations Revision Process for the 2015/2016 Cycle. Requesting Approval.

D. Request for Proposals for the California Gang Reduction, Intervention, and Prevention (CalGRIP) Program Funded through the State Budget Act. Requesting Approval and Release.

E. Senate Bill 81 Round Two 2007 Local Youthful Offender Rehabilitative Facilities Construction Financing Program Emergency Regulation Amendment to the Title 15 Regulations, Requesting Approval to Establish.

F. Executive Steering Committee and Timeline for the Residential Substance Abuse Treatment (RSAT) for State Prisoners Program and Approval for Funding. Requesting Approval to Establish.

G. Executive Steering Committee for the Proud Parenting Program to Oversee the Development of the Request for Proposals for the Fiscal Year 2015/16 Funding. Requesting Approval to Establish.

PRESENTATIONS:

H. Website Reveal by Tracie Cone and Antonio Esmael

I. Judge Desiree Bruce Lyle: Presentation on San Diego County Superior Court: Mandatory Supervision Court.

PUBLIC COMMENTS: *Public comment period on issues not on agenda.*

Next Meeting: September 11, 2014

MEETING NOTES

- Ms. Penner notes Susan Mauriello is attending the meeting via teleconference. The meeting is being webcast.
- Ms. Penner welcomes counsel from Best Best & Krieger and introduces the new Deputy Director of the Facilities Standards and Operations (FSO) Division, Allison Ganter.



- Ms. Ganter has been with the agency for 14 years and worked on facility inspection issues.
- The board congratulates Ms. Silbert on being part of the 8th Class of the California Hall of Fame.
- Ms. Adele Arnold is stepping down as the Chief Probation Officer representative for small counties on the board.
- Mr. Budnick has recently been appointed to serve on the Community College Board of Governors.

CONSENT ITEMS

A. Board of State and Community Corrections (BSCC) May 8, 2014. Meeting Minutes. Requesting Approval.

- Board votes to approve the minutes.

DISCUSSION ITEMS

B. Executive Director’s Report

B-1 Budget Update

B-2 Update on Assembly 1050 Executive Steering Committee

B-3 Data and Research Standing Committee Update

- BSCC Executive Director Kathleen Howard reports to the Board on recent developments involving the BSCC.
- FY2014-15 Budget includes several items that directly impact BSCC.
 - Development of Performance Metrics: SB 852
 - The statutory language that establishes the BSCC assigns responsibility for the agency to collect data clearinghouse. There has been vigorous discussion between the governor and legislature about how those responsibilities will be implemented.
 - The BSCC faced strong criticism at the May 8, 2014 Senate Budget Subcommittee on Public Safety hearing. The subcommittee felt the BSCC had not met their obligation as a data clearinghouse.
 - Important next steps have been identified by the BSCC:
 - Strong voices in the legislature have been calling for offender-level data across the state. This is a challenge for the BSCC to accomplish.
 - With SB 852, the BSCC shall provide a report, to the governor and legislature that describes 6 to 12 recommended performance metrics, by February 2015. These performance metrics will be used to show impact of county community corrections systems.
 - The California State University system previously developed a similar series of performance metrics.
 - There will be work on developing these 6-12 performance metrics, but emphasis is on available data.



- The Research and Data Standing Committee will guide this process.
- Data will include information on sentencing, use of splits, reentry services, and incarceration rates.
- Mr. Maggard asks if Ms. Howard has enough staff resources to complete this. Ms. Howard says BSCC staff has the resources to develop the metrics, given the full responsibility for collection falls with the counties.
- Ms. Penner says the BSCC is not able to require counties to give the agency data, but they do have a good working relationship with district attorneys, chief probations officers, and sheriffs to extract the data. The BSCC will gather the many data measures already available, rather than create the data.
- Ms. Penner highlights the BSCC's Second Annual Report on the Implementation of Community Corrections Partnership Plans, which was released in July. She commends staff for their hard work. The report is available [here](#).
- Juvenile Justice Data Working Group (AB 1468)
 - The working group was created as part of the BSCC to recommend ways to improve county and state juvenile justice data systems and reports. There are two major deadlines for this group.
 - First, it must submit recommendations to the BSCC by December 31, 2014 on how to improve current juvenile justice reporting requirements. This includes the Youthful Offender Block Grant and the Juvenile Justice Crime Prevention Act.
 - The working group must also submit a report to the legislature by January 1, 2016 on coordinating and modernizing juvenile justice data systems developed by state agencies and counties.
 - The group will be tasked with examining other states practices to strengthen outcomes.
 - The legislation calls for strong representation from relevant agencies and the juvenile justice committee experts who sit on BSCC committees.
 - Mr. Steinhart says it has taken 15 years to get comprehensive review of poor data collection in California. The technology is substandard and there is no data on recidivism rates.
 - He is pleased that the working group was included in the budget. This will not just review capacity as relates to technical issues, but will look at performance measures by which we understand the success of juvenile justice. What are the education and employment outcomes for these youth?
 - This is an interagency group with the Department of Finance and Department of Justice.
 - Mr. Steinhart makes a motion that a representative from the Juvenile Justice Standing Committee and the State Advisory Committee on



Juvenile Justice and Delinquency Prevention will serve on this working group.

- The board approves the motion.
- Mentally Ill Offender Crime Reduction (AB 1468)
 - The Board of Corrections previously allocated this grant. The grant was a priority for Senator Darrell Steinberg. He authored legislation this year that originally called for \$50 million.
 - \$9 million for adult and \$9 million for juvenile programs. The BSCC is responsible for overseeing this fund and will create an executive steering committee.
 - Mr. Steinhart worked with Senator Steinberg on developing this legislation and served with the allocation committee when it was previously administered by the agency.
 - This funding is not limited to seriously mentally ill individuals. Can be used for trauma and non-chronic mental health issues.
 - Ms. Silbert is concerned that mental health programs need to be established in communities. This will never work if there are no mental health outreach programs in the community; there is no place for people to reside once they are released from prison.
 - According to the timeline, the ESC will be appointed at the September Board meeting. The RFP will be developed by January or February 2015 and the funding should be allocated by June 2015.
 - There is ambiguity in the language if the \$18 million will be funded for one year with renewal funding. This should be clarified by the September board meeting.
- \$500 million – Adult Local Criminal Justice Facilities (SB 863)
 - The emphasis is on program and treatment space and replacement beds, as they are needed.
 - In the SB 1022 process, there was significant unmet need for local adult criminal justice facilities with programming and education space.
 - This ESC will be developed at the September board meeting.
- Update on AB 1050 ESC – Definition of Recidivism and Other Terms
 - Ms. Penner is the chair of the ESC to define adult recidivism, which formed in January 2014. They have had four in-person meetings. The proposed definition was released for public comment in June. There were three public comment hearings and a substantial number of responses.
 - The proposed definition is “Recidivism is defined as a conviction of a new crime committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction.”
 - There was a corresponding measurement statement, which read, “The above base definition was developed to promote consistent statewide reporting. However other useful elements can be measured to better understand recidivism trends. These include, but are not limited to arrests, returns to custody, and technical violations of conditions of supervision.”



- Ms. Penner believes the proposed definition is clearly defined, practical to collect, and reasonable to administer.
- A number of comments addressed the three-year timeline. Some believed it should be longer; others believed it should be shorter.
- Public comment from police chiefs and district attorneys argued for arrests and returns to custody as included in recidivism. Some believe that the measurement statement should be included in required data collection.
- The district attorneys said the proposed definition would alter charging behavior. Currently individuals can be “fast tracked” to custody without getting a conviction. This could put pressure on the system for more cases to go to trial.
- This new definition of recidivism will not compared to prior definitions of recidivism.
- The committee is also looking to define other terms including average daily population, average length of stay, and successful completion of probation.
- The ESC is scheduled to meet in August 2014.
- Ms. Penner says they proposed using convictions because this definition is used by the Department of Justice. There is a lack of consistency across the state on this definition.
- The ESC will focus on recidivism first and then move to the other definitions.
- Staff will present to the board on national trends with definition of recidivism.
- Ms. Penner says there are concerns that the recidivism definition will be used for funding. The ESC cannot have authority about this, but it will be a statewide definition. The attorney general is developing a definition of recidivism, but the BSCC is the only statutory body that is charged with defining this term. However, this does not prevent others from developing their own definitions.
- BSCC staff brought in Dr. Edward Latessa to brief the ESC on recidivism.
- Ms. Brown sits on this ESC and says the criminal justice system is broader than individuals impacted by Realignment. She thinks it is important to collect as much data as possible and focus on the entire system.
- Mr. Steinhart supports this definition.
- Mr. Maggard has a lot of contact with concerned individuals. He has heard concern that statewide policy decisions need to be informed by accurate data. There is so much variability in how each county achieves a new conviction or if a plea deal is reached.
- Mr. Dean said that the new recidivism data would not be compared with old measurements. Future funding will be based on the agreed upon definition. The ESC should just pick something and move on, given this discussion could go on for a long time.
- Mr. Penner said the ESC would meet in the future and review public comment. Mr. Stone said CDCR has a research and data department of 20-25 individuals.
- Brian Goldstein, from the Center on Juvenile and Criminal Justice, thanks the board for having the three public comment sessions. CJCJ provided public comment in support of the proposed definition. Mr. Goldstein asks for clarification around the SB 863 local adult corrections ESC.



- Ms. Howard says they will create the ESC with chair and co-chair in September and the full ESC will be formed at the subsequent board meeting.
- Update on Research and Data Standing Committee
 - The Research and Data Standing Committee has been meeting regularly. This data work is focused broadly beyond Realignment. They have reviewed available data and what the counties would like to measure. The committee is working with specific groups such as the California State Association of Counties, the Chief Probation Officers of California, and the California State Sheriffs Association. They have also been consulting with the Judicial Council.
 - The committee wants to do more outreach to see how the data function of the BSCC can be most helpful for counties.
- Update on Byrne JAG ESC
 - The federal government allocates Edward Byrne Memorial Justice Assistance Grant (JAG) funding annually to states. The funding must support programs that are in line with the grants seven purpose areas. California receives approximately \$19 million annually from this fund.
 - BSCC assumed responsibility for this fund in July 2012.
 - ESC was recently formed to look at state funding strategy and how it should be allocated. In the past, California Office of Emergency Services allocated funding through a non-competitive process, and counties used this primarily for drug interdiction efforts.
 - In March 2013, the BSCC developed a stakeholder strategy process, which included an online survey and three public comment sessions held throughout the state.
 - Based on this public comment, the BSCC will focus on three program purpose areas.
 1. Education and prevention, with priorities on gang initiatives, juvenile delinquency, and substance abuse.
 2. Law enforcement, with priorities on gang violence and violent crime reduction.
 3. Prosecution, courts, and defense, with priorities on problem solving and collaborative courts, and gun/gang prosecution and violent crime prosecution and defense.
 - Applicants for JAG funding will have to fall within one of the three program purpose areas.
 - California will receive \$19.3 million for the 2014 JAG grant. JAG is subject to funding reductions because of the state's noncompliance with the federal Prison Rape Elimination Act (PREA) and Sexual Offender Registration and Notification Act (SORNA).
 - \$16.7 million is available to counties through a competitive funding process. \$1 million will go to the Department of Justice (DOJ).
 - Previously, all jurisdictions received an allotment, but the BSCC anticipates that approximately half of the 58 counties will receive funding under this new approach.



- JAG ESC will meet on July 22. Mr. Budnick and Mr. Steinhart are the co-chairs of this committee.
- Mr. Steinhart says he hopes the board will be able to approve the RFP at the September board meeting.
- Mr. McDaniel says the funding currently allocated for drug suppression will stop on September 30. In late January 2015, California will receive the new round of JAG. No projects will be assumed to have continued funding and this will be a competitive process.
- Update on SB 81, AB 900, and SB 1022 construction projects
 - Ms. Howard says the BSCC is working with the Department of Finance to identify process improvements to allow for clear communication with counties regarding change of scopes and timelines. The BSCC is a resource to the counties.
- Strategic Plan Update re: Board and Committee Procedures
 - Many board members are already serving on standing committees and ESCs. The BSCC is reviewing this process. They are discussing whether a board member must always serve as chair or co-chair.

C. Adult Titles 15 and 24 Regulations Revision Process for the 2015/2016 Cycle. Requesting Approval.

- BSCC Deputy Director (FSO) presents this item before the board. Staff is requesting approval to begin the revision process for Titles 15 and 24 regulations for the 2015-16 cycle. This will create a new ESC chaired by Mr. Dean and co-chaired by Santa Ana Police Chief Carlos Rojas.
- Ms. Brown says chief probation officers would like to be involved in this process and she has some specific names to submit to staff for the ESC.
- Motion is made to approve the ESC with the named chairs and co-chairs.
- Chair calls a vote with all voting in support, but the vote is halted given they did not ask for public comment.
- Public comment provided by Brian Goldstein (Center on Juvenile and Criminal Justice). Mr. Goldstein states this revision process is very important for facility standards and as a signal to counties about priorities. The BSCC will administer facility grant funding in the future and Title 15 and 24 regulations will bind these projects. CJCJ and other advocates, researchers, and community-based organizations are very interested in partnering with the BSCC in this process. CJCJ will submit committee member recommendations to staff.
- Public comment provided by Michelle Newell (Children's Defense Fund – California). Ms. Newell believes Titles 15 and 24 regulations as this communicates the direction of the state. Ms. Newell has served on the SB 81 Round 2 ESC. She believes this has been a robust process with a diverse and balance membership. This has resulted in a strong RFP. CDF would like to serve as resource for staff.
- The motion to adopt was submitted again and all members vote in support.



D. Request for Proposals for the California Gang Reduction, Intervention and Prevention (CalGRIP) Funded through the State Budget Act. Requesting Approval and Release.

- BSCC staff Magi Work (CPP) presents on this item.
- Staff requests that the board approve the release of the California Gang Reduction, Intervention and Prevention (CalGRIP) RFP that has been recommended by the Standing Committee on Gang Issues.
- In 2007, the governor launched the CalGRIP program to help communities support prevention, intervention, and suppression strategies.
- CalGRIP provides funding to cities that use a local collaborative approach for these activities.
- This fund was transferred to the BSCC in July 2012. The agency has 34 programs under contract. 14 are for the 2012-2013 funding cycle and 20 for the 2013-2014 funding cycle.
- The funding authority for the CalGRIP Program comes from the State Budget Act. The act appropriates \$9.2 million in State Restitution funds annually and \$8.2 to California cities through a competitive process. The City of Los Angeles receives \$1 million through RFP process.
- Grant requirements include the following:
 - At least two grants shall be awarded to cities with populations of 200,000 or less. No grant shall exceed \$500,000. Preference shall be given to regional approaches. Grants require collaboration with local juvenile justice coordinating councils, and must establish an advisory council with specified representation to help prioritize the use of the funds. Twenty percent of the funds received by grantees shall be distributed to community based. Applicants are required to provide programs, practices, and strategies that have a demonstrated evidence base and are appropriate for the target population. A 10 percent minimum of grant funding must be dedicated to the project and evaluation outcomes. Cal-GRIP. This requires a 100 percent match (cash, in-kind or combination).
- In March 2014, the board approved making the Gang Issues Standing Committee the ESC for this fund. The board also approved a three-year funding cycle beginning in the 2014-15 cycle.
- If the item is approved, it will be released to the field on July 25 and the ESC will make recommendations on November 13. The project period begins January 1, 2015.
- Ms. Mauriello asks if there can be any coordination between this and the Byrne-JAG ESC process? Ms. Penner says no, given CalGRIP will be released to the field very soon.
- The board approves the motion.

E. Senate Bill 81 Round Two 2007 Local Youthful Offender Rehabilitative Facilities Construction Financing Program Emergency Regulation Amendment to Title 15 Regulations, Requesting Approval to Establish.



- BSCC staffer Allison Ganter (FSO) presents on this agenda item. Staff is seeking board approval of an amendment to Title 15 regulations. Staff will then submit the amendment to the Office of Administrative Law.
- SB 81 funding made \$300 million available for facilities that would support rehabilitation at the local level. Thirteen projects received conditional awards, two of which are completed.
- \$79.2 million of funding remains. These projects must be established by June 30, 2017. These regulations specify the procedures that facilities must incorporate to receive funding.
- These regulations need to be approved quickly so the funding can be allocated quickly.
- Ms. Ganter thanks Ms. Brown and Mr. Budnick for serving as co-chairs on SB 81 Round. The draft RFP will go out for a 10-day public comment period early next week. Afterward it will be reviewed for technical accuracy by the Department of Finance and other state agencies. The RFP will then go before the board at the September 12th meeting. Proposals must go to the board by September 19th.
- Ms. Penner says that if this money is not quickly released, it will not be allocated.
- Mr. Budnick says the SB 81 Round 2 ESC has been exceptional. The committee was very diverse with experts on mental health and trauma.
- Mr. Steinhart says he is happy that there is flexibility for programming space.
- Public comment provided by Brian Goldstein (Center on Juvenile and Criminal Justice). Mr. Goldstein commends the co-chairs for facilitating a process with substantial public comment. Juvenile justice has changed significantly in California. Given these changes, CJCJ and 12 other organizations have submitted a letter to the ESC recommending that non-secure facilities be prioritized. CJCJ is disappointed and unclear as to why non-secure, residential options are not eligible.
- Public comment provided by Michelle Newell (Children's Defense Fund - California). With a new definition for youthful offender rehabilitative facilities, CDF is encouraged that it allows for non-secure, non-residential facilities. However, they are disappointed that non-secure, residential options are not available. Ms. Newell has seen positive examples of this in other states.
- Ms. Brown thanks Ms. Newell and Mr. Goldstein for their input throughout this process.
- The board approves the motion.

F. Executive Steering Committee and Timeline for the Residential Substance Abuse Treatment (RSAT) for State Prisoners Program and Approval for Funding. Requesting Approval

- BSCC staffer Colleen Stone (CPP) presents on the agenda item.
- She is requesting the board approves a new ESC for the Residential Substance Abuse Treatment (RSAT) fund.
- The board is the state designated agency for administering this fund. RSAT enhances state and local governments to provide residential drug treatment and



support reentry efforts. This can be used for jail-based, residential treatment, and aftercare. RSAT has in place in California since 1997.

- BSCC staff conducted oversight of four RSAT projects.
- The state anticipates receiving approximately \$719,000 from the federal government. The BSCC wants to establish and ESC so this can move forward quickly.
- Mr. Growden will chair this ESC.
- The board approves this item.

G. Executive Steering Committee for the Proud Parenting Program to Oversee the Development of the Request for Proposals for the Fiscal Year 2015/2016 Funding. Requesting Approval to Establish.

- BSCC staffer Ricardo Goodridge presents on this item.
- Staff request the board approve item and allow for ESC to form and develop RFP for the Proud Parenting Program.
- This program funds service programs for parents who are 14-25 years old and have been involved in the justice and/or child welfare system. It currently funds specific county projects. These contract June 2015.
- Staff request board to create ESC to oversee RFP process.
- Ms. Silbert and Ms. Brown will serve as co-chairs.
- Board approves item.

Board breaks for 5 minutes

PRESENTATIONS:

Website Reveal by Tracie Cone and Antonio Esmael

- BSCC Director of Communications Tracie Cone presents on the new website.
- The agency has a new logo. BSCC staff is working to make information on the ESCs more accessible (e.g. agendas, committee membership).
- Staff appreciate feedback.

Judge Desiree Bruce Lyle: Presentation on San Diego County Superior Court: Mandatory Supervision Court.

- Ms. Penner says the BSCC should look to different locations for future meetings. These can be held in locations where meaningful programs are implemented.
 - Ms. Silbert suggests holding a meeting at the Delancey Street Foundation in San Francisco.
- Ms. Howard introduces Judge Desiree Bruce Lyle of the San Diego County Superior Court.
- San Diego was one of the early reentry courts set up by the California Emergency Management Agency (Cal-EMA). Realignment changed the funding source for this court. They are now funded by AB 109 and serve Realigned individuals.



- In 2012, the county builds a facility for individuals subject to split sentencing. The facility has programming, which prepares the individual for the mandatory supervision of their sentence.
- Prior to their release, an individual will go before Judge Lyle in her mandatory supervision court. Probation will prepare a report on an individual's history. The district attorney and public defender also get a copy of the report. Judge Lyle reviews all reports prior to the court date. She goes over the case plan with the individual. The individual is then subject to electronic monitoring and returns to the court for periodic review hearings, where they may face sanctions or rewards. San Diego recognizes the need for flexibility in this approach.
- Mental health remains a significant challenge for the court.
- The court struggles with getting individuals to go through substance abuse treatment as part of their split sentence.
- Employment services are a necessary part of rehabilitation.
- Housing issues come up quite frequently. Those with substance abuse issues can find housing through treatment and aftercare services. Probation has contracts with sober living houses.
- Ms. Howard says there is additional funding in the state budget for courts to administer programs comparable to what Judge Lyle has implemented.
- Judge Lyle says that judges need to be educated, given they approach criminal justice from a punitive lens. There also needs to be a structure in place to properly supervise individuals on mandatory supervision.
- Ms. Penner says the board needs to discuss split sentencing, given the governor has addressed this in the FY14-15 budget. What is the impact of split sentencing on public safety outcomes and jail capacity?

PUBLIC COMMENTS: Public comment period on issues not on the agenda.

[END NOTES]