

BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, JANUARY 17, 2013, 1:00 P.M.
BSCC CONFERENCE ROOM, 660 BERCUT DRIVE
SACRAMENTO, CA 95811 Phone: (916) 445-5073 www.bscc.ca.gov

Notes by Brian Goldstein
Center on Juvenile and Criminal Justice

Note: Further meeting documents can found online at:

www.bscc.ca.gov/board/announcements/board-of-state-and-community-corrections-meeting-agenda

Roll Call

JEFFREY A. BEARD Chair Secretary, CDCR (will attend March meeting)
DANIEL STONE, Director Adult Parole Operations, CDCR (will attend March meeting)
DEAN GROWDON Sheriff, Lassen County – In Attendance
LEROY BACA Sheriff, Los Angeles County – In Attendance
SUSAN MAURIELLO County Administration Officer, Santa Cruz County – In Attendance
LINDA PENNER Chief Probation Officer, Fresno County (Acting Chair for meeting) – 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
VACANT COMMUNITY PROVIDER of Rehabilitative Treatment or Services for Adult Offenders – To be
Appointed by Speaker of the Assembly
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. Approval of the Board of State and Community Corrections (BSCC) November 8, 2012 Meeting Minutes**
- B. AB 900 Phase II Jail Construction Program – Siskiyou County Request for Time Extension**
- C. Juvenile Justice Standing Committee Proposed Membership**
- D. Requesting Authority to Establish a Standing Committee on Gang Issues**
- E. Requesting to Establish Standing Committee on Data and Research**

DISCUSSION ITEMS:

- F. Presentation on Corrections Reform by Michael Carrington**
- G. Welfare and Institutions Code, 209(d) Juvenile Hall Determinations of Suitability**
- H. Alameda County Juvenile Hall Determination of Suitability**
- I. BSCC Strategic Plan Update**
- J. Allocations of Police Grants Authorized in the Budget**
- K. Public Comments**

Meeting Notes

Next Meeting: March 14, 2013, Location TBD.

BSCC Executive Director Patricia Mazzilli Update:

- New CDCR Secretary Dr. Jeffrey A. Beard and new Director of the Division of Adult Parole Daniel Stone will attend March 2013 meeting
- Governor Brown's proposed 2013 budget proposes following adjustments to the BSCC budget from existing resources:
 - 9 new positions requested to address research
 - 2 new positions requested to address construction
 - 2 new positions requested to address administration
 - Funded with existing resources in department budget
 - 1.5 positions transferred as a workload adjustment to address workload associated with previously transferred grant programs
 - Police grants are proposed to increase from current year by \$4 million to \$24 million
 - Increase \$7.5 million in the budget year to \$27.5 million
 - Community Corrections Partnership funding for budget year proposed at \$7.9 million deduction, reduction from current of \$8.9 million
 - Transfer funds to Corrections Training Fund proposed reduction of \$6 million, allowed to be used by General Fund instead of Training Fund Reserves
 - Does not reduce appropriation amounts for assistance with regard to training and law enforcement
 - BSCC will fill several staffing vacancies on limited term basis:
 - Research Specialist 5
 - Project manager for construction projects
 - Executive assistant for associate government programming
 - SB 1022 draft request for proposal is moving forward, more than likely need to schedule special meeting in February 2013 to examine process, Board may consider date at meeting today
 - AB 109 jail data report for realignment scheduled to be released at end of this month
 - Data work group: State Sheriffs Association, Chief Probation Officer's Association (CPOC), The Association of Counties (CSAC), CDCR, Dept. of Finance
- Working on BSCC website to make more user-friendly
- Irvine Chief of Police David L. Maggard, Jr. offered to hold March 14th meeting in Irvine
- Chief Penner: "Given the jail data report that is coming out at the end of the month has the BSCC presented on the probation data?"
 - Ms. Mazzilli: No, BSCC has not yet reported probation data
 - CPOC report is now on BSCC website, issues brief was released in October
 - Will coordinate with Chief Probation Officers for jail data report and publish probation report at same time
 - Chief Penner: "Hope that jail and probation data sets are released together"
- Mr. Steinhart: What is staff update on PPIC data contract?
 - Ms. Mazzilli: BSCC counsel working with PPIC counsel to ensure proper language for data-sharing, will report back at next meeting

Discussion Item J: Allocation of Police Grants Authorized in the Budget (addressed first)

- Presented by BSCC Exec Director Patricia Mazzilli
- As part of 2012 Budget Act, local assistance \$20 million appropriated to city police departments
 - Allocation formula developed by BSCC in consultation with Department of Finance
- Jan 10, 2012 Governor's proposed budget included \$4 million augmentation
- CA Police Chiefs Association proposed allocation based on regional needs of each county, meets criteria set for into law and BSCC recognizes local agencies able to best identify needs
- One city in each county has been identified as fiduciary agent for each county
- Will allocate funds based on collective decision of all law enforcement within that county



- List of proposed city allocations identified in [handout](#) at meeting
- Legislature now has until Feb. 11 to consider \$4 million augmentation
- Asking Board to approve proposed allocation and direct staff to work with State Controller's Office to approve funding as legislature considers proposed augmentation
- Chief Maggard: Proposal is critical for front-line law enforcement funding
- Public comment:
 - Ventura County Sheriff Dean: Thanks administration for additional funding
 - Sheriffs support proposal, will work with police chiefs in respective cities to share funding equitably
 - President California Police Chief's Association, Scott Seaman: Critical law enforcement funding amid increasing workload in cities
 - Ability to reinforce needs of departments
 - Everything we do should be regional
 - Intent is that money comes to an association of public safety officials and they decide how best to use it
 - Sheriff Baca supports proposal, notes contract cities eligible
- Motion carried

Discussion Item F: Presentation on Corrections Reform by Michael Carrington

- Assistant Secretary for Policy, Analysis, and Planning, member Governor's Rehabilitation Strike team
- BSCC has opportunity to develop world-class model, potential for statewide planning amid realignment
 - Can save money, reduce recidivism
- [Handout](#) details Mr. Carrington's plan
 - Need to address "core causes" that drive offender population and recidivism
 - These issues stem from offender's "Negative Impact History" (NIH)
 - Need for public/private partnerships with community-based, faith-based groups that specialize in "transformative programming"
- Sheriff Baca: Idea of re-entry requires some consensus on responsible party
 - Concept historically outlined by state: "last 6 months, somewhere, somehow"
 - Should begin when they enter the prison, not when they leave
 - Purpose of prison is not just punishment, but education along the way
 - Institution should take on obligation to make a better person
 - Local counties can implement reform with help with local police, faith-based groups, and CBO's can help
 - Experimentation happens with trial and error, communication between counties
 - Easier than statewide implementation
- Mr. Carrington concurs about failure of 6 month approach and need for local-level focus
 - Sacramento county Sheriff asked Mr. Carrington to be part of Reentry Council, which has adopted "core causes" approach as official policy
- Chief Penner: Wary of statewide policy to re-entry, given county-level differences
- Ms. Silbert agrees with Sheriff Baca that action necessary
 - San Francisco has re-entry in place, absence of funds
 - Reentry must address substance abuse and lack of education
 - Should BSCC work with counties or legislature?
- Sheriff Baca: There is a gap in what BSCC does, what Governor and Legislature want, which will not go away
 - BSCC has a lot more power than it uses
 - Would like to see state designate 3 prisons as re-entry prisons only
 - Like minded prisoners (know they're going to be released), housed together under new program, but does not require new classrooms



- Vast majority of prisoners are interested in education
- BSCC has to make it's mind up as to what are the things we'd like to see the state prison engage in that they have not to date
- Talented teachers in state prison system, but we do not know who they are because they are never here
- Lack of sophisticated feedback from the system to this board
 - Looking for presentations from shining examples in prison system that exist so that we can coalesce a status report of reform relative to reentry and that counties
 - Narrative in LA: 1,700 unused beds, not maxed out
 - More room for creativity and better use of the jail space
 - State prison system has more capability and talent than what is structurally being used
 - That is what board should deal with
- Chief Penner: BSCC at a juncture of change, new blueprint out
 - Invite new secretary to hear his vision for CDCR
 - Chief Penner recommended that the discussion be tabled, have staff put on next agenda

Discussion Item G: Welfare and Institutions Code, 209(d) Juvenile Hall Determinations of Suitability

- Presented by Deputy Director (FSO) Gary Wion
- WIC requires BSCC to determine suitability of confinement when juvenile hall fails to rectify areas of noncompliance identified during biennial inspections
- Counties required to follow specific timelines
 - Within 60 days, facility must file an approved Corrective Action Plan
 - Plan must include timeframe for resolution, not to exceed 90 days
 - Otherwise BSCC must make a determination of suitability
 - If Board finds facility suitable for confinement, but areas of noncompliance remain, Board can place issue at future meetings
 - If deemed unsuitable, Board gives notice and after 60 days may not confine minors
- Mr. Steinhart: Statute ties Board into a tight corner, does not leave a lot of wiggle room for Board to allow noncompliance to continue
 - Does not want Board to get reputation that it dispenses "free pass"
- Chief Penner: If good faith effort being made and minors are kept safe, disingenuous to find non-compliance
- Ms. Silbert: "Board of Corrections, when something happened, would constantly go out to juvenile facility and stay on them"
 - "Last time this happened with LA we had no money, so they kept coming back and saying things were getting better"
- Mr. Steinhart: Bringing counties in compliance is key part of enforcement process
 - History has been one of trying to work together, but there is also a sense of going back in the past that this board would not be tough with counties, requires case-by-case evaluation
 - Statute may be too restrictive, too tight definition subject to different interpretations of what unsuitability means
 - Juvenile justice standing committee can look at mandates, inspections
- Mr. Wion: Staff make recommendations to Board, "eyes and ears" on site, try to make facility visit as close to meetings and have interested parties in attendance

Discussion Item H: Alameda County Juvenile Hall Determination of Suitability

- Presented by Toni Gardner Field Representative (FSO)
- Determination whether Alameda County Juvenile Hall is suitable for the confinement of minors
- Representing Alameda County: Chief Probation Officer LaDonna Harris, Deputy Chief Probation Officer



(Institutions) Esa Ehmen-Krause, Institutional Superintendent Christian Munoz, Assistant Superintendent Brian Hobson, Camp Wilmont Sweeney Superintendent Lisa Hill

- BSCC staff investigated Alameda County Juvenile Hall and Camp Wilmont Sweeney on March 27 and 28, 2012 → letter mailed May 20, 2012, 12 areas of noncompliance found
 - Probation department required to send Corrective Action Plan (CAP) within 60 days, did so July 31, 2012
 - County has 90 days to complete actions outlined in CAP
- Probation facility managers and BSCC met frequently to work towards compliance
- BSCC staff endorsed policy revisions, visited facility on September 19, 2012 → 4 areas of noncompliance removed from tracking; BSCC visit facility again December 19, 2012 → 2 more areas of noncompliance removed
- Remaining noncompliance:
 - 4 areas where practice is compliant, but policy deficient
 - 2 areas where policy is compliant, but practice deficient
 - Institutional assessment and plan, religious services
- Recommendation: Board find Alameda County compliant for the confinement of minors but require that Chief Probation Officer or her designate return to Board meetings and provide updates until all items are correction
- Mr. Steinhart: What explains delays? Role of union?
- Chief Probation Officer LaDonna Harris: For juvenile hall, required to meet with 2 labor unions as relations to line staff, institutional supervision
 - Still waiting to hear from labor unions, due to 'meet and confer'
 - Requires use of compulsory interim directives to immediately address areas of noncompliance (implemented day before meeting)
 - Toni Gardner Field Representative (FSO): These could meet areas on noncompliance if corresponds appropriately
 - Letter from Board to county counsel would help expedite process
 - Chief Penner: Minors in facility are safe, I would support letter
- Motion: Joint letter to explain severity of issue/delay to county counsel and union
 - Motion passes
 - David Steinhart abstains

Discussion Item I: BSCC Strategic Plan Update

- Presented by BSCC Exec Director Patricia Mazzilli
- Detailed update located [here](#).
- September 2012, BSCC held internal planning meetings as part of strategic planning process
- Internal/external scan of influencing factors
 - Staff complete organizational assessment to understand BSCC culture
 - Results used to implement targeted activities that improve agency productivity
- November 8, 2012 Board members participated in workshop to identify priorities to set strategic vision:
 - Support programs and strategies to achieve inmate success and create or transform facilities to achieve that goal
 - Serve the goals of reducing incarceration, recidivism and costs by producing better outcomes for youth and adults
 - Provide and coordinate reports and recommendations to the Legislature, Governor's Office, CDCR, and other relevant agencies
 - Ensure the development of standardized data collection and reporting of outcome-based corrections
 - Identify and promote correction's best practices and offender pathways for a better life
 - Promote adequate funding and resources for the BSCC to accomplish its mission and mandates
- November 26, 2012 staff identified short term goals (3 to 6 months):



- Data and measurement
 - Development of realignment baseline data instruments
 - Identify data that is already being collected to support effort
 - Completion of AB 109 jail data report
 - Continue development of a long term data and research plan
 - Develop a data dashboard of existing BSCC data, publish on website
 - Begin statewide analysis of how the corrections occupation has changed as a result of realignment
- Required reporting
 - Complete report on the statewide implementation of Community Corrections Plan to Governor and Legislature (due July 1, 2013) → convene stakeholder workgroups to determine what kind of questions should be asked of counties, what information is necessary to report
 - Draft survey should be sent to stakeholder groups, expect this will go to CCP Chair in February
 - PPIC/BSCC partnership project will be presented at next Board meeting in March 2013
- Technical assistance and best practices
 - Identify and share best practices with Sheriff and Probation Departments
 - Conduct workgroup on population management and the effect of realignment on jails
- Facility planning
 - Disburse SB 1022 facility funding
- BSCC staff meeting January 22 to determine long-term goals and implement Board's strategic vision, teams will action plans for short-term goals
 - US Dept. of Justice Office of Justice Programs Diagnostic Center and National Criminal Justice Association will work with BSCC to offer technical assistance
 - Regularly scheduled strategic plan updates at future BSCC meetings
- Ms. Silbert: Need for future meetings that center on action, not just data

Discussion of March Meeting

- Should March 14, 2013 meeting be held in Irvine?
- Sheriff Baca: BSCC should hold meeting in prison
 - Not just a matter of administration, but rather a better understanding of behavior/culture
 - Necessary to ascertain possibility of BSCC goals
- Mr. Steinhart: Possible as special session separate from business agenda?
- Sheriff Baca: "Until behavior of this Board coincides with the problems of the Department of Corrections we aren't doing this job the right way → we have to have involvement with challenges in the practitioners world so they can give us clear understanding if goals are reachable"
- Chief Penner: "Mission of Board is broad, includes Realignment, law enforcement across state, probation departments across the state"
 - Important to see many things, careful not to narrow vision too tightly
- Ms. Silbert: Board has not been to any jails, BOC used to visit new generation jails
- Chief Penner: Money has tightened up
- Sheriff Baca: "I have no problem having a prison warden come to Board meetings and give overview of how they run prison and then explain challenges and gaps with best practices → what they feel are success and challenges"
 - We can ask significant questions (e.g. why can't prison guards teach inmates?)
 - Importance of getting on the ground, missed opportunities
 - Board capable of doing much more, no time to waste
- Chief Penner: Secretary Beard coming on board and blueprint should be considered first
- Sheriff Baca: Secretary Beard is our asset, but we are also asset to him



- Need to channel member expertise / work experience into Board's responsibility of reform
 - Board serves as a check of accountability on Secretary Beard
 - Committee of 2-3 could travel to save costs
- Mr. Steinhart: Possible for number of opportunities, rather than 1 meeting
 - Perhaps travel agenda which members can sign up for, includes many types of facilities
- Chief Maggard, Jr: Agrees with Sheriff Baca, has important symbolic value
- Sheriff Baca: Can individuals of the Board visit any facility under the authority of Board membership?
- BSCC Staffer: Would not be violation of open meeting laws, but with 2-3 members visiting there might be an issue → meetings must have public access
- Mr. Steinhart: Had planned on holding Juvenile Justice Standing Committee meeting on same day → how will meeting at facility disrupt collateral meetings?
- Chief Penner makes motion: March 2013 meeting will be at a prison with some expertise/specialty
 - Agenda item will cover what best practices are occurring there
 - 2-3 members on conference call will come up with location
 - Secretary Beard will be at meeting with blueprint
 - Raised as motion, but not voted on

Discussion Item K: Public Comments

- Sheriff of Tuolumne County: More than happy to host a BSCC meeting at facilities
 - Ready to move forward with funding and act
 - As Board considers 1022 funding, please look at those counties that are ready to move forward
 - However, our facilities do not have capability/resources for education efforts raised by Sheriff Baca
- County Administrator Tuolumne County: Thanks Board staff for discussion of funding, looks forward to working with Board in the future
- CJCJ staff commends Board on creating Standing Committee on Gang Issues, suggest two sister organizations as candidates: PICO California, California Cities Gang Prevention Network
- Chief Penner: Board failed to vote on motion regarding March 2013 meeting, approved retroactively "on direction"

[END NOTES]

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