



**BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING**

THURSDAY, August 08, 2013, 10:00 A.M.  
State of California Resources Building  
Auditorium (Dept. of Water Resources)  
1416 Ninth Street, First Floor  
Sacramento, CA 95814  
SACRAMENTO, CA 95811 Phone: (916) 445-5073 [www.bscc.ca.gov](http://www.bscc.ca.gov)

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

Note: Further meeting documents can found online at: <http://www.bscc.ca.gov/board/past-agenda>

**Roll Call**

- JEFFREY A. BEARD Chair Secretary, CDCR – Absent
- DANIEL STONE Director Adult Parole Operations, CDCR – In Attendance
- 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 – 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, The 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 - Absent

**DISCUSSION ITEM:**

- A. Requesting Approval to Develop the Edward Byrne Justice Assistance Grant (JAG) Four-Year Strategy

**PUBLIC COMMENTS**

Next Meeting: September 12, 2013, 10:00 AM at the Irvine Marriot – Tuscany Ballroom, California Probation, Parole, and Correctional Association (CPPCA), 82nd Annual Training and Vendor Conference, 18000 Von Karman Avenue, Irvine, CA 92612.

**MEETING NOTES**

- Scott Budnick appointed to Board by Speaker’s office.

- A. Requesting Approval to Develop the Edward Byrne Justice Assistance Grant (JAG) Four-Year Strategy**



Presentation by Daryle McDaniel, BSCC Field Representative (CPP)

- Item centers on how California will allocate approximately \$20 million for Byrne-JAG funding.
- This is a continuation from the July meeting, where staff presented three options:
  1. Continue funding 74 projects
  2. Make funding decision based on BSCC administered survey, public comment sessions, and BJA state solicitation
  3. Blend options 1 and 2
- In July the Board voted on option 3, but members were confused by the intent of the language (see CJCJ minutes for July BSCC board meeting [here](#)).
- Following the vote, there was a loss of quorum, so the Board decided to meet again in August.
- The BSCC staff was instructed to get information on how July vote would affect human trafficking task forces and the Cal-YOR reentry program. The staff was also tasked with reviewing the intent of option 3.
  - The BSCC has never allocated funds to Cal-YOR or human trafficking task forces. Cal EMA funded these programs in FY 2011-12 through Byrne-JAG.
  - Option 3 was meant to continue drug enforcement with input for new programs. This gives the Board flexibility. The Board needs to determine the percentage of the FY 2013-14 allocation for administrative costs, which the staff will identify.
- The BSCC must develop a four-year strategy for Byrne-JAG going forward.
- Mr. Maggard: There is the question of legality for the Board to decide on this issue.
- Ms. Penner: Counsel has not changed their opinion. We will continue do this one time, given counsel is not here.
- Curtis Hill (Acting Executive Officer of the BSCC): The BSCC went back to the Attorney General's office and they reaffirmed their legal opinion. They are not here because of the potential conflict given their request for a Byrne-JAG funding allocation. Their legal opinion has been confirmed by others.
- Mr. Steinhart: I do not fully agree with the Attorney General.
- Mr. Hill: The BSCC has begun the process for soliciting outside counsel.
- Ms. Penner: The BSCC should extend funding one year and then revisit with an aggressive review of the prior survey.
- Mr. Baca: There needs to be clarification for how Byrne-JAG funding is spent.
- Mr. McDaniel: There are only seven program purpose areas, which can receive Byrne-JAG funds.
- Mr. Hill. The discussion today is on funds that are separate from Cal EMA. Human trafficking comes from a separate line item.
- Ms. Penner: The action item from staff allows us to design a strategy that incorporates the prior survey and create an RFP.
- Mr. Baca: A wide open survey could set the parameters too broadly.
- Mr. Hill: The survey had participants rate program purpose areas. Everyone will have a level playing field going forward.
- Mr. McDaniel: The survey contained seven program purpose areas, but human trafficking was not in the top two.



- Mr. Steinhart: Option 3 is a status quo timeframe initially, followed by a future allocation that incorporates other programs.
- Mr. Maggard: The listening session and survey is helpful, but I would restrict the BSCC to incorporate only these two. I am not willing to support recommendations from the national presentation.
- Mr. Steinhart makes a motion: The BSCC implement an eight percent allocation for administrative costs and a plan to fund current recipients for the current year. BSCC staff will then report on the funding timeline. There will be an executive steering committee to develop a four-year strategy and RFP. The BSCC will direct staff to submit an amended Byrne-JAG application.

Public Comment:

- Stephanie Richard (Coalition to Abolish Slavery & Trafficking): Funds should be allocated so human trafficking task forces can continue. These fall under the seven Byrne-JAG program purpose areas (e.g. crime victims, witnesses, law enforcement).
- Mr. Maggard question to BSCC staff: Is human trafficking part of this discussion?
- Mr. Hill: Human trafficking is not part of the 74 grant projects and will not be cut by the BSCC. This is part of the Cal EMA allocation and the task forces will be eligible for an RFP in year two and three.
- Lt. Kevin Wiley (Oakland Police Department): Human trafficking task forces need funding.
- Sue Webber-Brown (Drug Endangered Children): Additional funding is needed for gang intervention work.
- David King (L.A. Impact): Multi-jurisdictional task forces are a necessary component of drug enforcement, but do not involve users.
- Sheriff Dean Wilson (Del Norte County): Byrne-JAG is the only source of funds for drug enforcement in Del Norte County.
- Staff person from Cal EMA: The BSCC assumed the allocation of funds in FY 2012. Human trafficking funding came from one time stimulus money, but was continued through interest money for one year. Funds are not available for trafficking.
- Mr. Baca: The BSCC does not have a lot of discretion with JAG funding. Counties and cities need matching money. There needs to be a transition to locals or a grouping of counties.
- Mr. Steinhart: These complexities are for the post status quo period. Is there money available for Cal-YOR and the human trafficking task forces?
- Mr. Baca: Los Angeles spends so much more than pot of money being discussed. There must be both sacrifice and funding for reentry services.
- Ms. Penner: The money is for a set amount. There is agreement for a set strategy for this year that will cut out Cal-YOR and human trafficking. Byrne-JAG should be opened for a competitive process.
- Sheriff from El Dorado County: The two multi-jurisdictional task forces in the county are necessary and work high-level cases. There have been 19 heroin overdoses in the South Lake Tahoe area. The provision of only one more year of funding puts law enforcement in unstable position.



- Dennis Garcia (Hernandez Strategy Group and Homeboy Industries): The Board should take a step back and look at evidence-based programming that has a low recidivism rate. Last year the Board said all programs should be on equal footing and not expect money.
- Individual from Winters Police Department: The recession and Realignment have had significant impact. Byrne-JAG provides funding for special enforcement teams.
- Individual from Paving the Way Foundation: The Board should continue to support our program through Byrne-JAG.
- Siskiyou County Sheriff: There is a need for Byrne-JAG funding to assist multi-jurisdictional task forces that target, methamphetamine, marijuana, and cocaine.
- Individual from Fresno Economic Opportunities Commission: Cal-YOR program has resulted in 1.5 percent recidivism rate.
- Maria Garcia (Youth Build in Fresno): Youth Build is a lifeline, which provides helpful case management.
- Oscar Cervantes (Youth Build in Fresno): Mr. Cervantes was a justice-involved individual who received skills and job training through Youth Build, and is no longer dependent on the state system.
- Kimberly Horiuchi (ACLU): I respectfully oppose the motion. A lot of programs will not get money despite their success rate. It is better to focus on individual criminogenic needs. Byrne-JAG funding could significantly fluctuate, so the BSCC should fund effective programs now. The ACLU is concerned about transparency in this process and before a decision is made, there should be consultation with outside counsel.
- Individual from Council for Safer Schools: I am speaking as a father from Marin. The impact of drugs on our community is significant and we need to support multi-jurisdictional task forces.
- Ken Shaw (California Department of Justice): I am here on behalf of Attorney General. The request for an extra \$2.2 million is to compensate for the loss from the General Fund. This is necessary for multi-jurisdictional task forces.
- Ignacio Hernandez (California Youth Build): I am here on behalf of Cal-YOR program. The funds before the BSCC are for one year. Task forces have received money in years past. Cal-YOR is the only example of diversity. There was a motion that these task forces could potentially be phased out. The BSCC provided technical assistance for this. Do not go against last year's motion.
- Darby Kernan (Consultant, Senator Darrell Steinberg): The senator is concerned about this process and the issue of legal counsel We told Mr. Hill that we are concerned that Mr. Budnick is not voting and that there is an absence of independent legal counsel. You are a public board, but there is absence of confidence in your decision.
  - Mr. Baca: The attorney general is not appropriate counsel?
  - Ms. Kernan: You are going on advice of attorney general even though they conflicted out.
  - Mr. Baca: Would advice and counsel from the attorney general be fine if they were not getting money?
  - Ms. Kernan: It is not just an issue of legal opinion, but also of transparency. There is confusion about the official record and who has conflicted out.
  - Ms. Penner: We followed advice of legal counsel at the July meeting and I struggle with your comments about transparency.



- Ms. Kernan: Members, including you, are concerned about the process being unclear. The BSCC needs to take a step back and be thoughtful about the process.
- Mr. Baca: We are following the attorney general's position although we recused ourselves. This panel will follow what counsel advises.
- Ms. Penner: The following individuals are authorized to vote: Mr. Steinhart, Ms. Penner, Mr. Baca, Mr. Stone, Ms. Arnold.
- Nick Warner (California Sheriff's Association): The Board should go back to Mr. Maggard's point and allocate funds. Then the Board should get additional money from the legislature.
- Mr. Maggard: We only have the attorney general's advice, which I am willing to follow. There has been important testimony from the human trafficking community and youth.
- Mr. Growden: The motion is to support five programs at what level?
- Mr. Steinhart: Motion is to only fund for FY 2013-14 and take other money.
- Mr. Stone: The Board does not have legal counsel beyond the attorney general?
- Mr. Hill: Yes, on other matters. On this item, no. We will go with the recommendations of the attorney general.
- Mr. Steinhart: There are multiple questions with no definitive answers. I am bothered, but will proceed given no alternative. This could affect SB 1022 funding. We need counsel to conduct proper review and the BSCC needs a better plan going forward.
- Mr. Baca: If we make a decision it would go through counsel review.
- Mr. Steinhart: Yes, having counsel is important. The Board cannot have a lottery every time we have a meeting. Can we stop this process or continue and have a subsequent review by counsel.
- Mr. Baca makes a motion: Any decision by the Board should go through review.
- Mr. Steinhart amends his previous motion and incorporates comments from Mr. Baca.
  - The BSCC will use independent counsel to ensure compliance. If the Board's action is found non-compliant, they will revisit the issue. The Board will approve the administrative set aside. The Board will extend current funding for one cycle and map out how fund is allocated. The Board will create an executive steering committee to plan for the remaining three years. BSCC staff will submit a Byrne-JAG plan for California.
- The Board approves this motion. Mr. Budnick and Ms. Mauriello abstain.
- Mr. Steinhart: Can we determine what amount of bridge funding is available for Cal-YOR?
- Mr. Hill: BSCC staff will do this for Cal-YOR and human trafficking.
- Mr. Hernandez: Will the conflict of interest findings be brought before the next BSCC meeting in September?
- Ms. Penner: This item will be part of the agenda for the September 12, 2013 meeting in Irvine.
- Mr. Hernandez: Why was Mr. Budnick not in the lottery?
- Mr. Hill: The lottery carried over from the last meeting.
- Mr. Hernandez: Will there be a public recording of this meeting?
- Mr. Hill: A digital recording of the July and August BSCC meeting will be made available to you before the next meeting.



- Mr. Baca: The Board needs to focus on improving the education of prisoners and we can learn more from Mr. Budnick.

[END NOTES]