



BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING

Thursday, November 12, 2015 – 10:00 a.m.
BSCC Board Room
2590 Venture Oaks Way, Room 101
Sacramento, CA 95833

*Notes provided by Erica Webster, Policy Analyst
Center on Juvenile and Criminal Justice*

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

Roll Call

LINDA PENNER Chair, BSCC – In Attendance
JEFFREY A. BEARD Chair Secretary, CDCR – In Attendance
BOBBY HAASE, Director (A) Division of Adult Parole Operations, CDCR – In Attendance
DEAN GROWDON Sheriff, Lassen County – In Attendance
GEOFF DEAN Sheriff, Ventura County – In Attendance
LETICIA PEREZ, County Supervisor, Kern County – In Attendance
MICHELLE BROWN, Chief Probation Officer, San Bernardino – In Attendance
MICHAEL ERTOLA, Chief Probation Officer, Nevada County – In Attendance
DAVID BEJARANO, Chief of Police, Chula Vista – In Attendance
SCOTT BUDNICK Founder Anti-Recidivism Coalition (ARC) and Film Producer – In Attendance
DAVID STEINHART Director Juvenile Justice Program Commonwealth – In Attendance
RAMONA GARRET, Retired Judge, Solano County
MIMI H. SILBERT Chief Executive Officer and President Delancey Street Foundation

I. CALL MEETING TO ORDER

II. INFORMATION ITEMS: (PDF)

1. Chair's Report
2. Executive Director's Report
3. Legislative Update Report (PDF)
4. Report from Chair of the Juvenile Justice Standing Committee

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. Minutes from the September 17, 2015 Board Meeting: - [PDF](#)
- B. Location of the Board of State and Community Corrections February 4, 2016 Meeting: **Requesting Approval.** - [PDF](#)
- C. Assembly Bill 900 Phase II (Local Jail Construction Financing Program) Siskiyou County Time Extension: **Requesting Approval.** - [PDF](#)
 - [Attachment C-1](#)
 - [Attachment C-2](#)
 - [Attachment C-3](#)
 - [Attachment C-4](#)
 - [Attachment C-5](#)

Routine items are heard on the consent calendar. All are approved after one motion unless a Board member asks for discussion or separate action on any item. Anyone may ask to be heard on any item on the consent calendar prior to the Board's vote.

DISCUSSION ITEM: *There will be a Public Comment period prior to Board action on each item. Agenda items may be taken out of order.*

- D. **Request for Appointment of Co-Chairs of the Proposition 47 Executive Steering Committee:**
Requesting Approval.* - [PDF](#)
 - [Attachment D-1](#)
 - [Attachment D-2](#)
- E. **Senate Bill 863 (Adult Local Criminal Justice Facilities Construction Financing Program) Executive Steering Committee's Funding Recommendations:** Requesting Approval. - [PDF](#)
 - [Attachment E-1](#)
 - [Attachment E-2](#)
 - [Attachment E-3](#)
 - [SB 863 Summary of Awarded Projects](#)
 - [List by Date Order of Letters to the Board](#)
 - [SB 863 Letters](#)
- F. **Presentation of the Standards and Training for Corrections Annual Report:** Information Only. - [PDF](#)
 - [Attachment F-1](#)
 - [Attachment F-2](#)
 - [Attachment F-3](#)
 - [Attachment F-4](#)

There will be public comment before Board action on each item.

G. Public Comments

Public comment about any agenda item may be heard at this time. There is a 3-minute limit unless otherwise directed by the Board Chair.



H. Adjourn

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

Next Meeting: February 4, 2016

MEETING NOTES

- David Steinhart reviews the Juvenile Justice Data Report, stating that California's data collection system is "woefully inadequate." He suggests replacing technology and consolidating data. Steinhart also reviews a report by the Juvenile Justice Standing Committee, a state based group that advises the BSCC on statewide juvenile justice issues, best practices and research. Steinhart states that the issues JJSC is focusing on are mental health, reintegrating justice-involved youth into mainstream schools, DJJ versus local facilities, solitary confinement, and use of pepper spray. Steinhart concludes by stating that, since California has no department of juvenile justice, the BSCC has default responsibility for the juvenile justice system.

CONSENT ITEMS

- Ms. Penner requested that Agenda Item E, the conditional awards recommendations for the Senate Bill 863 jail construction funding, be heard first and then the Consent Calendar items would be heard.
- All members vote in support of this item.

DISCUSSION ITEMS

E. Senate Bill 863 (Adult Local Criminal Justice Facilities Construction Financing Program) Executive Steering Committee's Funding Recommendations.

- This agenda item requests the board approve the funding recommendations from the SB 863 executive steering committee (ESC). The funding totals \$500 million for local adult facility construction funding.

Public Comment (partial list)

- Steve Meinrath, American Civil Liberties Union of California: BSCC's lack of transparency and difficulty obtaining documents in a timely fashion, Butte County's use of the Inmate Welfare Fund (IWF).
- Terrena (?), Legal Services for Prisoners with Children (LSPC): Opposed to expanding funding for jails.
- Tahray (?), LSPC: Opposed to funding for jail construction.
- Amanda Mazel, LSPC: Opposed to funding for jail construction, supports investing in community needs, like housing and mental health resources.
- Hafsah Alamine, California Coalition for Women Prisoners: Spouse of a formerly incarcerated man, believes that community organizations and support the reason for her family's success. Opposes investment in jail construction.



Scott Budnick interrupts public comment to tell members of the public that stopping facility construction funding through SB 863 is outside of the scope of the BSCC's role.

- Andrew Zetto, Californians United for a Responsible Budget (CURB): Opposes San Francisco's proposal for \$80 million jail construction.
- Corey Salzillo, California State Sheriff's Association: Supports SB 863 because it provides resources to ensure that appropriate local correctional and reentry facilities are in place. He states that without the right buildings reducing recidivism is difficult, jails were not constructed to house long-term offenders or provide treatment. Supports that this funding is not about capacity increases, and states that SB 863 demonstrates that more funding is needed to make Realignment a success.
- Amir Ammah, All of Us or None: Formerly incarcerated person, commented on the lack of community resources. Opposed to investing in jails over reentry programs.
- Darby Kernan, CA State Association of Counties: Supporting the approval of SB 863 awards because people in jails are being housed longer, they have higher needs, they have mental health issues. SB 863 is a good first step in improving facilities.
- Jason Daniels, unaffiliated: Jails are not hospitals, opposes all funding to jails.
- Diana Zuniga, CURB: Opposes jail funding because it makes it more difficult to fight for alternatives to incarceration.
- Laura Maniani: Americans Friends Service Committee: Rebuts points about this funding not being about increasing capacity because populations are dropping rapidly, reiterates point about Butte County's use of IWF, states that in this round of funding, counties missed opportunities to partner with CBOS.
- Davon Williams, Youth Justice Coalition (YJC)/CURB: Formerly incarcerated person, advocating for SB 863 funds to be invested in the community, opposes mental health facilities inside jails.
- Rosa Gomez, Kern County resident, CURB: Advocates for SB 863 funds to be invested in community programming instead of jails.
- Janice Hill, Kern County, CURB: Opposed to building more jails, asks what the end of result of building more jails would be.
- Andre Benjamin, Fathers and Families of San Joaquin (FFSJ): Formerly incarcerated person, comments on the benefits of Prop. 47 and investing in the community.
- Jerry Austin, American Friends Service Committee: Formerly incarcerated person, creator of program called Stop the Tears, comments on the repetitive nature of jail construction funding and its lack of positive effect on public safety.
- Solomon Joshawn, FFSJ: Comments on the benefits of Proposition 47, uses his success with FFSJ as an example of investing in community programs.
- Darius Stone, Ella Baker Center: Stresses that the BSCC can deny Alameda County's proposal, opposes expanding the jail in Alameda. Uses AB 109 funding as an example of jail expansion funding being ineffective, says money continues to be unaccounted for, points to deaths in custody to oppose a previous statement that new structures are necessary for humane treatment.
- Rosie Flores, CA Partnership, All of US or None, Riverside Alternatives to Jail Expansion: Former CYA youth, comments on personal experience with lack of reentry services and states that incarceration left her worse off.



- Lizzie Buchen, CURB: Comments that the BSCC does not have to approve SB 863 funding, advocates for closing and minimizing jails due to the declining incarcerated population, and supports more pretrial services and alternatives to jail expansion.
- Lee Davenport, Ella Baker Center: Supports BSCC not approving SB 863 funding, states that no amount of money can make a jail setting appropriate for mental health treatment due to the lack of trust.
- Coral Fagan, Western Regional Advocacy Project: States that the BSCC is funding torture of poor, homeless, trans, queer, brown, black and disabled people.
- Kamala Legare, No New Jail SF: Comments on the temperature of the BSCC meeting room, and the racial injustices in the justice system and the government.
- Emily Harris, Ella Baker Center: Comments that the BSCC does not have to approve SB 863 funding especially in lieu of jail population reductions after Prop. 47. Comments on BSCC's lack of transparency & violations of the Brown act. Supports pretrial services and alternatives to incarceration.
- Angela Aguilar, UC Berkeley PhD student: Child of an incarcerated parent, supports prioritization of community-based services and programs, pointing to research that shows that jails are not conducive environments for mental health and substance abuse treatment. Opposes jail construction projects.
- Tash Nguyen, Ella Baker Center: Comments on the declining jail populations in contrast to the increased funding to jail construction, comments on how BSCC board members opposed Prop. 47, and opposes funding for jail construction.
- Erica Webster, Center on Juvenile and Criminal Justice (CJCJ): Comments on BSCC's lack of transparency, lack of public outreach, lack of follow up on county proposals, and Butte County's use of IWF.
- Deirdre Wilson, California Coalition for Women Prisons, All of Us or None, SC Justice Group: Asks that the BSCC halt construction funding, and comments that every day spent in prison is one spent without making progress.
- Pete Woiwood, CA Partnership: Comments that incarceration is one of the biggest drivers of poverty in California, and that expanding jails will entrap counties in endless cycle of spending on jails. Opposes jail spending and advocates for investment in the community.
- John Jones III, Ella Baker Center: Formerly incarcerated person, supports community services instead of in-custody services.

Board Discussion

- Scott Budnick motions that Butte County be removed from the request for approval so that the legality of its use of its inmate welfare fund can be reviewed. David Steinhart seconds this motion. Linda Penner disagrees with the motion stating that the SB 863 ESC recommendations are based on better knowledge of the proposal.
- Leticia Perez and Scott Budnick ask for more information about the ESC Raters' meeting. Dean Growden explains the ESC process and defends the SB 863 ESC's conclusion, saying that jails need better beds for long-term purposes. He also says that the ACLU's Steve Meinrath and several other advocates at the Raters' meeting brought up the Butte County issue, but there was no legal counsel in attendance of the meeting.



- Scott Budnick states that the lack of discussion regarding Butte County is problematic and asks to put a funding decision on hold until the next meeting. David Steinhart agrees with Scott Budnick. David Bejarano and Michelle Brown also believe Butte's use of the inmate welfare fund is problematic, while Michael Ertola believes it is legal.
- BSCC lead staff member, Magi Work, tells the Board that Butte might not receive funding if it cannot find a new funding source besides the inmate welfare fund. Scott Budnick says the BSCC should not fund an illegal project.
- The Board members discuss both the legal issue of using the inmate welfare fund for construction, and the moral issue. Linda Penner says that drawing a moral conclusion is outside of the BSCC's purview.
- A new motion is made to approve all recommended proposals except Butte County's. However, Butte County's proposal will be approved upon their ability to demonstrate legal use of the inmate welfare fund. Regardless, the BSCC will encourage Butte to find another source of funding. If Butte County's use of the inmate welfare fund is illegal and it cannot secure an alternate source of funding, the award will be appropriated to the county with next highest rating.
- David Steinhart then echoes an earlier statement by Scott Budnick and addresses the public in attendance stating that the BSCC's has no choice but to distribute the SB 863 funding. He states that some members of the Board are advocates like many members of the public giving comment today. He recommends the public to take the protest message to the legislature or the governor.
- Board vote in favor of the motion is unanimous.
- CURB protest ensues.

(BREAK)

ACTION: CONSENT ITEMS, CONTINUED

- All information and consent items were approved together.

ACTION: DISCUSSION ITEMS, CONTINUED

D. Request for Appointment of Co-Chairs of the Proposition 47 Executive Steering Committee: Requesting Approval.*

- A BSCC staff member gives a presentation on the responsibilities of the Prop. 47 ESC. Information for how to apply for ESC membership will be posted from Nov. 16, 2015 through Feb. 29, 2016. SACJJDP recommends membership to include an individual with a background in education.
- Linda Penner motions to appoint Scott Budnick and Leticia Perez to co-chair the Prop. 47 ESC, with Ricardo Goodrich as the primary staff person. Motion is seconded.
- Michelle Brown asks if the two appointees are up for the challenge of attending the town hall meetings and handling public interest. Leticia Perez and Scott Budnick both say they are excited to serve as Prop. 47 ESC co-chairs.

Public Comment

Juan Gomez, MILPA: Thanks the Board for selecting Scott Budnick and Leticia Perez as co-chairs for the Prop. 47 ESC, and advocates for selecting formerly incarcerated people for this ESC as well as other decision-making units.

George Villa, MILPA: Advocates that people who have been directly affected by incarceration have a majority of influence in the decision-making regarding incarceration, and supports investment in diverse community-based services.

Brian Goldstein, CJCJ: Supports co-chair candidates for the Prop. 47 ESC, asks the co-chairs to look to the language of AB 1056 to form balanced ESC membership, expand public outreach efforts with the ESC, and recommends that the ESC look to the MIOCR RFP as a model for how to include direct service providers in the process.

Frankie Guzman, National Center for Youth Law (NCYL): Supports the candidates for ESC co-chairs, and comments on his personal need for community resources as a formerly incarcerated person.

Carlos Franco, MILPA: Supports the co-chairs for the Prop. 47 ESC.

Israel Villa, MILPA: Comments that there is a lack of rehabilitative programming in state facilities, and states that his success is owed to MILPA not parole, probation or other systemic bodies. Urges BSCC to allocate Prop. 47 funds to community-based programs and include formerly incarcerated people in the decision-making process.

Michele Stiwell-Parvensky, Children's Defense Fund (CDF): Supports the candidates for co-chairs of the Prop. 47 ESC and urges funding for community-based services, substance abuse treatment, mental health and diversion programs. Advocates for ESC membership that is representative of the communities affected by incarceration, the juvenile justice community, and expert service providers.

Dayshawn (?), MILPA: Comments that his personal rehabilitation relied on community resources.

Helene Machar, California Association of Alcohol & Drug Program Executives: Offers association as a resource to the ESC, recommends that Prop. 47 savings be used to refund Prop. 36.

Scott Budnick and Geoff Dean thank the public for providing comment. Linda Penner says she looks forward to incremental change.

F. Presentation of the Standards and Training for Corrections Annual Report: Information Only.

- Yvonne Werner, Deputy Director of the Standards and Training for Corrections (STC) Program, presents a report on the activity of the STC program for FY 2014-15.
- The STC Program was established nearly 40 years ago to improve the professionalism of local corrections boards, adult corrections officers, juvenile corrections officers, probation officers and supervisors and managers. The BSCC provides minimum training standards for all these positions according to the California Penal Code.
- The BSCC does not receive any general fund from the state budget, but draws from the Corrections Training Fund. In FY 2014-15, \$18.3 million was distributed to local corrections for training. This funding does not wholly fund training efforts, but acts as a supplemental fund.



- In 2012, the STC initiated a long-term program improvement project with four phases.
- Phase 1: Assessment of the STC program to find areas for improvement (2013). Phase 1 occurred under the guidance of the BSCC and an ESC.
- Phase 2: Research phase (2013) of the Local Selection and Training Standards sub project. Published a report on job and training needs, and job and training needs as a result of Realignment.
- Phase 3: ESC tasked to revise STC standards. Revised 11 of 14 STC standards, and referred 11 standards to work group for further revisions, an ongoing project. Currently working on these revisions
- Phase 4: Design and implement a statewide digital training system. Beta testing will begin Dec. 2015, with an implementation goal of June 2016.
- In addition to program improvement activities, the STC provides services to local agencies that participate in the program. Participation is voluntary. FY 2014-15, there were 156 sheriff's offices, CDCR, probation and police departments, and over 200 private providers that delivered STC certified training to over 35,000 staff.
- There is an increase in the number of corrections staff statewide, but the growth appears to be slowing. About 520 corrections positions were added last fiscal year, which is the smallest increase in the last 5 years.
- Over 22,000 selection exams were administered, which is a large increase, largely attributed to the increase in juvenile positions.
- STC also administers compliance reviews to assess agency compliance with training standards. 149 agencies were in compliance and 7 agencies were out of compliance (see F-3). The BSCC board approves sanctions depending on how many years the agencies are out of compliance.

Board Questions

- Board member question about the STC looking at the adult and juvenile training core and reviewing where training standards overlap. Chief Ertola chairs ESC and is looking at commonalities between adult and juvenile training standards to see where it is appropriate to develop shared training and selection standards.
- Board member question about JCO (juvenile corrections officers?) position vacancies increasing while the number of juvenile probation department positions are increasing. STC doesn't collect information about why these staff changes happen.

G. Public Comment

- No public comment

H. Adjourn

- Meeting adjourns

[END NOTES]