

BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING

THURSDAY, March 13 2014, 10:00 A.M.
State of California Resources Building Auditorium
1416 Ninth Street, First Floor
Sacramento, CA 95814
(916) 445-5073 www.bscc.ca.gov

*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/board/past-agenda>

Roll Call

LINDA PENNER Chair, BSCC – In Attendance
JEFFREY A. BEARD Chair Secretary, CDCR – In Attendance
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
MICHELLE BROWN Chief Probation Officer, San Bernardino – 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) January 16, 2014 Meeting Minutes. Requesting Approval.**
- B. **Approval of the Use of Standards and Training for Corrections (STC) Funds to Pay the Replacement Costs for Staff Participating in the STC Job Analysis in Accordance with California Code of Regulations, Title 15, §299. Requesting Approval.**



- C. Approval to Use the Board's Standing Committee on Gang Issues as the Executive Steering Committee for the California Gang Reduction, Intervention, and Prevention Grant Program Beginning Fiscal Year 2014/15, and Approval to the Use of a 3-Year Grant Period for These Funds. Requesting Approval.
- D. Board of State and Community Corrections Conflict of Interest Code. Requesting Approval.
- E. Assembly Bill 900 Phase II Yolo County Scope/Budget/Schedule Change. Requesting Approval.
- F. Assembly Bill 900 Phase II Jail Construction Financing Program Kern County Scope Modification. Requesting Approval.
- G. Assembly Bill 900 Phase II Jail Construction Financing Program Project San Benito County Request for Scope Modification. Requesting Approval.
- H. Assembly Bill 900 Phase I Jail Construction Financing Program Project Amador County Request for Timeline Extension. Requesting Approval.
- I. Senate Bill 81 Local Youthful Offender Rehabilitative Facility Construction Financing Program Monterey County Scope Change. Requesting Approval. Pulled
- J. Senate Bill 81 Local Youthful Offender Rehabilitative Facility Construction Financing Program Los Angeles County Scope Change. Requesting Approval.
- K. Proposed Membership of the Executive Steering Committee for Senate Bill 81 Local Youthful Offender Rehabilitative Facility Construction Financing Program Round 2. Requesting Approval.

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

- L. Senate Bill 1022 Construction Financing Program Report from Appeals Panel. Consider Recommendations.
 - 1. Humboldt
 - 2. Stanislaus
 - 3. Monterey
- M. Senate Bill 1022 Construction Financing Program; Detail on Proposals. Information Only.
- N. Overview of the State Advisory Committee on Juvenile Justice and Delinquency Prevention and of the Juvenile Justice Standing Committee. Information Only.
- O. Principles for Juvenile Justice System Development in California. Requesting Approval.



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

MEETING NOTES

- Sheriff Geoff Dean, Sheriff of Ventura County is the new Board Member and will replace Sheriff Leroy Baca.
- The September 2014 BSCC Board meeting will be held in Pomona.
- Kara Ueda, of Best Best & Krieger, is present as outside counsel.
- BSCC Executive Director Kathleen Howard discusses the Governor's Proposed FY2014-15 Budget. Governor Brown has proposed an additional \$500 million for local jail construction. The Senate Budget Subcommittee on Public Safety will review the BSCC's budget in late April or early May.
- Mr. Maggard makes a motion to approve the consent calendar. All Board Members approve the consent calendar,

DISCUSSION ITEMS

L. Senate Bill 1022 Construction Financing Program Report from Appeals Panel. Consider Recommendations.

1. Humboldt
2. Stanislaus
3. Monterey

- In January 2014, the BSCC Board approved the Senate Bill 1022 Executive Steering Committee's recommendations to allocate \$500 million for 15 counties. Counties then had 30 days to appeal the ESC's decision and subsequent vote.
- Humboldt, Monterey, and Stanislaus Counties submitted appeals.
- An appeals panel was subsequently formed, which included BSCC Board Members Judge William Pounders, Lassen County Sheriff Dean Growdon and California Department of Corrections and Rehabilitation Secretary Jeff Beard.
- The panel met on March 11, 2014 to hear the three appeals. The panel recommended that the Board deny the appeals of Humboldt and Monterey Counties and uphold the appeal of Stanislaus County. Humboldt and Monterey failed to show their applications had the necessary documents relating to the 10 percent match of the facility costs.
- The Board hears the appeal from Humboldt County. The Appeal Panel found that Humboldt did not show the Department of Finance its funding was properly secured. Mr. Steinhart makes a motion to hear the other county appeals before voting on Humboldt's application.



- The Board hears the appeal from Stanislaus County. The Appeal Panel voted 2 to 1 to give Stanislaus the preference points around the California Environmental Quality Act (CEQA). The county had met all preference criteria and they were rated third highest in the medium county category.
- Chief Brown asks BSCC staff whether the Department of Finance (DOF) acted appropriately with preference criteria. The SB 1022 RFP was released in July 2013 and there was a bidder's conference in August, which allowed counties to get clarification on this process. Counties could submit questions to the BSCC until October 2013.
- The Department of Finance contacted other counties for clarification around their applications.
- Mr. Beard asks if the RFP asked counties to submit material if they previously submitted.
- Stanislaus County Chief Operating Officer Patricia Hill Thomas says the BSCC incorrectly assumed the County's CEQA documentation was incomplete. Stanislaus indicated CEQA approval and they were filing an exemption, which opened the statute of limitations.
- Mr. Beard says staff should have followed up with the county, given this issue.
- Mr. Growdon says this is a technical issue and Stanislaus could have submitted their two-year old compliance. This is why he voted against the appeal.
- Ms. Penner says these are very technical issues and the SB 1022 grant was a competitive process and that a number of medium counties met all the criteria. Ms. Penner is concerned with overturning Stanislaus, but not allowing the other counties another chance at applying.
- Ms. Brown says that other counties did not submit appeals for technical criteria. The issue should have consistently applied throughout. She asks if the Board has the ability to extend the appeal process.
 - Counsel from Best Best and Kriger says the Board could take action on the appeal or hold another appeal hearing.
- Ms. Brown says she was not happy with the preference criteria and the communication to counties.
- Mr. Budnick says that all counties could have appealed.
 - Ms. Brown says some counties may have accepted technical violations.
- Ms. Arnold says this is a technical issue and the process well vetted. Stanislaus did not meet the rules.
- Ms. Penner says what is before the Board is the outcome for these appeals and the decision should be limited to this.
- Mr. Budnick says that there was concern at the January Board meeting about transparency and thanks Ms. Penner and Ms. Howard for this process. He thinks it is a mistake to not award Stanislaus County because they did not submit paperwork.



- Ms. Brown thanks the Board for entertaining this discussion and working to ensure that this does not happen again.
- Ms. Thomas says Stanislaus County followed the rules and met CEQA and due diligence. This project is not subject to CEQA per the SB 1022 RFP. In their application they noted the environmental compliance. In the appeal, the county notes they every requirement of CEQA. The county partners at the BSCC and other agencies could have noted this discrepancy, but there was no opportunity to deal with this. Stanislaus County is your partner and many counties were given the opportunity to clarify their applications. This was not given to Stanislaus.
- San Joaquin County Steve Moore says the ESC recommends partial SB 1022 funding. The county had previously relinquished their AB 900 funding allocation. San Joaquin County Counsel Mark Myles speaks in support of their county receiving the previously recommended SB 1022 funding. San Joaquin County District 5 Supervisor Bob Elliot speaks in support of Mr. Moore's position.
- Ms. Thomas says Stanislaus County would like other counties funded as well. Stanislaus County had full CEQA compliance and was previously granted approved to build facility at the location. The latest filing found there was no CEQA impact.
- For Monterey County's appeal, the county contends they provided sufficient information about their application and that the ESC inappropriately included raters from other medium-sized counties who applied for funding.
- The SB 1022 Appeals Hearing Panel voted 3-0 to deny Monterey County's appeal.
- Mr. Maggard said there is not enough money despite the tremendous need. The Board appreciates the work of the Department of Finance and the BSCC staff.
- Mr. Growdon says that if the BSCC allocates additional money in the future, it is important for the DOF to be involved early around preference criteria.
 - Ms. Penner notes Governor Brown has proposed an additional \$500 million for jail construction in his FY2014-15 Budget.
- The Board votes on each county appeal.
 - All Board Members vote in support of the Appeal Panel's decision to reject the appeal from Humboldt County.
 - The following Board Members vote in support of the Appeal Panel's decision to approve the appeal from Stanislaus County: Mr. Beard, Mr. Stone, Mr. Dean, Ms. Brown, Mr. Pounders, Mr. Maggard, Mr. Steinhart, Ms. Silbert, and Mr. Budnick. Ms. Penner, Mr. Growdon, and Ms. Arnold vote in opposition to the Appeal Panel's decision.
 - All Board Members vote in support of the Appeal Panel's decision to reject the appeal from Monterey County.
- Given Stanislaus County's successful appeal they are now number two in the medium size county category and will receive a conditional award of SB 1022 funding. San Joaquin



County loses their total SB 1022 conditional award. Tulare County will have their conditional award reduced from \$40 million to \$33,352,000.

- Ms. Penner thanks the BSCC staff for their work on this matter.

M. Senate Bill 1022 Construction Financing Program; Detail on Proposals. Information Only.

- Gary Wion, Deputy Director (FSO) presents to the Board.
- The Board requested at the January 16, 2014 Board meeting that BSCC staff present an overview of those counties recommended to receive SB 1022 conditional awards.
- SB 1022 allocated \$500 million in lease revenue financing to counties for adult detention facilities. This funding could be used for facilities that added space, but eligible projects could also solely include program space. \$100 million was set aside for small counties, \$160 million for medium counties, and \$240 million for large counties.
- 36 counties submitted applications that requested a total of \$1.3 billion in facility construction funding.
- A list of SB 1022 funded projects can be found here:
http://www.bscc.ca.gov/download.php?f=/Agenda_Item_M_Attachement_A.pdf

N. Overview of the State Advisory Committee on Juvenile Justice and Delinquency Prevention and of the Juvenile Justice Standing Committee. Information Only.

- Sandra McBrayer is the Chief Executive Officer of the Children's Initiative and the Chair of the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP). Ms. McBrayer's PowerPoint presentation can be found here:
http://www.bscc.ca.gov/download.php?f=/SACJJDP_Final.ppt
 - SACJJDP reviews juvenile crime and incarceration statistics for the identification of issues and trends within the justice continuum.
 - 15 members include stakeholders from: the judiciary, probation, education, children's advocacy, police, faith-based, and youth.
 - Develops best practices and relevant policies for recommendation to the Governor/Legislature and the BSCC.
 - Develops partnerships across systems, i.e., education, health, social services to advance comprehensive programming and maximize resources.
 - The Committee has been prominent in its efforts to support Juvenile Justice System reform. They have worked to reduce reliance on juvenile confinement, to reduce racial disparities (RED) / disproportionate minority contact (DMC), increase use of evidence-based practices and intervention.



- David Steinhart is the Program Director at Commonweal and Chair of the Juvenile Justice Standing Committee. Mr. Steinhart's PowerPoint presentation can be found here: <http://www.bscc.ca.gov/download.php?f=/JJSCFinal2.ppt>
 - The JJSC is a 13 member standing committee that includes juvenile justice stakeholders and professionals.
 - The Committee was created by vote of the Board in 2012. Their scope of work includes reviewing and advising on BSCC juvenile justice mandates, juvenile justice programs, policies and emerging issues.
 - 13 members include stakeholders from a wide array of areas including law enforcement, education, service providers, and others.
 - Priorities addressed in meetings include juvenile justice data collection and outcome measures, education mandates, juvenile justice and mental health, local juvenile justice facilities, and juvenile justice realignment.
 - The JJSC is looking to modernize outmoded juvenile justice data systems. They are working to coordinate activity with the Data Committee on the adult side and define the BSCC's leadership role in this process.
 - The JJSC is addressing education for juvenile offenders and mental health problems.
- Mr. Budnick asks for an update on the Juvenile Justice Crime Prevention Act (JJCPA)
 - Ms. McBrayer says this is funding given to local probation departments. The counties must submit a plan to the BSCC.
 - Mr. Steinhart says the JJCPA developed and linked through Community Oriented Policing Services (COPS) fund. JJCPA amounts to \$100 million annually. Mr. Steinhart believes the Juvenile Justice Coordinating Council model is excellent.
 - Mr. Steinhart says the BSCC needs staffing for a research support position. This was included in the Governor's budget last year, but was subsequently vetoed.
- Michelle Newell with the Children's Defense Fund (CDF) speaks in support of the JJSC and guiding principles. CDF hopes that the BSCC will recognize the importance of the JJSC and focus attention on juvenile justice issues.
- Brian Goldstein with the Center on Juvenile and Criminal Justice (CJCJ) thanks Mr. Steinhart and Ms. McBrayer for their presentations. CJCJ hopes that the Board will look to the JJSC and greater juvenile justice advocacy community as a resource given the changing nature of California's juvenile justice system.
- Barrie Becker with Fight Crime, Invest in Kids speaks in support of both presentations and the JJSC principles.

O. Principles for Juvenile Justice System Development in California. Requesting Approval.



- The JJSC, in partnership with the SACJJDP has develop a statement of guiding principles which are available at:
http://www.bscc.ca.gov/download.php?f=/JJSC_Preamble_and_principles.pdf
- The principles were originally submitted to the Board, but pulled from the January meeting and revised to make sure they were not seen as legally binding.
- All Board Members vote in support of the principles.

[END NOTES]