



BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING

THURSDAY, May 8 2014, 10:00 A.M.
BSCC Conference Room
660 Bercut Drive
Sacramento, CA 95811
(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
DAVID STEINHART Director Juvenile Justice Program Commonwealth
MIMI H. SILBERT Chief Executive Officer and President Delancey Street Foundation

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) March 13, 2014. Meeting Minutes. Requesting Approval.



- B. Final Construction Financing Program. Title 15 Regulations Revision Public Period and Rulemaking File. Requesting Approval.
- C. Enhanced California Disproportionate Minority Contact/Reducing Racial and Ethnic Disparities Grant Outcomes. Information only. Pulled.
- D. Senate Bill 1022 Adult Local Criminal Justice Facilities Construction Financing Program Partial Conditional Awards Update of Tehama, Tulare, and Sacramento Counties. Requesting Approvals.
- E. Senate Bill 81 Local Youthful Offender Rehabilitative Facilities Program Project, Monterey County's Request to Change Scope. Requesting Approval.
- F. Senate Bill 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program Yuba County's Project Scope and Budget. 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.*

- G. Executive Steering Committee and Timeline for the Juvenile Accountability Block Grant Project. Requesting Approval.
- H. Status of Edward Byrne Memorial Justice Assistance Grant Program. Requesting Approval.
- I. Standards and Training for Corrections Fund Agency Allocation for Fiscal Year 2014/2015. Requesting Approval.
- J. Juvenile Justice Update by Board Member David Steinhart and Members of the Juvenile Justice Standing Committee. Information only.

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

Next Meeting: July 10, 2014

MEETING NOTES

- The July BSCC Board meeting will be joined with the Chief Probation Officers of California in San Diego.



- BSCC Executive Director Kathleen Howard is testifying at the Senate Budget Subcommittee 5 on Public Safety.
- The BSCC submitted a report to the Senate, and they are concerned about the issue of data. Ms. Penner says that all the BSCC does is in support of locals. This is not a mandate, but a partnership.
 - BSCC staff worked to address the questions from Senate staff.
- The BSCC is monitoring Senate Bill (SB) 1054, which involves data collection practices.

CONSENT ITEMS

- Mr. Growdon pulls Agenda Item D because of an administrative error by BSCC staff. The item is corrected. The Tehama County SB 1022 award should be postponed from July 2014 to September 2014.
 - A representative from Tehama addresses the Board and thanks BSCC staff for the correction.
 - All members vote in support of Agenda Item D.
- All members vote in support of the Agenda Items A, B, C, E, F.

DISCUSSION ITEMS

G. Executive Steering Committee and Timeline for the Juvenile Accountability Block Grant Project. Requesting Approval.

- This agenda item requests permission to establish an Executive Steering Committee (ESC). This ESC will develop a Request for Proposal (RFP) using Juvenile Accountability Block Grant (JABG) Program discretionary and set-asides.
- The BSCC is the Designated State Administrative Agency (DSA) for JABG.
- The BSCC hopes to use funding before funding is reverted back to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). In FY 2014, OJJDP did not receive funding and subsequent funding is not yet known.
- Approximately \$300,000 is available for developing evidence-based practices.
- BSCC staff asks that the Board approve the recommendation of the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP). The SACJJDP recommends using \$250,000 for probation and their stakeholders.
- The staff is also asking the Board to develop an Executive Steering Committee, which will create a Request for Proposals. The Board is also requested to appoint a Chair or Co-Chair for the ESC.
- Finally, the staff is also requesting the BSCC approve a \$50,000 for a public BSCC symposium on evidence-based practices.



- SACJJDP Chair Sandra McBrayer will Chair or Co-Chair this ESC. San Bernardino Chief Probation Officer Michelle Brown volunteers to serve as Chair or Co-Chair.
- All Board Members vote in support.

H. Status of Edward Byrne Memorial Justice Assistance Grant Program. Requesting Approval.

- BSCC staff requests the BSCC submit the application for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for FY 2014-15.
- An ESC is currently meeting to develop the RFP and the program parameters for the grant-development strategy. The ESC was developed on January 16, 2014.
- Overall JAG funding may be reduced due to noncompliance with two federal statutes. A 10 percent reduction was included in the previous \$19 million JAG allocation because of failed certification of compliance with the Sexual Offender Registration and Notification Act (SORNA). A subsequent reduction of approximately five percent may occur if California does not properly comply with the Prison Rape Elimination Act (PREA). It is unclear if the BSCC will lose five percent for noncompliance or if five percent will go to the California Department of Corrections and Rehabilitation.
- The JAG ESC had their second meeting on April 23, 2014. The final RFP will be ready for approval at the July 2014 BSCC Board meeting.
- BSCC staff recommends the agency proceeds with completing the FY 2014/15 BJA's State solicitation for JAG funds.
- The Board votes in support of the staff recommendation.

I. Standards and Training for Corrections Fund Agency Allocation for Fiscal Year 2014/2015. Requesting Approval.

- BSCC staff request that the Board approve the FY 2014-15 Corrections Training Fund disbursement formula. The proposed rate is reduced by \$30 per corrections employee requiring core training and reduced by \$45 for all other employees, when compared with FY 2013-14.
- Mr. Growdon hopes that the BSCC can increase funding so it is back to levels of years prior.
- Mr. Dean asks if the Board can wait for Governor Brown's May Revised FY 2014-15 Budget. The proposed funding could increase.
 - Ms. Penner says she does not see a downside, given the proposed funding will not decrease.
 - The Board can draft a letter that requests an increase in this funding.
 - Mr. Dean says the California State Sheriffs Association will also advocate on behalf of increasing relevant funding.



- Ms. Penner introduces a motion to support the staff recommendation about the funding and have the BSCC submit a letter that increases funding to prior year levels.
- All Board Members vote in support.

J. Juvenile Justice Update by Board Member David Steinhart and Members of the Juvenile Justice Standing Committee. Information only.

- Acting Executive Director Allison Ganter (Facilities Standards and Operations) introduces the three presentations by members of the Juvenile Justice Standing Committee (JJSC). JJSC Chair David Steinhart is not at the meeting because he is testifying at a State Senate Budget Subcommittee hearing. The three presentations are an extension of the two previous presentations at the March Board meeting. The presenters include Sue Burrell (Youth Law Center), Laura Faer (Public Counsel), and James Bell (W. Haywood Burns Institute).

A. Sue Burrell's presentation (available [online](#))

- Ms. Burrell presents on juvenile justice crime trends in California, juvenile realignment, and how this interacts with the BSCC.
- Advocates and researchers struggle with inability to access current data. The BSCC has difficulty around data.
- CA juvenile arrests are down 50 percent over the past 10 years. Most juvenile arrests are for misdemeanors and status offenses.
- The state fully implemented juvenile justice realignment in 2007. Juvenile and adult arrest rates for violent crime have decreased. County facility capacity has been stable as use of juvenile halls and ranches has decreased. Every category of out-of-home placement has decreased.
- Transfers to adult court have almost doubled between 2004-12. This is the result of prosecutorial filings, as transfers from fitness hearings has decreased.
 - In 2011, there were 548 adult court dispositions of youth. 84 percent of these youth are found guilty in adult court and 63 percent go to state prison. 16 percent are acquitted or returned to juvenile court.
- Downsizing the CA Div. of Juvenile Justice Major Milestones 1996-2013
 - Juvenile justice realignment begins in 1996, when the state first implemented a sliding scale fee for commitment to the California Youth Authority (CYA).
 - Proposition 21 passes in 2000 and opens new doors for adult court transfers
 - In 2004, a consent decree is reached in the *Farrell* case vs. CYA, which generates program costs that are catalysts for SB 81.
 - In 2007, Senate Bill (SB) 81 limits future commitments of non-707 youth
 - In 2010, DJJ parole is realigned to county probation.



- In 2012, the Governor proposes to close DJJ. The proposal dies, but time adds are banned and the age of jurisdiction if lowered.
 - The DJJ population has decreased significantly from 9,572 in 1996 to 689 in 2013.
 - Annual juvenile court commitments to DJJ have decreased from 1168 in 2003 to 190 in 2013.
- The DJJ population as of December 31, 2013 is 689 individuals.
 - 528 are juvenile court first commitments. 139 are adult court E and M cases. 22 are county contract housing.
- DJJ realignment implementation continues to faces county issues and continuing challenges.
 - A September 2012 State Auditor's Report on the Youthful Offender Block Grant criticizes the BSCC and Legislature for weak performance measures and reporting. There is a lack of statewide recidivism data and need for more research staff.
 - How are "realigned" juveniles doing at the county level?
 - Performance and youth outcome data are generally lacking.
 - There are varied county programs and uses of YOBG funds, such as special custody programs.
 - Juvenile halls are increasingly used for commitments, which is a growing, but poorly documented concern.
 - There is no data to track outcomes for re-entry grants.
 - There is still the unresolved problem of meeting mental health and other local treatment needs.
 - State oversight of juvenile justice realignment.
 - The BSCC has only limited oversight functions. Local courts and probation departments make their own spending and program decisions.
- National law and policy trends in juvenile justice: A shifting legal framework.
 - Recent US Supreme Court sentencing cases impose limits on life sentences for juveniles based on developmental differences and "diminished capacity."
 - Findings in adolescent science drive law and program changes.
 - California laws have also incorporated these developments, such as SB 9 and SB 260.
 - California juvenile justice data systems need upgrading to inform these policy and practice reforms.

B. Laura Faer's presentation (available [online](#))

- There is a link between low educational achievement, trauma/special needs and juvenile justice involvement.



- The academic level of adolescent-aged delinquents rarely exceeds elementary grade level.
 - High levels of youth with special education needs and disabilities.
 - More than 50 percent expelled prior to incarceration.
- 30 percent of juvenile justice youth experienced physical/sexual abuse, 30 percent had learning disabilities, and 20 percent “wished they were dead.”
- Keeping youth in school keeps them out of justice system.
 - In 2011-12, California had 609,776 total suspensions. 43 percent were for willful defiance/disruption.
 - African American students represent 6.5 percent of total enrollment and 19 percent of suspensions.
- Suspension rates in California increase by a factor of nearly 4 as students enter adolescence.
- Nationally, over 70 percent of students arrested for school-related offenses or referred to law enforcement are Latino or African American.
- School exclusions make it far more likely that a student will have contact with the juvenile justice system. One comprehensive study found that one suspension makes it three times as likely that a student will enter the juvenile justice system in the same year.
 - One arrest doubles a young person’s chance of not finishing high school.
 - If a student appears in court, the likelihood of not finishing high school nearly quadruples.
 - Juvenile incarceration data is similar to state suspension and expulsion data with respect to percentages of student subgroups involved.
- BSCC can support alternatives as an education solution
 - The agency can keep schools safe, while holding students accountable. This increases academic achievement for the entire school, which increases school funding because attendance rates increase. Such developments will result in greater teacher stability and improve overall school climate/safety and satisfaction.
- Davidson Middle School is an example of how restorative justice and peer courts can work.
- Garfield High School established a moratorium on out of school suspensions with strong tiered interventions.
- High quality education for youth in California’s juvenile justice system is crucial.
 - Juvenile court schools have the highest dropout rates in the state.
 - More than 2/3 of youth in custody report aspirations of higher education.
 - Effective education in juvenile justice system reduces recidivism and could save \$3.9 million per youth.
- Quality education includes full curriculum for high school graduation and college preparation. There must be high quality teaching staff. Regular assessments and outcomes



must occur. Education must occur after school. Probation staff should work with education to support and reward learning.

- There should not be a denial of education. School is required at all times and there should be school climate integration. A key focus should be on the transition period and continuing education following reentry.
- BSCC can support and disseminate solutions and models that will improve practices around the state.
- Michelle Brown: What is the trend line for the drop in felony arrest versus the increase in suspensions?
 - Ms. Faer: There was a significant increase in felony arrests. It does connect, as we see that dropouts lead to suspensions, which increases juvenile justice arrests and involvement. However, California is beginning to see a decline in suspensions.

B. James Bell's presentation (available [online](#))

- The W. Haywood Burns Institute issued a May 2014 Summary Report on Disproportionate Minority Contact-Technical Assistance Project (DMC-TAP). Report available [online](#).
- In 1999, California became the first state that had a majority of people of color. Currently 70 percent of Californians under the age of 25 are people of color.
- There is a growing imperative to address issues of disproportionate minority contact and confinement.
- California has pioneered innovative strategies for addressing racial and ethnic disparities within the juvenile justice system.
- The BSCC, under its prior iteration as the Corrections Standards Authority, announced DMC-TAP. This was a grant program to local jurisdictions for a collaborative process to reduce racial and ethnic disparities. 14 counties received grants. They were required to choose a technical assistance provider to guide the three-year project.
- Burns Institute was chosen by 11 of the 14 counties. Burns Institute was honored to work with the counties and participate in this process.
- This was a data-driven three-step process. Collected data from each county. Nobody in the county could say who was in their juvenile justice system by race, gender, location, or offense type.
- Counties had to fix their data systems and then determine where youth were in the system and identify a target population.
- The first year was focused on training probation departments around racial and ethnic disparities. They then worked with other partners in the system, specifically education and mental health services.



- Ventura County reduced disparities through alternatives to detention. Sacramento County improved their data collection systems around technical violations. They worked with Marin and Fresno to develop cultural competency.
- The DMC-TAC grant reduced disparities and expanded collaboration.
- Mr. Bell would encourage the Board to continue incentivizing counties because the country is looking to California on this issue.
 - There were specific lessons from this experience. First, systems leadership is very important for success. Second, there must be a joint relationship between political will and technical. There must be a clear expectation of outcomes by the state.
- Ms. Penner says this is a difficult process and there needs to be close collaboration between stakeholders.
- Mr. Bell would encourage the Board to do this work in other counties. California has made significant progress with this investment.
- Mr. Maggard thanks the participants for their presentations and work. He asks about the data shown about the decreasing juvenile arrest rate. Is there an elevator speech that we did to keep that success up?
 - Ms. Burrell says that we do not really know why this has happened. She thinks more services for youth and community-based approaches are responsible. She says this is why reporting systems are very important to track YOBG funding and outcomes.
- Ms. Penner says because the BSCC has oversight over juvenile facilities, she's curious about educational programs in facilities that could be highlighted. The Board is looking to hear about county best practices.
 - Ms. Burrell says the JJSC has created a subcommittee on education, which Ms. Faer is heading up.
- Ms. Maggard has heard about the increased presence of police at schools and the increased "touch" with youth early on. It has been his experience that a law enforcement officer or safety officer can be successful, rather than serving to get more youth in the justice system.
 - Ms. Faer says this is a concern with school-based officers. San Francisco Unified School District has been trying track this. Clear MOUs are necessary to established clear roles and track data. They are also trying to put in place restorative justice practitioners, given the limited budgeting.

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

[END NOTES]