

**MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, NOVEMBER 8, 2012**

Meeting held at: Board of State and Community Corrections, 660 Bercut Drive, Sacramento, CA 95811

The meeting commenced at 1:10 p.m.

Ms. Susan Mauriello welcomed the Board Members and public to the November 8, 2012 Board of State and Community Corrections (BSCC) meeting.

Ms. Mauriello announced that Mr. Matthew Cate had accepted the position as Director of the California State Association of Counties and no longer qualified to be a member of the BSCC Board. Ms. Penner the co-chair was also absent and therefore Ms. Mauriello would be Chairing the November 8, 2012 meeting if there were no objections. Hearing none, Ms. Mauriello proceeded.

Ms. Maria Rodriguez-Rieger called role. Ms. Mauriello asked if there was a quorum, Ms. Rodriguez-Rieger, concurred.

The following members were in attendance:

Mr. Growdon	Ms. Mauriello	Judge Pounders	Mr. Steinhart
Mr. Baca	Ms. Arnold	Mr. Maggard	

ABSENCE OF BOARD MEMBERS

Ms. Penner and Dr. Silbert were ill and unable to attend. Mr. Cate had accepted a new position disqualifying him to remain on the BSCC Board.

CONSENT AGENDA ITEMS

APPROVAL OF THE MINUTES OF THE SEPTEMBER 13, 2012 MEETING

(AGENDA ITEM A)

Ms. Mauriello asked if there were any comments, hearing none, asked for a motion and a second to accept the September 13, 2012 minutes.

A motion to approve the September 13, 2012 Meeting Minutes was made by Mr. Maggard and seconded by Mr. Growdon. The motion carried.

DISCUSSION AGENDA ITEMS:

BSCC 2013 MEETING SCHEDULE

(AGENDA ITEM B)

Deputy Director Gary Wion provided the proposed dates for the BSCC's January, March, May, July, September and November 2013 meetings and to convene special sessions or teleconferences as needed. All the scheduled meetings to be held in Sacramento County unless the Board wished to consider holding meetings at locations other than Sacramento County.

Ms. Mauriello asked if there were any comments, hearing none, she asked for a motion to approve the proposed 2013 meeting schedule, convene special sessions as needed and consider locations other than Sacramento County.

A motion to approve the proposed 2013 Meeting Schedule, convene Special Sessions or Teleconferences as needed and consider locations other than Sacramento County was made by Judge Pounders and seconded by Ms. Arnold. The motion carried.

Executive Director Patricia Mazzilli stated that she wished to pull Agenda Item M, FY 2012 – 2013 Budget Allocation Of \$20,000,000 To City Police.

Ms. Mauriello asked if there were any objections or comments, hearing none, the item was removed.

SB 1022 ADULT LOCAL CRIMINAL JUSTICE FACILITIES CONSTRUCTION PROGRAM UPDATE

(AGENDA ITEM C)

Deputy Director Gary Wion presented this agenda item providing an update of the SB 1022 Adult Local Criminal Justice Facilities Construction Program, following the convening of the Executive Steering Committee (ESC) for this process.

On July 26, 2012 and August 29, 2012, the Board of State and Community Corrections (BSCC) approved the SB 1022 ESC composition. The ESC met on October 26, 2012 to develop recommendations on the elements of the Request for Proposals (RFP), including a timeline of key events for the process. The ESC's recommendations to the BSCC will be formally brought to the Board at a future date in the form of an RFP, the document intended to solicit counties interested in competing for construction funding from the State for their criminal justice facility projects. The Board will be asked to provide approval of the RFP before it is released to the field.

Ms. McMillan, Deputy County Manager, San Mateo County, stated San Mateo County was awarded in Phase I but the County was unable to site the reentry beds and relinquished the award. The County continued to work on the issue and have a jail project projected at \$160 million that broke ground on November 6, 2012. Ms. McMillan voiced she is disappointed

that the cap is \$80 million for large counties and is concerned with the timeline. San Mateo had hopes of being awarded \$100 million and that the timing of being awarded not being potential until July 2013, would cause San Mateo to slow down their project. Ms. McMillan asked the Board to consider accelerating the awarding time.

Ms. Kimberly Horiuchi, American Civil Liberties Union (ACLU), Criminal Justice and Drug Policy Advocate, gave recommendations on allocating the SB 1022 funds and encouraged a global outlook in the allocations.

Ms. Micaela Davis, ACLU, Criminal Justice and Drug Policy Attorney, stated that SB 1022 does not just prioritize readiness, but should prioritize actual need demonstrated after alternatives to incarceration are in place.

Mr. Brian Heller de Leon, Center on Juvenile and Criminal Justice stated that at the request of the San Mateo County Controllers' Office a jail analysis report was produced, a report was produced for Santa Cruz, and a report from the California Core Initiative showing pre-trial alternatives had also been produced. Mr. De Leon further stated that there are a number of reports that counties reference.

Ms. Mauriello noted that as mentioned, the Board did have copies of letters from the Office of the Sheriff of San Mateo County, the Board of Supervisors of San Mateo County and from Jerry Hill Assembly Member of the Assembly California Legislature regarding the implementation of SB 1022.

Ms. Mauriello asked if there were any questions or anymore comments. Hearing none, she proceeded to the next item, Agenda Item D.

CALIFORNIA STATE AUDITOR'S REPORT ON YOUTHFUL OFFENDER BLOCK GRANTS (YOBG)

(AGENDA ITEM D)

Field Representative Kimberly Bushard presented this informational item to provide an opportunity for Board Members to further discuss the California State Auditor's (CSA), formerly the Bureau of State Audits, report on the Youthful Offender Block Grant (YOBG) Program. CSA had released the report two days prior to the September 13, 2012 BSCC Board meeting. The Board requested the report be placed on the agenda of the November 8, 2012 Board meeting. Staff also presented information in response to a previous request from Ms. Mauriello. The presentation included data showing the change in population in Division of Juvenile Justice (DJJ) facilities, as well as the change in DJJ expenditures, both pre and post enactments of the YOBG. It was noted that while the population in DJJ and the DJJ budget have both declined dramatically, there has been no increase in crime rates. In fact, as population has shifted from state to local oversight, crime rates have dropped to their lowest level since statistics were compiled in 1954.

Finally, staff presented a proposed response for the 60-day follow up report to CSA regarding adoption of any of its recommendations.

Mr. Steinhart stated he was in favor of responding to the audit and approved the response as presented.

Ms. Mauriello stated the recommendation on this informational item was for staff to present their response to the CSA and to proceed with the response if there were no objections, hearing none Ms. Mauriello preceded to the next item.

AB 900 PHASE II JAIL CONSTRUCTION PROGRAM – SISKIYOU COUNTY AMENDED APPLICATION

(AGENDA ITEM E)

This action agenda item requests the Board of State and Community Corrections' (BSCC) approval of Siskiyou County's amended application for the AB 900 Phase II Jail Construction Financing Program. This item was presented by Field Representative Leslie Heller.

Staff recommended that the BSCC accept the Executive Steering Committee's recommendation to fund Siskiyou County's AB 900 Phase II amended application worthy of funding.

A motion to approve staff's recommendations was made by Mr. Maggard and seconded by Judge Pounders. The motion carried.

STANDARDS AND TRAINING FOR CORRECTIONS (STC) EXECUTIVE STEERING COMMITTEE (ESC) MEMBERSHIP

(AGENDA ITEM F)

This agenda item, presented by Field Representative Barbara Fenton, was an update on the establishment of an Executive Steering Committee (ESC) to review the Standards and Training for Corrections program, requested an appointment of a co-chair and approval of the ESC membership.

At the September 13, 2012 Board meeting the Board approved the establishment of an ESC and appointed Sheriff Baca as the Chair. Staff established a sampling plan that was approved by Sheriff Baca and had requested participation of those who fit the sampling criteria pursuant to statute requirements; systematically informed by experts and stakeholders with the most specific knowledge concerning the subject matter and participation of those who must implement a Board decision and are impacted by a Board decision

A proposed ESC membership was representative of the Standards and Training for Corrections (STC) Division's participating agencies; Sheriff Departments, Probation Departments and Police Departments.

A tentative timeline and a proposed ESC membership consisting of three Sheriffs, three Chief Probation Officers, one Police Chief, two high level training managers (one from probation and one from sheriff) representing small, medium, and large counties throughout California was presented.

A survey to solicit feedback from the field regarding the STC program was sent out to the field

and the feedback will be assembled for the ESC's review.

Due to the broad scope of this ESC and its protracted timeline, staff recommended that a co-chair be appointed. Adele Arnold, representing a small central probation department, was the only proposed ESC member who was eligible to serve as co-chair due to her membership on the BSCC.

Staff requested the Board approve the proposed ESC and appoint Chief Probation Officer Adele Arnold to co-chair the ESC.

A motion to approve the proposed ESC and appoint Chief Arnold to co-chair the ESC was made by Mr. Growdon and seconded by Mr. Maggard. The motion carried.

Ms. Mauriello asked if there were any questions or comments. There were none.

FY 2011 – 2012 STC YEAR END PROGRAM REVIEW

(AGENDA ITEM G)

This agenda item presented by Deputy Director Evonne Garner provided a report on the activities of the Standards and Training for Corrections (STC) Program and agency compliance for fiscal year (FY) 2011/2012.

Staff recommended that the Board approve the local departments that were listed on an attachment that was provided as Attachment B in Substantial Compliance as having met the Board's criteria for successful participation in the Standards and Training for Corrections Program.

A motion to approve staff's recommendations was made by Ms. Arnold and seconded by Mr. Steinhart. The motion carried.

Ms. Mauriello asked if there were any questions or comments. Hearing none the motion carried.

APPLICATION APPROVAL FOR WRONGFUL CONVICTIONS DEMONSTRATION GRANT PROJECT

(AGENDA ITEM H)

This agenda item sought the Board of State and Community Corrections' (BSCC) approval of the application prepared by BSCC staff for the Wrongful Convictions Demonstration Grant Project. As required by the federal Bureau of Justice Assistance (BJA), BSCC staff submitted the application on September 12, 2012, pending Board approval. If approved, California would receive approximately \$92,000 for Federal Fiscal Year (FFY) 2012-13.

Just before the September 13, 2012 Board meeting, BSCC received notification from the Bureau of Justice Assistance that a supplemental grant was being made available to several states in an effort to reduce the incidence of wrongful convictions. This supplemental funding is available only to support the purchase of interrogation recording equipment by law enforcement agencies.

BSCC was given one day to submit their application for funding, which was conditionally approved with the stipulation that it would not be finalized until staff brought the item before the Board for approval.

With the Board's approval, BSCC will be able to accept the \$92,000 award on behalf of California and pass the majority of those funds through to local law enforcement agencies. Because the funds are only available for the purchase of recording equipment to be used in custodial interrogations, BSCC intends to work with the California Police Chiefs Association and the California State Sheriffs Association to determine appropriate criteria for a request for application. Through this effort, it is BSCC's goal to develop a data driven approach to the prioritization of agencies eligible to apply for these funds.

Staff requested approval of the FFY 2012-13 Wrongful Convictions Demonstration Grant application to the Bureau of Justice Assistance and approval to move forward with development, release and funding of the RFA.

Ms. Mauriello asked if there were any questions or comments, hearing none asked for a motion and a second to staff's requests.

A motion to approve staff's requests was made by Mr. Steinhart and seconded by Mr. Maggard. The motion carried.

DELEGATION OF AUTHORITY TO THE CALIFORNIA DEPARTMENT OF JUSTICE TO ADMINISTER BYRNE JUSTICE ASSISTANCE GRANT (JAG) SEX OFFENDER REGISTRATION AND NOTIFICATION ACT (SORNA) PENALTY FUNDS
(AGENDA ITEM I)

Deputy Director Jean Scott presented this agenda item requesting Board approval to delegate authority to the California Department of Justice to request the reallocation of funds, which will be withheld from California's FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) allocation, and for DOJ to administer those funds to improve California's sex offender registry program and the state's ability to participate in the national exchange portal to share information about registered sex offenders with other states.

Staff asked for approval of the delegation of authority to the California Department of Justice to complete, submit and administer the Request for Reallocation of Byrne/JAG Grant Funds for FY 2013 for purposes consistent with the Sex Offender Registration and Notification Act (SORNA).

Ms. Mauriello asked if there were any questions from members of the Board.

Judge Pounders asked if a report could be provided to the Board as to the outcome of the use of the funds; as the Board can delegate authority but cannot authorize responsibility. Ms. Scott concurred a report could be provided.

Ms. Janet Neeley Deputy Attorney General of the Attorney General's (AG) Office, Department of Justice (DOJ), stated the AG's office had been monitoring the Edward Byrne Memorial

SORNA Penalty Funds since the act became effective in 2006. DOJ's intentions would be to use the federal monies to forward the items that DOJ agrees are necessary to assure compliance with registration notifications laws in California and that DOJ would be happy to provide a report to the Board of how DOJ has utilized the funds.

Ms. Mauriello asked if there were any comments or questions. Hearing none, Ms. Mauriello asked for a motion and a second to approve staff's request and for a report as to the outcome of the funds.

A motion to approve staff's requests and a report as to the outcome of the funds was made by Ms. Arnold and seconded by Judge Ponders. The motion carried.

FUNDING RECOMMENDATIONS FOR CALIFORNIA GANG REDUCTION,
INTERVENTION AND PREVENTION (CalGRIP) GRANTS

(AGENDA ITEM J)

This agenda item requested approval of 19 grant awards for the California Gang Reduction, Intervention and Prevention (CalGRIP) Program, as recommended by the Executive Steering Committee (ESC). If approved, the grants would be effective January 1, 2013 and expire December 31, 2014. Field Representative Oscar Villegas presented.

Staff recommended the Board approve the proposed list that was provided of grant awards for the CalGRIP program.

Ms. Mauriello asked if there were any comments or questions. Hearing none, Ms. Mauriello asked for a motion and a second to approve staff's recommendations to approve the grant awards for the CalGRIP program.

A motion to approve staff's recommendations was made by Mr. Growdon and seconded by Mr. Steinhart. The motion carried.

RESIDENTIAL SUBSTANCE ABUSE TREATMENT (RSAT) PROGRAM –
ESTABLISHMENT OF AN EXECUTIVE STEERING COMMITTEE

(AGENDA ITEM K)

Field Representative Colleen Stoner presented this agenda item requesting permission to create an Executive Steering Committee (ESC) that will oversee the development of a Request for Proposal (RFP) using the newly awarded Residential Substance Abuse Treatment for State Prisoners (RSAT) Program funds. A tentative timeline of activities necessary to administer a competitive RFP bid process was provided.

Staff requested approval to utilize approximately \$741,740 in RSAT funds to support developing and implementing substance abuse treatment programs statewide. Additionally, staff recommended that the Board:

1. Authorize an ESC to oversee the development and release of the RFP;
2. Appoint a BSCC member as Chair of the ESC;
3. Direct the Executive Director and staff to work with the Chair to assemble and convene an ESC of subject-matter experts; and
4. Approve the activities and tentative timeline associated with the RFP for the project.

Ms. Mauriello asked if there were any questions from the Board or members of the audience.

Cheryl Cereghino, Inmate Programs Manager, Tulare County Sheriff's Department, voiced a concern that due to the transition of the RSAT funding from Cal EMA to the BSCC, the current recipients receiving RSAT funding under the Cal EMA administration would run out of money before the first round of funding will be awarded through the BSCC. Tulare County as one of several current recipients of the RSAT funding was concerned that they as well as the other current recipients were now caught between funding periods due to the change in the State's Designated Administrator for RSAT funding. Ms. Cereghino recommended that the Board consider making the first round of awards on a non-competitive process giving those currently funded continued funding which would allow for a seamless transition for current grantees under the Cal EMA administration. Should that not be possible, she requested the ESC be cognizant of the urgent funding timeline of the current grantees and make an effort to shorten the RFP process so that those projects currently underway could continue their programs without running out of funding.

Ms. Mauriello asked Ms. Stoner if a non-competitive process/flexibility could be considered. Ms. Stoner stated that while it could be considered, this issue would still need to be addressed at some point, because the current grantees may or may not meet the project criteria and standards that will be developed by the BSCC, and ultimately they will need to compete against other eligible applicants throughout the state to determine if they are the most meritorious. Ms. Stoner indicated that it might be preferable to deal with this issue at the beginning as we start our role as the State Designated Agency for RSAT rather than waiting to respond to this problem later, after the BSCC program administration is already underway.

Ms. Mauriello asked if there was a member of the Board who would be interested to Chair the RSAT ESC, Sheriff Growdon volunteered.

Ms. Mauriello asked for a motion to approve staff's recommendations and appoint Sheriff Growdon as Chair of the ESC.

A motion to approve staff's recommendations and appoint Sheriff Growdon as Chair of the ESC was made by Mr. Baca and seconded by Mr. Steinhart. The motion carried.

JUVENILE ACCOUNTABILITY BLOCK (JABG) PROGRAM – ESTABLISHMENT OF AN EXECUTIVE STEERING COMMITTEE

(AGENDA ITEM L)

This agenda item presented by Field Representative Colleen Stoner, requested permission to create an Executive Steering Committee (ESC) to oversee the development of a Request for Proposal (RFP) using Juvenile Accountability Block Grant (JABG) Program discretionary and set-aside funds.

Staff requested approval of the State Advisory Committee on Juvenile Justice and Delinquency Prevention Executive Subcommittee's recommendations to utilize approximately \$1 million in JABG funds to support EBP for probation departments statewide. Additionally, staff recommended that the Board:

1. Authorize an ESC to oversee the development and release of the RFP;
2. Appoint a SACJJDP member as Chair or Co Chair of the ESC;
3. Direct the Executive Director and staff to work with the Chair to assemble and convene an ESC of subject- matter experts; and
4. Approve the activities and tentative timeline associated with the RFP for the project.

Ms. Mauriello asked if there were any questions or comments. After some clarifications as to the proposed recommendation regarding appointment of the Chair of the ESC, the Board agreed to approve staff recommendations and the appointment of a member of the SACJJDP as the ESC Chair. Ms. Mauriello asked for a motion to approve staff's recommendations.

A motion to approve staff's recommendations and appoint a member of the SACJJDP as Chair of the ESC was made by Mr. Steinhart and seconded by Mr. Baca. The motion carried.

Ms. Mazzilli asked if the Board wished to appoint a particular Chair to the ESC at this time. Ms. Stoner stated that pending Board approval, the SACJJDP had nominated committee member, Carlos Rivera, as the ESC Chair. After a brief discussion, and with the agreement of the Board members, Ms. Mauriello indicated that the minutes were to reflect a consensus by the board for the appointment of Carlos Rivera as the ESC Chair.

FY 2012 – 2013 BUDGET ALLOCATION OF \$20,000,000 TO CITY POLICE

(AGENDA ITEM M)

Agenda Item M was pulled at the start of the meeting.

PUBLIC POLICY INSTITUTE RESEARCH PROPOSAL

(AGENDA ITEM N)

The Public Policy Institute of California (PPIC) proposed to partner with the Board of State and Community Corrections to conduct a research project related to the impacts of Public Safety Realignment of 2011 in a representative number of counties throughout California. Executive Director Patricia Mazzilli introduced Ryken Grattet of the PPIC. Mr. Grattet presented an overview of the proposal to the Board; topics included were County Selection, Data Collection, Analysis and a draft Memorandum of Understanding (MOU).

Staff recommended the Chair entertain a motion with regard to proceeding with the project as a partner with the Public Policy Institute and if a decision was made to proceed, grant the BSCC Executive Director authority to enter into an agreement with the PPIC and work with BSCC legal counsel and PPIC on the required legal agreements.

After some discussion Ms. Mauriello proposed that the Board authorize Executive Director Patricia Mazzilli to continue to work out details with the PPIC, incorporate the changes with the State Guidelines satisfying the concerns of legal counsel and for recommendations for an ESC for the purpose of data collection, evaluations and research, which would include stakeholders such as police chiefs to be presented at the January 2013 meeting. After further discussion it was agreed this item would be placed on the January 2013 meeting agenda and that staff would work with the PPIC as proposed including the finalization of the MOU.

The Board will continue discussing this item at the January 2013 meeting. There were no questions or comments from the public.

JUVENILE JUSTICE STANDING ADVISORY COMMITTEE

(AGENDA ITEM O)

The enabling legislation for the Board of State and Community Corrections (BSCC) and the corresponding broad range of issues related to the integrated statewide goal of improved public safety may necessitate the establishment of special standing committees relevant to its mission. At the September 13, 2012 Board meeting, the Board established the Juvenile Justice Standing Committee, (JJSC) to assist in fulfilling the statutory requirements in relation to an array of juvenile justice issues that fall within the purview of the BSCC. Additionally, the Board approved Board Member, David Steinhardt, as the Chair of the JJSC.

Mr. Steinhart and BSCC staff met to develop the proposal for Board discussion, a copy of the proposal was provided. Mr. Steinhart reviewed the proposal with the Board members. Topics included current mandates, leadership, coordination and technical assistance for juvenile justice and youth community corrections, process considerations, and membership.

Ms. Mauriello asked if there were any questions or comments. There were none.

Mr. Steinhart asked if there were no objections, that members approve the Scope of Work. Hearing no objections, Ms. Mauriello asked for a motion to approve the Scope of Work as outlined.

A motion to approve the Scope of Work was made by Mr. Steinhart and seconded by Judge Pounders. The motion carried.

PUBLIC COMMENT

(AGENDA ITEM P)

Ms. Mauriello recognized members of the audience that had signed up to speak and asked if they

had questions or comments.

Ms. Kimberly Horiuchi, Criminal Justice and Drug Policy Advocate, ACLU, stated she had no further questions or comments.

Mr. Michael Carrington stated he attended the BSCC Training and commended the members for their commitment.

Sheriff Jon E. Lopey, Siskiyou County had left the meeting.

Cheryl Cereghino, Tulare County Sheriff's Department, had left, but had spoken earlier.

Chief Scott Seaman, Los Gatos/Monte Sereno Police Department stated he had no comment.

Mr. Brian Heller De Leon, Center on Juvenile and Criminal Justice, stated he would like to add to his earlier statement that in listening to the Board's Priority's discussions, he felt that missing in facility construction including programs in facilities was a system wide analysis, analyzing pre-trial, sentencing and community supervision.

Sheriff Baca responded that he agreed that could be helpful.

Chief Maggard thanked Ms. Mauriello for chairing the meeting and staff for the training held for the members November 7 and 8, 2012.

Ms. Mauriello acknowledged legal advisor to the Board, Deputy Attorney General Julia Bilaver of the Attorney General's Office.

Ms. Mauriello asked if there were any questions or comments. Hearing none the meeting was adjourned.

Next meeting: January 10, 2013

Meeting adjourned at 3:27pm.

Respectfully submitted,

Originally signed by

MARIA RODRIGUEZ-RIEGER
Secretary
Board of State and Community Corrections

ROSTER OF PERSONS IN ATTENDANCE

BSCC Board Members

Mr. Growdon, Lassen County Sheriff's Department
Mr. Baca, Los Angeles County Sheriff's Department
Ms. Mauriello, Santa Cruz County Administrative Office
Ms. Arnold, Tuolumne County Probation Department
Hon. William R. Pounders, Retired Judge of Los Angeles County
Mr. David L. Maggard, Jr., City of Irvine Police Department
Mr. David Steinhart, Juvenile Justice Program Commonweal

BSCC Staff

Patricia Mazzilli, Executive Director
Scott B. Frizzie, Chief Deputy Director
Maria Rodriguez-Rieger, Secretary
Julia Bilaver, Deputy Attorney General, DOJ
Gary Wion, Deputy Director, FSO
Robert Takeshta, Deputy Director, CFC
Jean L. Scott, Deputy Director, CPP
Evonne Garner, Deputy Director, STC
Melynda Gillies, Secretary, STC
Leslie Heller, Field Representative, CFC
Colleen Stoner, Field Representative, CPP
Kimberly Bushard, Field Representative, CPP
Oscar E. Villegas, Field Representative, CPP
Shaline Hunter, Field Representative, CPP