

**MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, AUGUST 8, 2013**

Meeting held at: State Resources Building, Auditorium, 1416 Ninth Street, First Floor, Sacramento, CA 95814

The meeting commenced at 10:00 a.m.

Co-chair Linda Penner welcomed the Board Members and public to the August 8, 2013 Board of State and Community Corrections (BSCC) meeting.

Ms. Maria Rodriguez-Rieger called roll and announced there was a quorum.

The following members were in attendance:

| | | | |
|-------------|---------------|------------|---------------|
| Mr. Stone | Mr. Baca | Ms. Penner | Mr. Maggard |
| Mr. Growdon | Ms. Mauriello | Ms. Arnold | Mr. Budnick |
| | | | Mr. Steinhart |

ABSENCE OF BOARD MEMBERS

Chairman Beard, Judge Pounders, and Ms. Silbert were unable to attend.

Ms. Penner introduced Scott Budnick, Founder of the Anti-Recidivism Coalition (ARC) and Film Producer, the Board of State and Community Corrections' new member appointed by the Speaker of the Assembly on August 5, 2013, to fill the vacant position, Community Provider of Rehabilitative Treatment or Services for Adult Offenders.

Ms. Penner announced that the purpose of the meeting was to continue discussion to develop the Edward Byrne Justice Assistance Grant (JAG) four-year strategy.

At the July 22, 2013 BSCC meeting, counsel advised that the seven panel members that were selected to participate on this item at the July 22, 2013 meeting are to continue discussion and take action on this item. Ms. Penner, Mr. Maggard, Ms. Arnold, Mr. Baca, Mr. Stone, Mr. Growdon, and Mr. Steinhart were the participants on the seven member panel that were randomly chosen by a computer Excel randomization spreadsheet at the July 22, 2013 meeting as per the Rule of Necessity.

Members not selected to participate on the panel were Ms. Mauriello, Chairman Beard, and Judge Pounders. Ms. Silbert was not present at the July 22, 2013 meeting and Mr. Budnick's position was vacant. Counsel was not present at the August 8, 2013 meeting.

Prior to the August 8, 2013 meeting, staff met with the Attorney General's office to discuss, the Rule of Necessity that was used to determine that a seven member panel be selected by a lottery to participate on this item. The Attorney General's office reaffirmed the use of a lottery system to select the seven panel members to participate on this item. Additionally, the Attorney

General's office elected not to have counsel present at the August 8, 2013 meeting. The Attorney General's office could potentially have a conflict of interest.

DISCUSSION AGENDA ITEM:

REQUESTING APPROVAL TO DEVELOP THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG) FOUR-YEAR STRATEGY

(AGENDA ITEM A)

The Board of State and Community Corrections (BSCC) must develop a four-year strategy for the BSCC to complete the application process for California to receive FY 2013 JAG program funding.

Staff recommended the following:

1. The Board approve eight percent of the total JAG state allocation for FY 2013 be retained by the BSCC to cover the costs of administering the JAG Program.
2. The Board set the length of time that they want to continue to fund the five programs currently funded by the BSCC.
3. The Board decide which of the following information sources will be used as the basis of the subsequent years of the strategy beyond the length of time of the continued funding for the five currently funded programs:
 - a. 2013 California JAG survey and public comment sessions results
 - b. priorities in the BJA's JAG Program FY 2013 State Solicitation; or
 - c. a combination of a. and b.
4. The Board direct BSCC staff to use the Board's decisions to develop the four-year strategy (FY 2013 through FY 2016) for the BSCC.
5. The Board direct the staff to submit the amended application for the FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) program funds for the State of California.

To go forward with the four-year plan, Mr. Steinhart made the following motion:

Approve 8% of the total JAG allocation for FY 2013 for administration costs. The plan include funding the current JAG grantees for an additional one year period, for an additional fiscal year, with the staff to report back at the next meeting on the amounts and timelines that will result from implementing that policy, that staff recommend membership for an Executive Steering Committee for the Board to consider and potentially approve at the September meeting; that the committee be charged with immediately creating a four-year strategy, and ultimately drafting an RFP for the allocation of funds; and that the ESC be guided in its deliberations by the JAG survey and the public comment sessions, direct staff to submit the amended application for the 2013 program funds on behalf of the state of California.

Prior to voting on the motion, Ms. Penner invited public comments and announced that there would be a two minute limit for each testimony heard.

Testimonies were heard from Mark Dale, Founder Families For Safer Schools, Kent Shaw, Chief, CA DOJ, Bureau of Investigation, Ignacio Hernandez, California Youth Build Coalition, Oscar Cervantes, Corps Member, Local Conservation Corps, Maria Garcia, YB Corps Member, Youth Build Fresno, John Sydow, Detective, Sacramento County Sheriff's Department, Stephanie Richard, Policy and Legal Services Director, CAST, Kevin Wiley, Lieutenant, Oakland Police Department, John Ruffcorn, Chief of Police, Auburn Police Department, Sue Webber-Brown, Executive Director, Drug Endangered Children Training and Advocacy Center, David King, Executive Director, L. A. Impact, Dean Wilson, Sheriff, Del Norte County, Robert Long, Lieutenant II, Los Angeles Police Department, John D'Agostini, El Dorado County Sheriff's Department, Dennis Garcia, Legislative Associate, Hernandez Strategy Group, LLC, Sergio Gutierrez, Police Chief, Winters Police Department, Robert Massey, San Jose Conservation Corps Cal YOR Program, Jacob Ramirez, San Jose Conservation Corps, Janie Hodge, Executive Director/Founder, Paving The Way Foundation, Jon Lopey, Sheriff-Coroner, Siskiyou County Sheriffs Department, Shawn Riggins and Students Fresno EDC, Director, Nick Warner, Legislative Director, California State Sheriff's Association, Kim Horiuchi, Criminal Justice and Drug Policy Attorney, ACLU, and Darby Kernan, Consultant, Senator Steinberg's Office.

Ms. Kernan stated that Senator Steinberg was concerned about the actions the Board was about to take and confused as to the process being used, and urged the Board to not take action on the Byrne JAG funds at this meeting. The Senator's office had received numerous calls after the July 22, 2013 meeting. Ms. Kernan further stated that in addition the Board was following advice from a department that had elected not to be present at this meeting as they had interest in the funds and could potentially apply for funding and be awarded.

Deputy Director Robert Takeshta stated that the BSCC had received approval from the Office of the Attorney General to contract with outside legal counsel to provide advice to the Board on the Byrne JAG. But due to time constraints the BSCC was unable to contact and contract independent legal counsel for the Byrne JAG prior to this meeting.

After some discussion between Ms. Kernan and the authorized Members and consideration of the Senator's concerns, the Members stated that they felt the need to take action on this item and were following the advice the Board had been given from the Attorney General's Office. Mr. Baca recommended having an independent legal counsel review the Board's actions, and if independent counsel's findings were that the Board was out of compliance with law that the Board would then go back and begin the process anew.

Ms. Penner stated that the Board followed the advice of counsel provided by the Office of the Attorney General, which was to use a lottery to select the seven Board members who were authorized to discuss and vote on this issue. She then read the names of the seven members as well as those members who were not authorized to vote.

Following additional discussion by the authorized Board members about the legal advice given to the Board, and upon a recommendation from Mr. Baca to have an independent legal counsel review the Board's actions, Mr. Steinhart amended his original motion to include the following:

Actions of this Board taken with respect to Byrne JAG funding be contingent upon review by independent counsel to assure compliance with law and that if there is demonstrated noncompliance that this Board would then go back and begin the process anew.

The motion was seconded by Mr. Baca. The motion carried.

Mr. Budnick and Ms. Mauriello abstained.
Ms. Mauriello was the time keeper for the testimonies.

During the discussion by the Members, Mr. Baca asked that staff report back to the Board with a funding history of the JAG program. Mr. Steinhart asked that staff report back to the Board at the September meeting with the current grantee funding pool and what it would look like if the California Youthful Offender Reentry (Cal-YOR) program were included at some partial level of funding. Mr. Hill said staff could provide the requested information for the Board.

A request was made by a member of the audience that the Anti Human Trafficking Task Force Program be included in the funding options provided by staff to the Board.

Ignacio Hernandez, California Youth Build Coalition, requested a copy of the recording of the July 22, 2013 BSCC meeting. Mr. Hill acknowledged Mr. Hernandez's request and stated he would be provided with a CD with the recordings of the July 22, 2013 and August 8, 2013 Board meetings.

PUBLIC COMMENTS

The Chair called for public comments on any items that were not on the agenda.

There were no further comments.

Next meeting: September 12, 2013

Meeting adjourned at 12:28 pm.

Respectfully submitted,

Originally signed by

MARIA RODRIGUEZ-RIEGER
Executive Assistant
Board of State and Community Corrections

ROSTER OF PERSONS IN ATTENDANCE

BSCC Board Members

Mr. Stone, Adult Parole Operations, California Department of Corrections and Rehabilitation
Mr. Growdon, Lassen County Sheriff's Department
Mr. Baca, Los Angeles County Sheriff's Department
Ms. Mauriello, Santa Cruz County Administrative Office
Ms. Penner, Fresno County Probation Department
Ms. Arnold, Tuolumne County Probation Department
Mr. Maggard, City of Irvine Police Department
Mr. Budnick, Anti-Recidivism Coalition
Mr. Steinhart, Juvenile Justice Program Commonweal

BSCC Staff

Curtis J. Hill, Executive Officer (A)
Scott B. Frizzie, Chief Deputy Director
Maria Rodriguez-Rieger, Executive Assistant
Robert J. Takeshta, Deputy Director, Admn. and Research
Jean L. Scott, Deputy Director, CPP
Gary Wion, Deputy Director, FSO
Evonne Garner, Deputy Director, STC
Colleen Stoner, Field Representative, CPP
Daryle McDaniel, Field Representative, CPP
Oscar E. Villegas, Field Representative, CPP
Ricardo Goodridge, Field Representative, CPP
Linda Shepard, Secretary, Admn. and Research
Anthony Jackson, Program Research Specialist, Admn. and Research
Melynda Gillies, Secretary, STC