

## MINUTES

### State Advisory Committee on Juvenile Justice and Delinquency Prevention September 11, 2013

To be held at: Loyola Law School  
Bannan Room (1st Floor of the Burns Building), 9 Albany Street  
Los Angeles, CA 90015

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Chair Sandra McBrayer called to order the State Advisory Committee on Juvenile Justice & Delinquency Prevention (SACJJD) meeting at 10:00 a.m.

The following SACJJD members were in attendance:

Ms. McBrayer	Judge Back	Ms. O'Malley
Ms. Harbert	Ms. Biondi	Mr. Jackson
Mr. Peters	Chief Manheimer	

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#### Agenda Item A – Approval of Minutes

June Minutes approved by Mr. Jackson, 2<sup>nd</sup> by Chief Manheimer (with name correction).  
July Minutes approved by Ms. Biondi, 2<sup>nd</sup> by Mr. Peters (with participation correction).

#### Agenda Items B – Chair and Staff Updates

##### Chair:

Coalition for Juvenile Justice Request:

- Chair McBrayer informed the members that the Coalition for Juvenile Justice (CJJ) leadership reached out to California in search of a Western Region representative for CJJ's Finance Committee. Susan Harbert graciously volunteered her time.

Federal Advisory Committee Priority Areas:

- Chair McBrayer shared with members that the Federal Advisory Committee on Juvenile Justice (FACJJ) is a advisory body established by the Juvenile Justice and Delinquency Prevention Act (Section 223) and is supported by the Office of Juvenile Justice and Delinquency Prevention, The group is composed of appointed representatives of the nation's State Advisory Groups. The committee advises the President and Congress on matters related to juvenile justice, evaluates the progress and accomplishments of juvenile justice activities and projects, as well as advises the OJJDP Administrator on the work of OJJDP. The FACJJ's August 2013 meeting resulted in prioritizing at the federal level two of SACJJD's already determined focus areas outlined in our 3-year plan; Disproportionate Minority Contact (DMC) and Evidence Based Practice.

- Chair McBrayer also highlighted the Department of Justice's recent publication – "Smart on Crime" – of particular interest – the preliminary results suggest a need for a "significant change in our approach to enforcing the nation's laws." Five Goals were identified: To ensure finite resources are devoted to the most important law enforcement priorities; To promote fairer enforcement of the laws and alleviate

disparate impacts of the criminal justice system; To ensure just punishments for low-level, nonviolent convictions; To bolster prevention and reentry efforts to deter crime and reduce recidivism; To strengthen protections for vulnerable populations.

Reducing Racial and Ethnic Disparity:

- Lastly, Chair McBrayer highlighted that Ms. Hunter was invited to participate in a ‘brainstorming’ session hosted by James Bell, W. Haywood Burns Institute; Raquel Mariscal, W. Haywood Burns Institute/JDAI Management Team; Juan Sanchez, Southwest Key; and Mark Soler, Center for Children’s Law and Policy to discuss how the Office of Juvenile Justice and Delinquency Prevention could revamp its approach to racial and ethnic disparities in the juvenile justice system. The meeting took place on August 23, 2013, at the Annie E. Casey Foundation, in which Shalinee participated via conference call. She was tasked with setting the framework for a discussion regarding the challenges State’s face with OJJDP’s current approach.

The meeting was at the request of the current OJJDP administrator Bob Listenbee who has shown an interest in receiving recommendations for improving the current approach to reducing racial and ethnic disparities. It included the development of plans that will work to reinvest resources to produce coherent strategies that over a period of time will make a difference for youth of color and our communities.

Members recommitted to tracking the progress of the Reauthorization of the Juvenile Justice and Delinquency Prevention Act as it relates to the core protections and in particular regarding the reduction of racial and ethnic disparity.

Staff Updates:

BSCC Transition:

Jean Scott, Deputy Director for Corrections Planning and Programs announced a new position at the BSCC- Chairman of the Board. The Governor has appointed Linda Penner; to fill this position. The Governor’s Office will need to make replacement appointments for both the SACJJD and BSCC Board positions in which she filled. Members discussed options for potential recommendations that may be passed on to the Governor’s Office including Lee Seales, Chief Probation Officer for Sacramento County.

- Ms. Scott also announced that Ms. Katherine Howard has been named as the incoming Executive Director for the BSCC. She will officially start October 1<sup>st</sup>, 2013.

SB81 Update:

- Ms. Scott shared an update per Member request from the July 2013 meeting on SB 81, Local Youthful Offender Rehabilitative Facilities, Construction Financing Program:

- Current financing authority balance remaining \$67,828,328.
- Merced has declined their conditional award of \$8,897,708.
- The new balance will be \$76,726,036.

- WIC 1973 states that there is a June 30, 2017 deadline for this financing. As a practical matter, that means that by June 30, 2017, conditionally awarded counties must have their projects established (the first State Public Works Board meeting) by the State Public Works Board.

- Of the 14 counties conditionally awarded in 2009 & 2010:
  - One project has been completed (Stanislaus County Juvenile Commitment Facility).
  - One project is in construction (Shasta County Juvenile Hall; completion date August 2013).
  - Two counties are in the State Public Works Board process (Riverside and San Luis Obispo).
  - Three counties are scheduled to have their projects established (Los Angeles/September, Tuolumne/September, Santa Cruz/October).

- One county is in the process of confirming their site for a new juvenile hall (Monterey).

- The five remaining counties periodically contact BSCC to discuss the progress of their projects (Alameda, Santa Clara, Humboldt, Yolo and Colusa).

- Board staff plans to form an ESC in the early spring 2014 and task the ESC with the development of an RFP to address the remaining SB81 balance. Based on previous models (AB900 phases I & 2, SB 1022) Board staff anticipates release of this RFP in the late spring/early summer and conditional awards in the fall of 2014.

The SACJJD members raised serious questions and issues regarding the planned timeline associated with the SB 81 ESC process. Members expressed concern that there is a great need at the county level for these dollars and great county interest. Members conveyed that counties have been waiting on these dollars for several years and are concerned that waiting to form an ECS and the proposed timeline is unrealistic for counties to be successful. The members recommended a more timely formation of an ESC and more intensive focus on this project to ensure urgency. Members requested that these serious concerns be relayed to the Board at the next meeting and for staff to draft a letter to the board expressing these concerns.

#### Georgetown Certification Program:

- Ms. Scott also shared that BSCC staff from the Facilities Standards and Operations Division participated in the Georgetown Certification Program on Youth in Custody and that there will be a formal presentation provided at a future meeting.

#### Information-Sharing Process:

- Ms. Scott indicated that as a result of the change in Executive leadership, the request for a formal information-sharing process between standing committees and the Board was to be held-over until the next Board meeting scheduled for November 2013.

Chief Manheimer requested that minimally, until a formal process is established by the Board, that management ensures that meeting minutes and focus areas are shared between the standing committees to ensure all are informed and tasks and activities are not redundant.

## Agenda Item C – Legislation for Support or Opposition

Members reviewed the SACJJD tracked legislation. No action taken.

## Agenda item D - Gang Issues Standing Committee AB 526 Plan

Ms. Scott provided an update on the AB 526 plan that requires the BSCC to:

- Move towards consolidating the grant application processes for delinquency, intervention and prevention funds for grant programs with similar program purpose,
- Incentivize comprehensive regional partnerships, and
- Develop funding allocation policies by January 1, 2014 that ensures that within three years no less than 70 percent of funding for “gang and youth violence suppression, intervention, and prevention programs and strategies is used in programs that utilize promising and proven evidence-based principles and practices.”

In March of this year the Board established a Gang Issues Standing Committee chaired by Board member Chief Maggard. One of the tasks assigned to this committee is to draft recommendations for the Board to address the requirements of AB 526. The committee met for the first time in May, and again in August where committee members unanimously agreed that by adopting the following language the BSCC could address the more time sensitive issue of the bill to develop funding allocation policies by January 1, 2014. The resulting policy recommendations will set the course for BSCC to ensure that 70% of the grant funding for “gang and youth violence suppression, intervention, and prevention programs and strategies is used in programs that utilize promising and proven evidence-based principles and practices (EBP).

In summary, the committee unanimously agreed to present the following two recommendations:

1. **The BSCC must clearly define “evidence-based programs, practices and strategies.”** *Clear definitions and specific examples will help to distinguish the difference between programs, practices, and strategies. This will also help BSCC and the recipient of these funds ensure consistent and uniform application.*
2. **The BSCC must clearly identify which of its grant funding streams will be included when determining the 70% threshold.**

In addition, staff has begun exploring the possibility of addressing the requirements of AB 526 within the larger context of BSCC’s statutory requirements and as part of our recently adopted strategic plan. The BSCC is responsible to identify, promote, provide technical assistance, and make publically available data and information regarding evidence-based programs, practices, and strategies; however, these mandates don’t include the specific percentage or timeline thresholds found in AB 526. To continue to develop BSCC’s management and staff efforts to address the EBP-related mandates, staff initiated conversations with Edward J. Latessa, Ph.D. from the University of Cincinnati, an expert in evidence-based correctional practices, to explore ways to not only address the EBP requirements of AB 526 but to implement a plan to sustain our efforts to identify and promote evidence-based programs, provide technical assistance, and develop and maintain a resource “clearinghouse.” Staff believes that using Dr. Latessa to guide this larger, more comprehensive implementation plan will support the path needed to ensure compliance with AB 526 and help accomplish other BSCC EBP objectives.

SACJJD members engaged in a lengthy discussion focused on the definition(s) of EBP. Members felt strongly and unanimously recommended that the language proposed to the Board should be broad in nature and include 'promising and evidence based practices and principles'.

**Agenda Item E - Edward Byrne Memorial Justice Assistance Grant (JAG) Presentation**

Ms. Scott presented an update on the JAG funding strategy.

In February 2013, BSCC staff began to develop the process of gathering stakeholder input into the use of JAG funds and the development of a new four-year strategy. As a result, BSCC staff requested and received technical assistance from the National Criminal Justice Association (NCJA), an organization that receives funding from the Bureau of Justice Assistance (BJA) to help State Administering Agencies with strategies to engage criminal justice stakeholders in a community based planning process. NCJA worked with BSCC staff to develop the survey questions and the format and content for the public comment sessions. On March 14, 2013, the Board approved the use of an electronic survey and three public comment sessions to be held throughout the state.

A total of 890 people completed the survey out 1,184 people who opened the survey, for a 75 percent completion rate; 71 percent of the respondents were from local government while 18 percent were from state government.

The survey results show that the top three priorities for the JAG program purpose areas are as follows:

1. Prevention and Education
2. Law Enforcement
3. Prosecution, Courts, Defense, and Indigent Defense

In addition, for each of the seven JAG Program Purpose Areas, survey respondents were asked to prioritize program initiatives and the top two initiatives within each area were presented to the Board, as follows:

<b>FY 2013 JAG PROGRAM CALIFORNIA STAKEHOLDER SURVEY PRIORITIES</b>		
<b>Prioritized Program Areas</b>	<b>Priority 1</b>	<b>Priority 2</b>
1. Prevention and Education	Gang Initiatives	Juvenile Delinquency Substance Abuse
2. Law Enforcement	Gang Violence Reduction	Violent Crime Reduction
3. Prosecution, Courts, Defense, and Indigent Defense	Problem Solving Courts, e.g., Mental Health, Veterans, Drug Re-Entry	Gang/Gun Prosecution Violent Crime Prosecution and Defense
4. Corrections and Community Corrections	Alternatives to incarceration, residential, non-residential	Reentry Planning, e.g., Integrated case management
5. Drug Treatment and Enforcement	In-Custody Treatment	Community-Based Outpatient Treatment
6. Crime Victim and Witness Protection	Children Exposed to Violence	Direct Victim Services, e.g., advocacy, accompaniment
7. Planning, Evaluation, and Technology Improvement	Data Collection & Information Sharing Technology to Support Crime Fighting Technology Strategies	Technology to Support Case Management

BSCC staff and a member of the Board also conducted three public comment sessions throughout California during the month of April with a total of 55 individual speakers. The sessions were attended by over 150 individuals, representing 33 local and state law enforcement agencies, 2 youth serving agencies, and 6 victim service agencies.

The Board approved the creation of an Executive Steering Committee (ESC) to develop the JAG program multi-year strategy, using the results of the 2013 JAG Stakeholder Survey and public comment sessions. The Board will approve the ESC membership at a future meeting. The recommendations from the ESC will be approved by the Board and will be used to develop a Request for Proposals for future years of JAG funding.

Members expressed interest following two main tracks: the first, better understanding of how the 'education' category translated in meaning to the constituency at large; and secondly the highlighting of the law enforcement category as the top priority when the survey actually indicated over 68% of respondents recommended other program purpose areas were of higher importance. Members discussed the option to continue to fund current projects as the antithesis to the survey results. Moreover there was some concern expressed around the JAG funding continuing to support drug suppression in general, and marijuana in particular.

**Agenda Item F- Establish the Disproportionate Minority Contact (DMC) Subcommittee as the Executive Steering Committee to Guide the Request for Proposals Process for the 2014/16 DMC Technical Assistance Project (TAP) Funding in the Approximate Amount of \$1million.**

Ms. Hunter requests approval from the SACJJDP to establish an ESC using the members of the DMC Subcommittee. The purpose of the ESC is to develop grant proposal eligibility and program requirements as well as criteria for rating the merit of proposals aimed at reducing racial and ethnic disparities and disproportionality (otherwise known as Disproportionate Minority Contact).

For states to receive the Federal Title II Formula Block grant funds, they must comply with four Core Requirements of the Juvenile Justice and Delinquency Prevention Act. The first three mandates are addressed in California Statute; however, the fourth requires states to address any disparities in the decision-making processes within the juvenile justice system that impact youth of color and the corresponding disproportionality of youth of color coming into contact with the juvenile justice system.

The ESC will utilize the expertise of the DMC Subcommittee membership to examine lessons learned from the previous direct service DMC grants and to develop grant proposal eligibility and program requirements as well as criteria for rating the merit of proposals aimed at reducing racial and ethnic disparities and disproportionality. The funding amount is approximately \$1 million in Title II Delinquency Prevention and Intervention dollars earmarked by way of the SACJJDP's 3-year plan for reducing racial and ethnic disparity and disproportionality.

**Ms. Biondi so moved; Chief Manheimer seconded. The motion carried.**

**Agenda Item G – Requesting Approval of the Executive Steering Committee's Proposed Grant Allocations Totaling \$1 million for the Juvenile Accountability Block Grant Evidence-Based Practices to Improve Public Safety Project.**

Ms. Hunter on behalf of staff requested approval of grant awards for the Evidence-Based Practices: To Improve Public Safety Project (EBP-TIPS) as recommended by the Executive Steering Committee (ESC). This

is a two-year grant program utilizing approximately \$1 million in Juvenile Accountability Block Grant Funds.

At the November, 2012 meeting, the SACJJD recommended the approval of approximately \$1 million in Juvenile Accountability Block grant funding to support evidence-based practices for probation departments statewide. SACJJD recommended that an ESC be established to oversee the development of a Request for Proposal (RFP). At the November 2012 BSCC Board meeting the Board approved the SACJJD recommendation and SACJJD member Carlos Rivera was appointed as chair.

The 6 members of the Executive Steering Committee were selected with the approval of the chair and Acting Executive Director Scott Frizie.

- Carlos Rivera – SACJJD Member Sacramento Native American Health Center
- Fernando Guerrero- Assistant Chief Santa Cruz Probation
- Jodie Green Division Director Humboldt County Probation
- Laura Garnett Deputy Chief Santa Clara County Probation
- Jan Morrissey- Deputy Director Napa County Probation
- Leticia Ruano Division Director Stanislaus Probation

The ESC convened in April to develop the proposed program design, application requirements, technical components, rating criteria and evaluation contained in the RFP. The ESC was extremely thoughtful and thorough in their discussion of the elements to be address within the RFP. Because of their background and expertise, the ESC had significant knowledge about the issues relevant to implementing EBP through a systems change approach and were familiar with the underserved areas and local interests related to EBP.

At the May 2013 meeting, SACJJD recommended that the Board approve the release of the RFP for the EBP-TIPS Project using Juvenile Accountability Block Grant Program discretionary funds. The Board approved the release of the RFP and it was sent to probation departments and other interested agencies and posted to the BSCC website.

A total of 7 proposals were received from the field which were subsequently read and rated by the ESC members. As previously stated, approximately \$1 million in JABG funding is available to judicial communities statewide. Probation departments were allowed to request up to a maximum of \$250,000 for the two year period. Based on the final ranking of the proposals, the Committee is recommending the Board fully fund the top 5 proposals submitted by the following Probation Departments: Sonoma, Contra Costa, Mono, Mariposa, and Tulare.

Projects selected though the competitive RFP process had to demonstrate that they were prepared to participate in a two-year system change approach in implementing or expanding the use of EBP within their local juvenile justice community. They could request funding for EBP services and supports such as:

- ✓ Assessment tools
- ✓ Data collection
- ✓ Programming
- ✓ Training
- ✓ Evaluation (including quality assurance activities)

Staff is requesting the SACJJD approve the ESC’s list of grant awards for the EBP-TIPS Project, and recommend approval by the Board at its meeting on September 12, 2013:

RECIPIENTS	GRANT AWARD AMOUNT
Sonoma County Probation Department	\$244,617
Contra Costa County Probation Department	\$137,039
Mono County Probation Department	\$250,000
Mariposa County Probation Department	\$108,000
Tulare County Probation Department	\$250,000
<b>TOTAL</b>	<b>\$989,656</b>

Chair McBrayer and Ms. Biondi asked for information about the scope of services each recommended project was proposing and stated that that information was typically included in the SACJJD packet. Ms. O’Malley and Ms. Harbert asked specifically about the size and scope of the proposed project for Mono County and expressed serious concern that their juvenile probation population and need were a considerable stretch for the amount of dollars requested. Members discussed and concluded that they had concerns regarding the ESC’s recommendation to fund Mono County Probation for \$250,000 when the juvenile hall population is minimal and the funding is considerable. After further discussion members indicated they needed additional information including a full project description concerning Mono County before they could approve the funding recommendations in its current state. Members noted that Mono County Juvenile Hall capacity is only 4 and that they have a probation load of less than 30 a year.

Members recommended that all other counties that staff proposed be funded but that more information be brought back concerning Mono County to SACJJD so they could make a more informed decision. Members felt that they had concerns and did not have enough information to pass on Mono County to the BSCC for recommendation. Members directed management to clearly relay their concerns about the size and scope of Mono County and the need for delay in approval for more information for Mono County only.

**Agenda item H - Coalition for Juvenile Justice - National Standards for the Care of Youth Charged With Status Offenses – Request for Endorsement**

Members, after thoughtful discussion came to a consensus regarding adopting the SOS standards with the caveat that any dissemination is in alignment with the BSCC. Ms. Biondi so moved; DA O’Malley seconded. The motion carried.