

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
Wednesday, June 10, 2015

Meeting held at: The Board of State and Community Corrections Board Room
 2590 Ventura Oaks Way, Suite 101, Sacramento, CA 95833

I. Call to Order:

The meeting commenced at 10:00 a.m.

Chair Linda Penner welcomed the Board Members and public to the June 10, 2015 Board of State and Community Corrections (BSCC) meeting.

II. Roll Call:

Chair Penner announced that Members, Mauriello and Ertola were not in the meeting room and would be joining the meeting after action was taken on Item G, the Mentally Ill Offender Crime Reduction Grant Executive Steering Committee's Funding Recommendations which would be heard immediately following roll call.

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

The following members were in attendance:

Ms. Penner Mr. Beard Mr. Stone	Mr. Growdon Mr. Dean	Ms. Mauriello Ms. Brown	Mr. Ertola Mr. Maggard Mr. Steinhart
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ABSENCE OF BOARD MEMBERS

Judge Pounders, Mr. Budnick and Ms. Silbert were not present. Ms. Mauriello and Mr. Ertola recused themselves and were not present during the vote on item G. The Board recessed at 12:45 p.m. and reconvened at 1:18 p.m. Mr. Dean and Mr. Growdon left the meeting at 2:43 p.m. Ms. Brown was not present between 2:43 pm. - 2:47 p.m.

III. INFORMATION ITEMS:

1. Chair's Report.

Ms. Penner:

- announced that Member Judge William Pounders' term on the BSCC Board was expiring and Judge Pounders had elected not to be reappointed. The June 10th meeting would have been Judge Pounders' final meeting, but he was unable to attend due to a previous commitment;

- announced that Mr. Beard needed to leave at 12:00 p.m.;
- announced that items F, the Senate Bill 863 Request for Proposals and G, the Mentally Ill Offender Crime Reduction Grant Executive Steering Committee's Funding Recommendations would be heard out of order and prior to the Information Items. Item G would be heard first; and
- announced that the California State Sheriffs Association (CSSA) was present to honor Deputy Director Robert Takeshta, who was retiring from the BSCC. On behalf of the CSSA, President Martin Ryan, Sheriff Amador County, thanked Mr. Takeshta for all the years Mr. Takeshta devoted to Law Enforcement in both of his careers; 25 years with the San Diego Sheriff's Department and 16 years in state service. Sheriff Ryan commended Mr. Takeshta for his dedication and assistance to the field and presented Mr. Takeshta with a plaque.

2. Executive Director's Report.

Ms. Howard reported that:

- the preliminary allocation figure for Fiscal Year 2015 for the Edward Byrne Memorial Justice Assistance Grant (JAG) leftover funding was a 13 percent reduction from last year. The BSCC would like, and has the authority administratively, to roll the funding into the current JAG grant;
- The federal timelines on the Title II Formula Application grant did not line up with the Disproportionate Minority Contact and Compliance Monitoring application that was to be submitted to the federal office of Juvenile Justice and Prevention. Staff intended to have the proposal for the Board's view prior to submission. The proposal will be provided to the Board at the next meeting after its submission;
- the State Advisory Committee on Juvenile Justice and Delinquency Prevention had approved continued focus on the Evidence Based Practices Reducing Racial and Disparity with the added focus on education. A presentation on that application will be presented at the Board's next meeting; and
- the Legislative Conference Committee was in the process of finalizing the 2015-16 Budget. Although not finalized, proposals were moving forward that would give new grant administration responsibilities to the BSCC.

Ms. Howard asked the Members to continue to keep July 16th calendared and asked that any member who had a conflict to notify the secretary to the Board.

3. Legislative Update Report

Ms. Howard reported that staff will prepare a legislative update for each Board meeting on Bills of interest to the Board and that a hard copy would be provided at each meeting.

4. Report from Chair of the Juvenile Justice Standing Committee (JJSC)

Member David Steinhart provided an update on the JJSC and its recent activities.

5. Proposition 47 Status Update

Deputy Director Mary Jolls provided an update on pending legislation (AB 1056) that would affect the BSCC's grant-making responsibilities under Prop. 47.

IV. CONSENT ITEMS:

A. Board of State and Community Corrections April 9, 2015 Meeting Minutes. Requesting Approval.

Mr. Maggard moved to approve the Board of State and Community Corrections April 9, 2015 Meeting Minutes. Mr. Growdon seconded. The motion carried.

There were no public comments.

B. Amendments to the February 12, 2015 Board Meeting Minutes: Requesting Approval.

At the April 9, 2015 meeting Mr. Steinhart asked that corrections to the motions of two Consent Items be added to the February 12, 2015 Board Meeting Minutes.

Agenda item C: Mentally Ill Offender Crime Reduction (MIOCR) Grant Program, Approval and Release of the Request for Proposals (RFP): Requesting Approval.

Proposed was:

Mr. Steinhart moved to approve the Request for Proposals (RFP) as recommended by the Executive Steering Committee for the Mentally Ill Offender Crime Reduction Grant program and authorize the release of the RFP, with the exception of deleting the following draft language from page 43 within the County Plan/Strategy rating factor – *“Plans include a justice reinvestment strategy, illustrating a data-driven approach to improve public safety, reduce corrections and related criminal and juvenile justice spending, and reinvest savings in strategies that decrease crime and reduce recidivism.”* Judge Pounders seconded. The motion carried.

Agenda Item E: Recommendation from the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP), and the Juvenile Justice Standing Committee (JJSC), for Regular Board Agenda Reports on Juvenile Justice Issues: Requesting Approval.

Proposed was:

Two motions passed on this item.

1. Mr. Dean moved to recognize the high value the Board places on the work of the Board's committees, specifically the two juvenile committees, and

the Board encourages the committees to come to the Board at any time and bring informational or educational reports to the Board's attention.

2. After further discussion Mr. Budnick moved that at each regularly scheduled Board meeting there would be an opportunity for an information item from two (2) of the now existing four (4) Board committee chairs. The chairs may, at their pleasure, choose to report to the full Board for approximately five (5) minutes each, on a rotating basis, for educational purposes. This is not a mandatory reporting requirement; it is meant to be voluntary and at the discretion of the committees. These educational reports are also not intended to substitute for substantive action items or reports that the committees wish to bring before the full Board. All committees are free to schedule separate agenda items and submit reports relevant to such items, as necessary for Board action and as the committees may determine that such items and reports are necessary. The four (4) committees, as of February 12, 2015, are:

- State Advisory Committee on Juvenile Justice and Delinquency Prevention;
- Juvenile Justice Standing Committee;
- Data and Research Standing Committee, and
- Standing Committee on Gang Issues.

There was public comment favorable to the work of the juvenile committees.

C. Board Delegations to Executive Director: Requesting Approval.

This agenda item asked the Board to grant OAL rulemaking signature authority to Executive Director Kathleen Howard. Chair Linda Penner is authorized to sign the signature authority form, evidencing this Delegation.

Staff recommended that the BSCC approve:

- Executive Director Kathleen Howard is vested with all authority BSCC has, and all that is deemed necessary, by statute, regulation or OAL request, to sign or certify documents for adoption or other rulemaking purposes effective immediately.
- Any and all previous Delegations of Signature Authority for OAL or regulatory purposes to be rescinded and to be no longer effective. Any originals of previous Delegations of Signature Authority for OAL to be destroyed.

D. Senate Bill 81 (Local Youthful Offenders Rehabilitative Facility Construction Financing Program Round 2) Supplemental Statement of Reasons and filing of the final Rulemaking Package: Requesting Approval.

Staff recommended the Board approve:

1. The proposed adoptions and amendments to the Senate Bill 81 (Local Youthful Offenders Rehabilitative Facility Construction Financing Program Round 2) Regulations.
2. The proposed Supplement to Initial Statement of Reasons.
3. The filing of an Emergency Rulemaking Readopt with the Office of Administrative Law, if such action became necessary due to unforeseen complications in the rulemaking process.
4. The filing of a Certificate of Compliance Rulemaking Action with the Office of Administrative Law following the June 10, 2015 Board meeting.

E. Senate Bill 863 (Adult Local Criminal Justice Construction Financing Program): Request for Re-filing of Emergency Rulemaking Package Amendments to Title 15: Requesting Approval.

Staff recommended the Board:

Determine that the proposed regulations are necessary to address an emergency as defined in Government Code Section 11342.545, and that an emergency exists, as stated in the attachment (E-2) that was provided.

The Board approve the modified text of the emergency regulations and amendments to the regulations.

The Board approve the publishing of the emergency adoptions and amendments to the regulations, and the filing of the entire package with the office of Administrative Law.

The Board approve the filing of the Certificate of Compliance Rulemaking with the Office of Administrative Law subsequent to the emergency process, contingent on there being no further substantial edits.

Mr. Growdon suggested that staff recommendations be consistent with the changes of the Request for Proposals.

Mr. Growdon made the motion to amend staff recommendations to be consistent with the changes of the Request for Proposals, approve the publishing of the emergency adoptions and amendments to the regulations, and the filing of the entire package with the office of Administrative Law. Ms. Mauriello seconded. The motion carried.

There were no public comments.

Mr. Maggard moved to adopt items B, C, and D. Mr. Growdon seconded. The motion carried.

There were no public comments.

V. DISCUSSION AGENDA ITEMS:

F. Senate Bill 863, (Adult Local Criminal Justice Construction Financing Program): Release of the Request for Proposals: Requesting Approval.

This agenda item requested that the Board approve Senate Bill (SB) 863 Request for Proposal (RFP) and to approve the release of the RFP on June 10, 2015 and grant approval to award any funds that may be declined by a county to the next county in ranked order within the same set-aside category (small, medium or large), if a county that is awarded funds should decline (revert) the award at some later date.

Public comments were heard.

Ms. Brown moved to approve the Senate Bill 863 Adult Local Criminal Justice Construction Financing Program Request for Proposal, approve its release on June 10, 2015 and grant prior approval to award any funds that may be declined by a county to the next county in ranked order within the same set-aside category (small, medium or large), should a county that is awarded funds decline (revert) the award at some later date. Mr. Maggard seconded.

Mr. Steinhart had some concerns about the RFP’s instructions to the counties and applicants seeking to replace space that must be addressed in the programming requirements of the RFP. The Board agreed to add language to Item C listed under General Merit Factors on Page 16 of the RFP: “How are the Programs and Treatment Service needs of the Facility Population expected or planned to be met?” This modification would not change scoring; this only added clarity to address a concern.

Mr. Steinhart moved to add the modification noted above by adding a third bullet to item C, listed under General Merit Factors on Page 16 of the RFP. Mr. Growdon seconded. The motion carried.

Mr. Dean suggested modifying the notes listed on page 18 of the RFP to avoid any counties being penalized for receiving an award and consequently relinquishing the funds. The Board agreed.

Mr. Dean moved to make the following changes to the notes listed on page 18 of the RFP:

	From	Change to
0,2, 4	0-Funded under AB900 or SB 1022; 2-partially funded or award returned; 4-no funding or awards under AB 900 or SB 1022	2-partially funded 4-no funding provided

Mr. Maggard seconded. The motion carried.

Ms. Mauriello moved to add a specific reference to Section 15820.935(c)(4) relative to operational staffing. Placement and language was to be placed where staff deemed appropriate, such as on page 21 of the RFP. Mr. Steinhart seconded. The motion carried.

Chair Linda Penner asked the Board for acceptance of the motions made to approve and release the Senate Bill 863 Adult Local Criminal Justice Construction Financing Program Request for Proposals with the modifications as per the motions made by Mr. Steinhart, Mr. Dean and Ms. Mauriello. The motion carried.

G. The Mentally Ill Offender Crime Reduction Grant Executive Steering Committee's Funding Recommendations: Requesting Approval.

This agenda item requested approval of the Mentally Ill Offender Crime Reduction (MIOCR) Grant awards as recommended by the MIOCR Executive Steering Committee (ESC).

On behalf of the Mentally Ill Offender Crime Reduction Grant Executive Steering Committee, staff recommended the Board approve the proposed juvenile and adult grant awards in ranked order.

The ESC funding recommendations were:

1. Nine grant projects targeting juvenile mentally ill offenders totaling \$8,454,372 with one partially funded grant project at \$95,628.
2. Eight grant projects targeting mentally ill adult offenders totaling \$8,401,999 with one partially funded grant project at \$148,001.
3. If an applicant recommended for funding is unable or unwilling to accept an award, allow staff to offer the next ranked applicant(s) full or partial funding, as necessary under the circumstances, to expend the total balance of the funds for the juvenile and the adult projects.
4. If the 2015-16 Budget includes additional funding for the MIOCR Grant Program, allow staff to offer funds to the partially funded projects first, up to their original proposal requested amount, then offer funds to the next ranked applicant(s) on the proposed recommendations lists until the funding is expended. Any additional funds provided in the 2015-16 Budget would be divided equally between the juvenile and adult projects.

There was a public comment in support of the recommendations.

Mr. Maggard moved to approve the Mentally Ill Offender Crime Reduction Grant Executive Steering Committee's recommendations for the juvenile and adult grant

awards in ranked order as presented. Mr. Steinhart seconded. Ms. Mauriello and Mr. Ertola were not present in the meeting room during the presentation and voting of this item in order to be recused. The motion carried.

H. The Juvenile Justice Data Working Group Recommendations to Revise County Reporting Requirements for the Youthful Offender Block Grant and Juvenile Justice Crime Prevention Act Programs: Requesting Approval.

This item requested approval from the Board to adopt the recommendations set forth in the California Juvenile Justice Data Working Group's (JJDWG) April 30, 2015 report titled "California Juvenile Justice Data Working Group: Recommendations to Revise County Reporting Requirements for the Juvenile Justice Crime Prevention Act (JJCPA) and Youthful Offender Block Grant (YOBG) Programs." If adopted, staff requested approval to seek the statutory changes to California Government Code Section 30061 and California Welfare and Institutions Code Section 1961 that are necessary to implement the recommendations.

Public Comments were heard.

Staff recommended the Board approve the recommendations contained on pages 10 through 17 in the report submitted by the Juvenile Justice Data Working Group on April 30, 2015 titled, "*California Juvenile Justice Data Working Group: Recommendations to Revise County Reporting Requirements for the Juvenile Justice Crime Prevention Act (JJCPA) and Youthful Offender Block Grant (YOBG) Programs*" and to grant permission to staff to pursue the statutory changes needed to implement the recommendations.

Ms. Howard provided the following status:

- the Governor's Deputy Secretary had concerns as to whether there would be new reporting requirements;
- if there will be new requirements would there be Proposition 30 issues, such as new workload going to counties?; and
- workability, are the reports workable and helpful? The JJDWG represents a small number of counties. It may be helpful to consult further with local policy makers and interested parties about the workability.

The Board had further discussion on all of the above issues. There was support for staff and the JJDWG to continue work on the report and bring it back to the Board with any further recommendations, if any, and to consult with the Chief Probation Officers of California (CPOC) for further input. Mr. Steinhart voiced concerns about not meeting the reporting cycle in providing the report to the Legislature in January 2016 and indicated the need to provide quality recommendations. He stated that CPOC was well represented as the JJDWG included members from CPOC. Mr. Steinhart further stated that there are other stakeholders who are interested, including a number of advocacy groups that would like programs that they can work with as well. The JJDWG committee includes members from advocacy groups.

Ms. Mauriello made the following motion: The Board expresses its appreciation to the Juvenile Justice Data Working Group for its work on important issues, direct staff to work with the committee chair and the committee members to address the Administration's questions. The questions include Proposition 30 issues connected to new reporting rights, and issues of workability. Also, refer the California Juvenile Justice Data Working Group Report to the Chief Probation Officers Association (CPOC) (in order to get broader insight) for its input and advice, and bring CPOC's recommendations to the next meeting as well. Ms. Brown seconded. Mr. Steinhart abstained. The motion carried.

I. The Residential Substance Abuse Treatment for State Prisoners Program: Executive Steering Committee Funding Recommendations: Requesting Approval.

This agenda item requested approval for four (4) grant awards in the total amount of \$884,432 in Fiscal Year 2015-16 for the Residential Substance Abuse Treatment for State Prisoners (RSAT) Program (42 U.S.C. § 3796ff et. seq.) as recommended by the Residential Substance Abuse Treatment for State Prisoners Program Executive Steering Committee (ESC).

Ms. Mauriello moved to approve the Residential Substance Abuse Treatment for State Prisoners Program Executive Steering Committee's proposed list of Sheriff's Offices, to receive a total of \$884,432 in Fiscal Year 2015-16 for the Residential Substance Abuse Treatment Program for the first year of a three-year grant period and should an applicant recommended for funding be unable to accept the award, the next ranked applicant(s) would be offered full or partial funding to expend the remaining balance of the funds. Ms. Brown seconded. The motion carried.

There were no public comments.

J. Senate Bill 81 (Local Youthful Offender Rehabilitative Facility Construction Financing Program Round 2): Alameda County's Request for Scope Change: Requesting Approval.

This agenda item requested the Board approve Alameda County Probation Department's request for a change in project scope for the Camp Sweeney local youthful offender rehabilitative facility project.

Mr. Maggard moved to approve the change in scope from 150 to 120 beds, and for expanded local programming for Alameda County Probation Department's Camp Sweeney Senate Bill 81 Local Youthful Offender Rehabilitative Facility Construction Financing Program project. Ms. Mauriello seconded. The motion carried.

There were no public comments.

K. Senate Bill 1022 (Adult Local Criminal Justice Facilities Construction Program): San Mateo County Relinquishment/Sacramento County Award: Requesting Approval.

San Mateo County formally relinquished its Senate Bill (SB) 1022 Adult Local Criminal Justice Facilities Construction Financing Program funding award of \$24,374,000. This agenda item requested the Board acknowledge and accept the relinquishment and approve formal notification to Sacramento County to augment to a full award of \$80,000,000 the partial award of \$56,432,000 the County received on January 16, 2014.

Mr. Dean moved to acknowledge that San Mateo County had declined its Senate Bill 1022 Adult Local Criminal Justice Facilities Construction Financing Program funding award and to approve to make Sacramento County's partial award a full award (\$56,432,000 to \$80,000,000) and to formally present this full award proposal to the county for its approval. Mr. Maggard seconded. The motion carried.

There were no public comments.

L. Juvenile Justice Standing Committee and the State Advisory Committee on Juvenile Justice and Delinquency Prevention, request regarding Proposition 47: Requesting Approval.

This agenda item presented the recommendations the Juvenile Justice Standing Committee (JJSC) and the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) had made regarding the grant program(s) to be funded with Proposition 47 (Prop 47) dollars. With respect to the BSCC's Prop 47 grant-making responsibilities, the two juvenile committees recommended that the Board:

- Include representation of juvenile justice stakeholders in the process of analysis of Prop 47;
- Include juvenile justice representation on the Executive Steering Committee; and
- Consider juvenile justice programs and clients eligible for Prop 47 grant funds.

Staff recommended that the Board consider the proposed recommendations when it begins its work on the Prop 47 Executive Steering Committee formation and grant development following the conclusion of the 2015 legislative session.

Public comments were heard.

Mr. Steinhart made the motion to have the proposed recommendations for the Proposition 47 Executive Steering Committee formation and grant development be returned to the Board by placement on a future agenda when deemed appropriate for the Board's consideration after the committee chairs (the Juvenile Justice Standing

Committee and the State Advisory Committee on Juvenile Justice and Delinquency Prevention) had consulted with the BSCC's Executive Director and staff. Mr. Maggard seconded. The motion carried.

VI. PUBLIC COMMENTS

Public comments were heard.

VII. The meeting was adjourned.

Next meeting: July 16, 2015

Meeting adjourned at 3:09 p.m.

Respectfully submitted,

Originally signed by

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

ROSTER OF PERSONS IN ATTENDANCE

BSCC Board Members

Ms. Penner, Chair, Board of State and Community Corrections
Mr. Beard, Secretary, California Department of Corrections and Rehabilitation (CDCR)
Mr. Stone, Director, Adult Parole Operations, CDCR
Mr. Growdon, Sheriff, Lassen County Sheriff's Department
Mr. Dean, Sheriff, Ventura County Sheriff's Department
Ms. Mauriello, County Administrative Officer, Santa Cruz County
Ms. Brown, Chief Probation Officer, San Bernardino County Probation Department
Mr. Ertola, Chief Probation Officer, Nevada County Probation Department
Mr. Maggard, Chief of Police, City of Irvine Police Department
Mr. Steinhart, Director, Juvenile Justice Program Commonweal

BSCC Staff

Kathleen Howard, Executive Director
Tracie Cone, Communications Director

Patricia Pechtel, General Counsel
Maria Rodriguez-Rieger, Executive Assistant
Robert Takeshta, Deputy Director, Administration and Research (Admn. & Research)
David Lovell, Ph.D., Researcher V, Admn. & Research
Mary Jolls, Deputy Director, Corrections Planning and Programs (CPP)
Magi Work, Deputy Director (A), County Facilities Construction (CFC)
Allison Ganter, Deputy Director, Facilities Standards and Operations (FSO)
Evonne Gardner, Deputy Director, Standards and Training for Corrections (STC)
Kenneth Fitzpatrick, Project Director, CFC
Colleen Curtin, Field Representative, CPP
Colleen Stoner, Field representative, CPP
Helene Zentner, Field Representative, CPP