

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, April 9, 2015

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

The meeting commenced at 10:03 a.m.

Chair Linda Penner welcomed the Board Members and public to the April 9, 2015 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:

Ms. Penner	Mr. Dean	Mr. Ertola	Mr. Maggard
Mr. Stone	Ms. Mauriello	Judge Pounders	Mr. Budnick
Mr. Growdon	Ms. Brown		Mr. Steinhart

ABSENCE OF BOARD MEMBERS

Mr. Beard and Ms. Silbert were not present.

INFORMATION ITEMS:

1. Chair's Report:

Ms. Penner reported the following:

- Introduced Mary Jolls, Deputy Director Corrections Planning and Programs Division. Ms. Jolls replaced William Crout, who recently had retired.
- Announced that Agenda Item I, the Edward Byrne Memorial Justice Assistance Grant (JAG), was being pulled.

2. Executive Director's Report.

Ms. Howard:

- Asked the Members to calendar July 16, 2015 for a possible Board Meeting, re: Agenda Item B, should Board Action be necessary as a result of the 2015-16 State Budget.
- Reported that the Performance Metrics for Community Corrections Report that was released in February is posted on BSCC's website and was discussed with Senators Hancock and Nielsen. In addition, Chair Penner, Research Specialist David Lovell and Ms. Howard presented the report at an informational hearing held on March 17, 2015 jointly by the Senate Public Safety Committee and the Senate Budget Subcommittee #5.

- Mr. Steinhart provided an update on the Juvenile Justice Data Working Group, which he chairs.

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. A hard copy was provided.

4. **Report from Chair of BSCC Research and Data Committee**

Member Susan Mauriello provided an update.

5. **Report from Chair of Standing Committee on Gang Issues**

Member David Maggard provided an update.

6. **ESC Formation**

Executive Director Kathleen Howard and General Counsel Patricia Pechtel provided an informational briefing to the Board on ESC formation. Ms. Howard reported on the recent activity on ESC formation. At the Sept 2014 meeting, when the Board approved the SB 863 ESC, some of the Board members asked about the policies and practices surrounding ESC formation and asked staff to report back. A policy was drafted and placed on the November 2014 agenda. At the request of a Board member who was not able to attend the meeting, that agenda item was pulled. At the February Board meeting, Ms. Howard provided an update to the Board to say that a more detailed legal and policy review was in process.

Ms. Howard reported that at that time, the BSCC had recently hired an in-house counsel. Staff were focused on balancing three important goals: 1) complying with all legal and statutory requirements; 2) ensuring clear policy guidance to the Board, with an eye toward consistent practice; and 3) ensuring the Board can complete its work in a timely and efficient manner. As of the April meeting, staff had discovered some important legal and policy issues, as follows: The policy that staff had previously drafted would have provided for a consistent practice for the agency, however, it could not be implemented as a Board policy. Because that policy would have applied generally and consistently and would have interpreted and implemented statutes pertaining to the Board, it would have to proceed under the regulatory process through the Administrative Procedures Act (APA). If BSCC were to proceed without following the APA, the result would be an illegal underground regulation, which could invalidate ESCs' recommendations. Ms. Pechtel provided an overview of the law and the Regulations process and walked through a hypothetical timeline, which showed a sample regulation taking approximately one year to complete.

After some discussion and questions, Ms. Mauriello pointed out that the ESCs' primary roles are to operate as advisory committees to the Board, providing due diligence in the review of applications and proposals. The Board is deeply appreciative of their work, and the Board is ultimately responsible for making decisions. Mr. Budnick discussed the importance of being transparent in the formation of ESCs, to provide information to the public about ESCs, to provide for balanced ESCs, and the Board's strong preference to ensure that a member of the Board serves as Co-chair.

Mr. Budnick asked the Chair if it would be possible to ensure these goals without going through a rulemaking process. The Chair urged the Board to consider moving forward with transparency, to hold each other accountable, and to encourage interested stakeholders' participation on ESCs.

Mr. Steinhart observed that the BSCC statute already requires the involvement of interested stakeholders in our process. Mr. Maggard supported the comments Ms. Mauriello had made, and encouraged the Board to hold itself accountable for ensuring transparency. Mr. Dean observed the importance of ensuring a common sense approach that provides for transparency. Mr. Growdon urged the Board to maintain flexibility in appointing ESCs. Mr. Budnick suggested that the Board make information available to show interested stakeholders that the Board is transparent.

7. Proposition 47 Status Update

Executive Director Kathleen Howard, Deputy Director Mary Jolls and Josh Gauger of the Department of Finance provided an update to advise that there is currently significant uncertainty about the level of state savings and implementation and there are a number of moving parts. These include several pending bills that seek to specify additional priorities, such as housing, in the grant program that the BSCC will administer. They reported that the BSCC will actively engage with stakeholders as a way to both provide and receive information and that several regional meetings will be held after the legislative session for this purpose. Mr. Gauger discussed the savings calculation and the Department of Finance's role in determining the overall state savings. Mr. Gauger indicated that DOF had not yet determined precisely how the savings will be calculated.

CONSENT ITEMS:

A. Board of State and Community Corrections (BSCC) February 12, 2015 Meeting Minutes. Requesting Approval.

B. Recommendation for a July 16, 2015 Board of State and Community Corrections Meeting: Requesting Approval.

C. Senate Bill 1022 Adult Local Criminal Justice Facilities Construction Financing Program: Tulare County's Request for Extension of Time to Prepare Scope Change: Requesting Approval.

Staff recommended the Board approve Tulare County's request to extend its deadline to accept its partial conditional award, in connection with the Sequoia Field Program Facility, Senate Bill 1022 Jail Construction Financing Program project, to September 17, 2015.

D. Assembly Bill 900, Phase II Jail Construction Financing Program: Siskiyou

County's Request for Extension of Time to Declare Project Establishment: Requesting Approval.

Staff recommended the Board approve Siskiyou County's request for a schedule extension for the Siskiyou County Correctional Facility, Assembly Bill 900 Phase II Jail Construction Financing Program project.

E. Senate Bill 1022 Adult Local Criminal Justice Facilities Construction Financing Program: Tehama County's Request for Extension of Time to Accept Partial Award: Requesting Approval.

Staff recommended the Board approve Tehama County's request for a schedule extension for the Tehama County Community Corrections Re-entry and Day reporting Center, Senate Bill 1022 Adult Local Criminal Justice Facilities Construction Program project.

F. Senate Bill 863: Adult Local Criminal Justice Facilities Construction Financing Program Emergency Regulations – Amendment to Title 15 Regulations: Requesting Approval.

Staff recommended:

1. The Board determine that the proposed regulations are necessary to address an emergency as defined in Government Code section 11342.545.
2. The Board approve the draft emergency adoptions and amendments to the regulations.
3. The Board approve the publishing of the emergency adoptions and amendments to the regulations by the Office of Administrative Law.
4. The Board approve 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. Steinhart asked for two corrections to the February minutes. Staff will provide amended minutes at the next Board meeting.

Mr. Maggard moved to approve the Board of State and Community Corrections February 12, 2014 Meeting Minutes with the corrections mentioned by Mr. Steinhart, and moved to approve the entire consent agenda. Ms. Brown seconded. The motion carried.

There were no public comments.

DISCUSSION AGENDA ITEMS:

G. Assembly Bill 1837, Social Innovation Financing Program: Establish

Executive Steering Committee (ESC), Chair Appointment and Timeline: Requesting Approval.

Staff recommended the Board's approval to:

1. Form an Executive Steering Committee (ESC) to oversee the development and release of the Social Innovation Financing Project Request for Proposals (RFP).
2. Appoint Board Member Scott Budnick to serve as the Chair of the ESC.
3. Approve the list of stakeholder interests and subject matter expertise to be represented on the ESC.
4. Delegate authority to the Chair to work with staff to name the members of the ESC, based on stakeholder interests and subject matter expertise.
5. Approve the activities and tentative timeline associated with the ESC and RFP.

Public comments were heard.

Judge Pounders moved to approve staff's requests as listed 1 – 5. Ms. Brown seconded. The motion carried.

H. Local Correctional Selection and Training Standards**H-1. Update on Standards and Training for Corrections Division Local Correctional Selection and Training Standards Project, including Job Analysis Findings: Information Only.**

This agenda item provided a summary of the findings of a recently completed job analysis of the Adult Corrections Officer (ACO), Juvenile Corrections Officer (JCO), and Probation Officer (PO) classifications and a study of how those jobs have changed over time and as a result of realignment.

This was an information item only; no action was taken. There were no Public Comments.

H-2. Formation of Executive Steering Committee (ESC) to Revise the Selection and Training Standards for Local Corrections: Requesting Approval.

Staff recommended the Board's approval to:

1. Approve the formation of an Executive Steering Committee (ESC) to review and possibly revise the Selection and Training Standards for Local Corrections.
2. Appoint Board member Michael Ertola to serve as the Chair of the ESC.
3. Approve this report's list of stakeholder interests and subject matter expertise to be represented on the ESC.
4. Delegate authority to the Chair to work with staff to name the members of the ESC, based on stakeholder interests and subject matter expertise.

Mr. Dean moved to approve staff's requests as listed 1 – 4 with the change to item 3 as recommended by Mr. Growdon, that the ESC Roster include representatives from both adult and juvenile. Mr. Maggard seconded. The motion carried.

There were no public comments.

I. Edward Byrne Memorial Justice Assistance Grant (JAG): Redistribution of Unspent Fiscal Year 2012 and 2013 Funds: Requesting Approval.

This item was pulled from the April 9, 2015 Agenda.

J. State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP), Executive Steering Committee (ESC): Title II Delinquency Prevention and Intervention Grant Program, Release of the Requests for Proposals (RFPs): Requesting Approval.

Staff and the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) recommended the Board approve the issuance of two competitive Request for Proposals (RFP) awarding up to \$3,000,000 in Title II Prevention and Intervention monies for both the Title II Prevention and Intervention Grant Request for Proposals (RFP) and the Tribal Youth Grant Request for Proposal (RFP).

Mr. Steinhart moved to approve the release of the Title II Prevention and Intervention Grant Request for Proposals and the release of the Tribal Youth Grant Request for Proposals as presented. Mr. Budnick seconded. The motion carried.

There were no public comments.

K. State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP), Evidence-Based Practices Training Project Executive Steering Committee (ESC) Proposed Grant Awards: Requesting Approval.

Staff recommended the Board approve the recommended grant awards for the Evidence-Based Practices (EBP) Training Project, as recommended by the EBP Training Project Executive Steering Committee and approved by the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) at its March 18, 2015 meeting. If the proposed list of grantees was approved by the Board, the grants would become effective May 1, 2015 and expire June 30, 2016.

Mr. Dean moved to approve the Evidence-Based Practices Training Project Executive Steering Committee's proposed recommendations as proposed to the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP), and as

recommended by the SACJJDP to the Board. Mr. Maggard seconded. Mr. Growdon and Ms. Mauriello abstained. The motion carried.

There were no public comments.

L. Proud Parenting Program Executive Steering Committee's (ESC) Funding Recommendations, Fiscal Year 2015-2016: Requesting Approval.

Staff recommended Board approval for seven grant awards in the total amount of \$832,924 for Fiscal Year 2015-16 for the Proud Parenting Program, as recommended by the Executive Steering Committee (ESC). If the proposed list of grantees was approved, the initial grant period would be July 1, 2015 through June 30, 2016. Grantees may obtain funding on a non-competitive basis for up to two additional years (12-month grants) if: (a) the Legislature appropriates funds for the grants, (b) the grantee is making measurable progress toward stated goals, and (c) the grantee is in compliance with all contractual requirements.

Mr. Steinhart moved to approve the proposed list of Probation Departments to receive a total of \$832,924 in Fiscal Year 2015-16 for the Proud Parenting Program, as recommended by the Proud Parenting Program Executive Steering Committee for the first year of a three-year grant period and to fund the departments on the list at the same level for years two and three, if (a) the Legislature appropriates funds for the grants, (b) the grantee is making measurable progress toward stated goals, and (c) the grantee is in compliance with all contractual requirements. Judge Pounders seconded. Ms. Mauriello abstained. The motion carried.

Public comments were heard.

M. Senate Bill 81, Round Two Local Youthful Offender Rehabilitative Facility Construction Financing Program, Executive Steering Committee (ESC) Proposed Conditional Awards: Requesting Approval.

Staff recommended the Board approve conditional awards under the Senate Bill (SB) 81 Round Two Local Youthful Offender Rehabilitative Facility (LYORF) Construction Financing Program, as recommended by the Executive Steering Committee (ESC). Approval of these conditional awards would enable the BSCC to disburse the remaining \$79.2M in remaining funds from the SB 81 Round One financing program.

Judge Pounders moved to approve the proposed list of conditional awards, as recommended by the Senate Bill 81, Round Two Local Youthful Offender Rehabilitative Facility Construction Financing Program, Executive Steering Committee (ESC); Approve full conditional awards to seven (7) counties, totaling \$63,303,000 and to approve partial conditional award to Riverside in the amount of \$15,898,455. Mr. Growdon seconded. Ms. Mauriello abstained. The motion carried.

There were no public comments.

PUBLIC COMMENTS

Public comments were heard. The meeting was adjourned.

Next meeting: July 16 2015 - Tentative or September 17, 2015

Meeting adjourned at 1:11 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. Stone, Director, Adult parole Operations California Department of Corrections and Rehabilitation
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
Judge Pounders, Retired Judge of Los Angeles County
Mr. Maggard, Chief of Police, City of Irvine Police Department
Mr. Budnick, Founder, The Anti-Recidivism Coalition
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
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)
Robert Oates, Project Director, CFC
Michael Scott, Project Director, CFC
Ginger Wolfe, Associate Governmental Program Analyst, CFC
Colleen Curtin, Field Representative, CPP
Daryle McDaniel, Field Representative, CPP
Ricardo Goodridge, Field Representative, CPP
Shaline Hunter, Field Representative, CPP
Colleen Stoner, Field representative, CPP
Helene Zentner, Field Representative, CPP
Mary Wakefield, Field Representative, STC