

MINUTES
State Advisory Committee on Juvenile Justice and Delinquency Prevention

Board of State and Community Corrections
2590 Venture Oaks Way, Sacramento, CA 95833
&
800 South Figueroa Street, Suite 1120, Los Angeles, CA 90017
March 15, 2017
10:00 a.m. – 2:00 p.m.

The State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) meeting was called to order at 10:15 a.m. by Carol Biondi. The meeting was held in both Sacramento and Los Angeles.

The following Committee members were in attendance in Los Angeles:

Ms. Carol Biondi, Chair	Judge Brian Back	Dr. Carly Dierkhising
Mr. Miguel Garcia	Mr. Juan Gomez	Ms. Susan Harbert
Ms. Sharon King	Mr. Ramon Leija	Mr. Kent Mendoza
Mr. Winston Peters		

The following Committee members were in attendance in Sacramento:

Chief Michelle Brown	Dr. BJ Davis	Ms. Nancy O'Malley
Ms. Rachel Rios	Mr. Dante Williams	

Agenda Item A Approval of the minutes from SACJJDP Meeting on January 13, 2017

Acting Chair Carol Biondi called the meeting to order and roll was called. Ms. Sharon King requested that the last sentence on page 2 of the minutes be revised to read, "She stated that she *was a prior* volunteer on *the* Child Abuse *Services* Team and that she tries to combine her interests and work on treatment and compliance."

Ms. Biondi requested a motion to approve the minutes as corrected. Judge Brian Back moved to approve the minutes. Winston Peters seconded. **Rachel Rios, Probation Chief Michelle Brown, and District Attorney Nancy O'Malley abstained. None opposed. Motion passed.**

Agenda Item B SACJJDP Chair and BSCC Updates

SACJJDP Chair Updates

Acting Chair Ms. Biondi reported that Eileen M. Garry was named Acting Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Ms. Biondi noted that Ms. Garry had been spoken of in high regard by Shay Bilchik. Ms. Biondi reported that the Coalition for Juvenile Justice (CJJ) has named Naomi Smoot, J.D., as its Executive Director

and that Judge Steve Teske will serve as CJJ's interim National Vice Chair after the retirement of Judge George Timberlake.

Ms. Biondi expressed concern at the absence of a Chair appointment and her interest in serving as Chair to lead the important work of the SACJJDP, with Judge Back as Vice Chair. Executive Director Kathleen Howard thanked Ms. Biondi for her willingness to serve and advised that the Board is responsible for appointing a new Chair.

Members not present at the January 13, 2017 meeting introduced themselves and provided brief biographies.

Rachel Rios is the Executive Director of La Familia Counseling Center, a non-profit organization that has served Sacramento County for over 40 years. Ms. Rios is also a member of the Sacramento County Juvenile Justice Commission. Ms. Rios has had an extensive career previously in the former California Youth Authority's Division of Juvenile Justice.

Michelle Brown is the San Bernardino County Chief Probation Officer. Chief Brown has been with the San Bernardino County Probation Department for 32 years. Chief Brown is also a member of the BSCC Board.

Nancy O'Malley is the Alameda County District Attorney. Ms. O'Malley has been the District Attorney for over eight years. Ms. O'Malley stated Alameda County's Juvenile Justice Division in the District Attorney's Office is aligned with the core principles of the SACJJDP.

BSCC Updates

Deputy Director Mary Jolls requested feedback on having the meeting in two locations to reduce travel costs and minimize travel impacts to members. Several members expressed dissatisfaction with the format and some members did not have concerns.

Ms. Jolls advised that the Corrections Planning and Programs (CPP) Division has changed its name to Corrections Planning and Grant Programs (CPGP). This provides more clarity to the public as to where within the BSCC its grant administration responsibilities are performed.

Ms. Jolls reported that the BSCC received 58 grant proposals in response to the Proposition 47 Request for Proposals (RFP), that the Executive Steering Committee (ESC) rater training is scheduled for March 29, 2017, and that funding recommendations will be made at the June 8, 2017 Board Meeting. She stated that the BSCC received two grant proposals for the Law Enforcement and Assisted Diversion (LEAD) program that the ESC is rating and that funding recommendations will be made at the April 20, 2017 Board Meeting. Ms. Jolls stated that the Edward Byrne Memorial Justice Assistance Grant (JAG) ESC met on January 26, 2017 to

discuss development of the RFP. This ESC recommends maintaining the current JAG State Strategy and Program Purpose Areas. Ms. Jolls stated that the Governor's proposed budget does not include funding for the California Gang Reduction, Intervention and Prevention (CalGRIP) program and that the current grant cycle ends December 31, 2017. Ms. Jolls stated that the United States Department of Justice will conduct a fiscal and programmatic monitoring review of the BSCC's federal grant programs on April 3 and 4, 2017. She stated that staff is working on implementation of AB 1998 and that members will be sent a hyperlink to the templates for consolidated annual plans and reporting requirements for the Juvenile Justice Crime Prevention Act (JJCPA) and Youthful Offender Block Grant (YOBG) programs once they are posted on the BSCC website. Judge Back suggested members be provided a written overview of the various BSCC grant programs and the information discussed. Ms. Biondi requested that BSCC update talking points be included in their materials.

BSCC Executive Director Kathleen Howard stated that based upon the BSCC's strategic planning session on February 15, 2017, the BSCC developed four strategic plan goal statements which are to make decisions fairly, inclusively, and transparently; support practices and policies shown to reduce recidivism and improve justice system outcomes for individuals and families, promote effective and cost efficient treatment programs and alternatives to incarceration that maximize successful re-entry and assure public safety; and analyze and provide justice system data that inform effective policy and practice decisions statewide and locally. Judge Back requested that these goals and anything else critical from the BSCC strategic planning meeting be sent to members.

Ms. Howard requested members comment on their vision of the relationship between SACJJDP and the Juvenile Justice Standing Committee (JJSC). After much discussion, Ms. Howard noted that the preference of the SACJJDP is to keep the committees separate but to coordinate their work as much as possible. Ms. Howard stated that the BSCC would clarify the charges of the respective committees in further discussions and noted that SACJJDP needs one additional youth member.

Ms. Howard provided a status update regarding the Title 15 and Title 24 regulations revision process. Deputy Director Allison Ganter stated that members from both the SACJJDP and JJSC provided recommendations for these revisions at a joint meeting on September 13, 2017.

Agenda Item C

Legislation

SACJJDP Legislative report

Ms. Biondi asked why there were bills on the Commonwealth Legislative Report that were not on the SACJJDP Legislative Report. After group discussion, staff realized that members in Los Angeles did not have the full report that the Sacramento members had and apologized for this error. Ms. Biondi stated that an email from David Steinhart to the JJSC highlighted

AB 629, SB 395, SB 190, and SB 620. Ms. Biondi also directed attention to AB 159, AB 163, AB 371, AB 620, AB 811, AB 1402. Ms. Biondi requested that members discuss legislation of interest to them. Mr. Kent Mendoza stated he was interested in SB 6.

Ms. Biondi advised that Title II Formula Grant has funded major system reforms which have served as models across the country that treat juveniles with prostitution charges as victims, not criminals. Ms. Biondi then stated that AB 1402 would restore juvenile prostitution as a crime. Mr. Ramon Leija asked how SACJJDP members could advocate for legislation. Ms. O'Malley stated that members can write a letter or express their support or opposition for bills as individuals or as members of their respective professional organizations, as long as they make it clear that they are representing themselves and not SACJJDP. Judge Back informed members of issues being discussed by the Judicial Council's Family and Juvenile Law Advisory Committee including record sealing under Welfare and Institutions Code (WIC) 785, competency determinations under WIC 709, and judicial processes related to Prop 57.

Ms. Howard requested the discussion move back to Agenda Item B, BSCC status updates, so Ms. Kimberly Bushard could provide an overview of AB 1998.

Ms. Bushard stated that AB 1998 resulted in the consolidation of plans and reports for the JJCPA and YOBG programs and that counties are now responsible for a single consolidated annual plan due May 1st. She stated that the annual plan will no longer include a budget estimate, local Board of Supervisors' approval, or approval by the BSCC. Ms. Bushard stated that data will now be reported on a calendar year, not fiscal year, basis, but that County plan and data reporting deadlines have not changed. She stated that the BSCC will now make reference to the consolidated programs as JJCPA-YOBG on its website and in future documentation; however, YOBG and JJCPA will continue to exist as separate programs in statute with different funding streams. Ms. Bushard stated that for the current reporting period counties have the option to either submit their most recent versions of the JJCPA and YOBG plans or move forward and submit one consolidated plan and that a consolidated plan template is currently in development. Ms. Bushard stated that the data reports due October 1st have been consolidated as well and that the data counties will report will be taken from an existing statewide database. She stated that the prior outcome measures have been replaced with new reporting requirements. Ms. Bushard stated that the data elements specifically required by AB 1998 are Arrest, Diversion, Petitions Filed, Petitions Sustained, Placements, Incarceration, and Subsequent Petitions (including probation violations) and that the data will be aggregated by race, ethnicity, gender and age. Mr. Gomez asked if the local counties would have the capacity to record the data pertaining to the new requirements. Ms. Bushard stated that the data would be maintained at the state level. Ms. Biondi inquired if the Juvenile Justice Coordinating Councils (JJCCs) would be required to develop, update and review a consolidated multi-agency plan. Ms. Howard stated that AB 1998 focused on the data and reporting requirements and that plan development was not addressed in the bill. Ms. Biondi inquired if counties will be provided direction on how to correlate data to individual programs and stated she was concerned about their ability to determine effectiveness for such large pots of money; roughly \$30 million each in Los Angeles. Ms. Howard stated that BSCC will

develop a flexible template to support reporting and provide technical support to local grantees to address any issues.

Ms. Ganter returned the discussion to the Title 15 and Title 24 revisions.

Ms. Ganter reported that staff assembled eight subject matter workgroups which will address issues pertaining to the aforementioned regulations in May. Ms. Ganter stated those workgroups include: administration and staffing; classification, segregation and discipline; programs; educations; medical and mental health; nutrition; environmental health; and physical plant. Ms. Ganter stated that staff have sought interested individuals for those workgroups. Chief Brown stated that the workgroups would be open for public comment. Ms. Ganter stated that the ESC is tentatively scheduled to review the recommendations of the workgroups this summer. She stated that a revised draft will then go before the BSCC Board for approval tentatively by the end of the year and that further administrative processes will then follow. Ms. Ganter stated she anticipated a completed product mid-year of 2018.

Agenda Item D Approval of Office of Juvenile Justice and Delinquency Federal Fiscal Year (FFY) 2017 Title II Three Year Plan Update and Application

Ms. Nicole Woodman stated that the FY 2017 Title II Three Year Plan represents the third and final year of the current state plan. Ms. Woodman stated that the plan serves both as an application for Title II Formula Grant funding and a progress report of the previous year. She stated that in prior years, OJJDP has released the solicitation around April 1st, but that this year the solicitation was released on January 12, 2017. Ms. Woodman stated that the Compliance Monitoring and R.E.D. data and Three Year Plans normally due by June 30th had been submitted in accordance with this year's February 28, 2017 deadline. She stated that the budget and narrative normally due June 1st, are due April 17, 2017. Members discussed concerns, suggestions and potential revisions to the draft FFY 2017 Title II Three Year Plan. Ms. Jolls stated that once this plan is submitted, staff will work with the committee to complete a new Three Year Plan for FFY 2018-2020. Ms. Jolls stated that, beginning in May 2017, there would be multiple meetings of the full SACJJDP membership to develop the new FY 2018-2020 plan. Ms. Biondi stated that persons interested in providing input, either now or later, should send an email to herself and to Ms. Woodman.

Chief Brown motioned for the committee to approve the FFY 2017 Title II Three Year Plan and to allow staff to make non-substantive changes. Dr. Davis seconded. **Judge Back abstained. None opposed. Motion passed.**

Agenda Item E Approval of Draft Second Annual Compliance Monitoring Report to the Governor and Legislature

Ms. Ganter stated that SACJJDP's First Annual Compliance Monitoring Report to the Governor and Legislature covered 2015 data and that the draft Second Annual Compliance Monitoring Report brings SACJJDP current with 2016 data. She stated that California remained in de minimis compliance with the core requirements of de-institutionalization of

status offenders (DSO) and the jail removal 6 hour rule. Ms. Ganter stated that California remained in full compliance with the core requirement to maintain separation of juvenile and adult offenders. Dr. Carly Dierkhising inquired how data for the report was collected. Ms. Ganter answered the report reflected data obtained from a combination of on-site monitoring visits and from agencies' monthly reports to the BSCC.

Chief Brown asked for clarification on the de minimis threshold for compliance. Ms. Ganter stated that de minimis is based on persons under 18 years of age in California and that the state is allowed a certain number of violations before it is out of compliance. De minimis is defined at a rate of five per 100,000 for jail removal. It is defined at a rate of 9 per 100,000 for DSO.

Judge Back asked for clarification on the number of status offenders held securely in adult jails and lock-ups. Judge Back asked if the specific counties where violations had occurred are known to the BSCC. Ms. Ganter stated staff would send the information to Judge Back, but that the incidents were spread out across the state. BSCC concentrates technical assistance and training on locations where a prevalence of incidents have occurred. Judge Back stated that he felt the local Juvenile Justice Commission should be advised and the presiding Juvenile Court Judge required to contact those lock-ups to address compliance issues. Dr. Dierkhising asked about potential OJJDP rule changes. Ms. Ganter stated the review of the de minimis was scheduled for March 21, 2017 and that she believes there are plans to count any detention (including non-secure detention which has not counted previously) over six hours as a violation of the Juvenile Justice and Delinquency Prevention Act (JJDP). Ms. Ganter stated that if the proposed rule changes went into effect today, California would still be in de minimis compliance.

Chief Brown moved for the report's approval. Ms. Biondi motioned for the committee to approve the report for submission to the Governor and Legislature. **None abstained or opposed. Motion passed.**

Agenda Item F

SACJJDP 2017 Meeting Dates

Ms. Biondi asked members to take note of the upcoming 2017 meeting dates; May 17, June 21, September 20, and October 18. Ms. Biondi stated the May meeting will also be held in Los Angeles.

Agenda Item G

Future Agenda Items

Ms. Biondi stated Police Chief Susan Manheimer requested time for discussion on diversion. Ms. Biondi stated that other future agenda items may include Mr. Ramon Aguilar speaking about his experience in the criminal justice system and a presentation by Deputy Director Evonne Garner on Juvenile Standards and Training for Corrections (STC) Classification study results. Dr. Dierkhising asked about the role of the Chair of workgroups. Ms. Biondi stated that she felt a summarizing of important conversations in a year's worth of prior minutes would be helpful for new members. Chief Brown stated that members should send any suggestions they have for future agenda items to Ms. Woodman.

Agenda Item H

Public Comment

No official public comment.

Adjournment

The March 15, 2017 SACJJDP meeting was adjourned at 2:00 p.m.

BSCC Staff Attendance Roster

Kathleen Howard, Executive Director

Aaron Maguire, General Counsel

Mary Jolls, Deputy Director, CPGP

Allison Ganter, Deputy Director, Facility Standards and Operations (FSO)

Nicole Woodman, Field Representative and Juvenile Justice Specialist, CPGP

Eloisa Tuitama, Field Representative, CPGP

Kimberly Bushard, Field Representative, CPGP

Alfonso Jimenez, Associate Governmental Program Analyst, CPGP

Ginger Wolfe, Associate Governmental Program Analyst, FSO