

**MINUTES**  
**State Advisory Committee on Juvenile Justice and Delinquency Prevention**

Board of State and Community Corrections  
2590 Venture Oaks Way, Sacramento, CA 95833  
October 21, 2015  
10:00 a.m. – 1:30 p.m.

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The State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) meeting was called to order at 10:00 a.m. by Sandra McBrayer.

The following Committee members were in attendance:

Ms. Sandra McBrayer, Chair	Ms. Susan Harbert	Ms. Michelle Scray Brown
Mr. Gordon Jackson	Ms. Carol Biondi	Ms. Nancy O'Malley
Honorable Brian Back	Mr. James Anderson	

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**Agenda Item A**

**Approval of the SACJJDP Meeting Minutes**

Chair Sandra McBrayer requested a motion to approve the September 9, 2015 meeting minutes.

***Nancy O'Malley so moved. Judge Back seconded. None abstained or opposed. Approved.***

**Agenda Item B**

**Chair and BSCC Updates**

SACJJDP Chair Updates:

1. Chair Sandra McBrayer informed the committee that Police Chief Susan Manheimer intends to resign due to inadequate time to participate. Ms. McBrayer asked that the search for a replacement begin right away. Judge Brian Back indicated that he knows of a possible candidate to replace Chief Manheimer. Ms. McBrayer asked that BSCC Staff send Judge Back the link to the Governor's Office application page so he can forward that on to the prospective candidate.

Ms. McBrayer reiterated the importance of meeting the Federal requirements for membership as failure to do so could result in funds being withheld. She noted that the biggest struggle has been filling the youth member slots. Chair McBrayer also informed the members that SACJJDP Member Winston Peters left his position at the Los Angeles Public Defender's Office but hopes to remain on the SACJJDP. Ms. McBrayer plans to reach out to him regarding his continued participation.

2. Chair McBrayer updated the committee regarding the Coalition of Juvenile Justice's annual conference in 2016. Although this annual event has traditionally been held in June, next year it will take place April 20-23. It will be held in Washington, DC. Ms. McBrayer requested that committee members let her know if they are interested in attending the conference.
3. Finally, Chair McBrayer explained that, due to a technical error, there was a change in the Title II grantees from what had been presented to the committee in September. When the SACJJDP voted to approve the funding recommendation, there was one county included as a medium county that is actually a large county. Moving this county into the large county category resulted in a small change to the funding amounts. Ms. McBrayer

requested that BSCC staff send all committee members a side-by-side comparison of the original list of grantees and the final list of grantees.

### BSCC Updates

1. BSCC Deputy Director Mary Jolls provided an update on the Strengthening Community & Law Enforcement Relations (Strengthening) Grant, noting that the BSCC Board took the following actions at its September 17, 2015 meeting:
  - Approved the appointment of Chief Bejarano as Chair of the ESC;
  - Directed staff to post information about this ESC on the BSCC website and request statements of interest from anyone who would like to participate on the ESC ; and
  - Delegated authority to the ESC Chair and staff to name additional ESC members, to include representation from government entities, community based service providers and the formerly incarcerated, among others.

Following that Board meeting, the BSCC posted the ESC information on its website and requested statements of interest be submitted by October 9, 2015. The BSCC received approximately 30 requests for ESC membership and is currently working with Chief Bejarano to formulate the ESC, which is expected to have 15-17 members. The ESC will have its first meeting on November 9 and 10 in Sacramento and will develop the Request for Proposals at that time.

Ms. McBrayer asked whether the list of members who expressed interest is public information. Ms. Jolls stated that she will get back to the committee with the answer. Additionally, Ms. McBrayer made a recommendation that one of the RED subcommittee members be selected to serve on the ESC. Ms. Jolls indicated that Chief Bejarano would call in to the R.E.D. subcommittee meeting on October 27, 2015 to discuss the Strengthening Grant.

Ms. McBrayer and Ms. Carol Biondi both asked clarifying questions related to how BSCC solicits or reaches out to the public to make them aware of the possibility of becoming an ESC member. Ms. Jolls explained where to find ESC-related information on the BSCC website. Ms. McBrayer encouraged all SACJJDP members to reach out to prospective ESC members in their regions to help facilitate broad participation.

Ms. Jolls clarified that it is not necessary to go back to the BSCC Board for approval of the final ESC membership. She added that once the ESC has been formulated the BSCC will let the SACJJDP know who has been selected.

2. BSCC Staff Megan Barber-Brancamp provided an update on the expenditure of Community Recidivism Reduction Grants, sharing that in 2014-15 there was \$8 million available and 50 counties accepted funding while 8 did not. The BSCC surveyed the counties in April of this year and received 44 responses indicating:
  - 25 counties had completed development of the competitive grant process;
  - 2 counties had awarded service providers with money; and
  - 24 counties anticipated disbursing money to service providers within the next 90 days or so.

Ms. Barber-Brancamp shared that another \$4 million was made available for 2015-16 and noted that, to date, 33 counties have accepted funding. In addition to the new funding, a couple other statutory changes were made:

- The Budget Act amended the statute to allow counties up to four years after receiving these funds to encumber and spend them. Previously counties had to use the money within one year of receiving it.
- SB 102 allows counties to award service providers the maximum funding amount for each of two budget allocations. Previously counties could only award service providers with the maximum funding amount one time and counties indicated it was difficult for them to get enough service providers interested in those small amounts of money especially in smaller counties. Counties had expressed a desire to award funds to the same service provider for a second year if possible and SB 102 allows that.

Finally, Ms. Barber-Brancamp shared that statute requires the BSCC to collect data regarding (1) the number of individuals served and (2) the types of services provided from each county. The first reporting due date is January 31, 2016 and subsequent reports are due annually thereafter until funding is spent and/or after four years.

Chair Sandra McBrayer raised a concern that the RFP process can cost more than the actual grant amount resulting in these funds not being utilized in some counties. Ms. McBrayer indicated that some counties are thinking of giving the money back as it costs too much to use it and noted that to date only 2 out of 50 counties who received funding have used it.

Gordon Jackson and Carol Biondi both suggested surveying the counties regarding their use of these funds but Mary Jolls responded that it would be premature to do a survey given that counties have not yet had time to act on the new provisions. Megan Barber-Brancamp reiterated that the data collection required by statute will give us an idea of how the money is being spent. Ms. Jolls discussed the possibility of doing an informal voluntary survey but said that is still under consideration as this goes above and beyond the statutorily required two data collection points. The reporting template is projected to be completed by the end of this year.

Michelle Brown noted that she is from a large county and agrees with the challenges previously mentioned. Ms. Brown said that the \$50,000, though more than the small county cap of \$10,000, is not always enough to entice service providers to apply. She encourages them to apply with the notion that there will be funding opportunities that they could apply for in the future and proving their ability up front could benefit their funding chances in the future.

Nancy O'Malley asked whether a county can roll over funds in a multi-year grant and Ms. Barber-Brancamp confirmed this is allowable up to the capped dollar amounts and time constraints of the grant.

Ms. McBrayer encouraged committee members to ask their counties how they are doing and to help facilitate the process where possible so the money gets out to Community Based Organizations. She expressed the importance of creating a track record of success in serving participants to encourage the allocation of future funding.

Lastly, Ms. McBrayer requested a copy of Ms. Barber-Brancamp's talking points along with a list of those counties that accepted 2014-15 funding and 2015-16 funding.

3. BSCC Deputy Director Mary Jolls updated the committee on recent revisions to the Executive Steering Committee process. At the February 2015 BSCC Board Meeting, a presentation concluded that adoption of a policy to be applied consistently for every ESC could be considered an underground regulation and would need to go through the State's rulemaking process. During the presentation, it was also indicated that establishing ESC processes on a case-by-case basis allowed the BSCC greater flexibility to ensure processes appropriate for the specific need at hand. In response to this information, the Board directed the BSCC to maintain the practices currently being used rather than lock in an inflexible process adopted through regulations.

Ms. Jolls expressed the BSCC's intent to work toward transparency and enhance ESC participation opportunities. She went on to say that no formal, set policy is being developed but rather each ESC formation process will be tailored to reflect the needs at hand. She indicated that information regarding upcoming ESCs will be broadly distributed, including to all SACJJDP members, and that a list of interested parties will be compiled for each ESC.

Ms. McBrayer noted that, for the most part, the process described by Ms. Jolls is largely the same as what was already in place.

4. BSCC Deputy Director Mary Jolls spoke to the committee about SACJJDP membership, sharing that the BSCC recently provided the Governor's Office with a summary regarding membership status and identified prospective new members who have applied as well as current members who are no longer participating.

Carol Biondi raised a concern about the difficulty of filling youth member vacancies. Ms. Biondi indicated there is often conflict with youth members' employers as time off is needed to attend committee meetings. She went on to say the process itself is long and arduous, and it is quite unfortunate to have someone not be able to participate after having gone through that process. Ms. McBrayer stated that an interview is now conducted by the Governor's Office as part of the selection process and noted that this would be an opportunity for the appointment staff to ask a youth specific questions related to employment to see if there will be any sort of conflict.

5. BSCC Staff Colleen Curtin provided an update on the Juvenile Justice Data Working Group (JJDWG): The group last met October 5, 2015 and finalized a set of recommendations on how to improve juvenile justice data collection at the state and local levels. A report is being drafted that will include an assessment of the current state of juvenile justice data collection including what systems counties are currently using and what system the state uses. The JJDWG is required to submit a report to the Legislature by January 1, 2016 including a set of recommendations on how to improve, consolidate, and streamline juvenile justice data collection. To inform their work, the JJDWG initiated a survey to gather information from counties and 41 out of 58 counties have responded to date. The survey asked counties about the nature, cost, maintenance, and level of satisfaction of their current systems and it also asked questions related to the Juvenile Detention Profile Survey and Juvenile Court &

Probation Statistical System (JCPSS), the statewide system administered by the California Department of Justice.

Ms. Curtin noted that recommendations from the JJDWG could address:

- Replacing the JCPSS system to continue collecting the data already being collected or to expand data collection, possibly to add in variables related to outcome, wellness, and recidivism data;
- Exploring the feasibility of consolidating state agency roles for the management and administration of data;
- Exploring the development of a web-based clearinghouse; and/or
- Charting who, what and how the State might implement these recommendations recognizing that replacing a system like JCPSS could take years.

Chair Sandra McBrayer, who also serves on the JJDWG, reminded the committee that, subsequent to the JJDWG's April 2015 report which contained recommendations for how to consolidate and streamline YOBG and JJCPA reporting, there was a decision by BSCC to suspend YOBG outcome data reporting. Ms. McBrayer went on to say that JJDWG recommended merging the YOBG and JJCPA reports while making the data reporting more robust. She explained that not all of the JJDWG's recommendations went forward, but the Chief Probation Officers of California and others have been discussing potential statutory changes to accomplish the consolidation. Lastly, she noted that the JJDWG's discussion must continue in order to determine what type of system to build, how to improve current reporting requirements, and how to balance the need for a new state system with the reality that there are 58 independent county systems.

Judge Brian Back noted that the Judiciary is trying to implement a new system, explaining that vendors generally buy a system off the shelf instead of customizing one since it is very complicated to create a new system. Ms. McBrayer spoke about the statewide schools data system and pointed out that a specific ID number is connected to each individual so that no matter what school or district a student moves to the information stays with the individual through the ID number. She suggested that the juvenile justice system should also consider use of such an ID number.

6. BSCC Deputy Director Allison Ganter presented information regarding Title 15 Juvenile Regulations, sharing that the next round of revisions will begin late in 2016. Ms. Ganter explained there is no mandate around how often these regulations must be revised, noting that the most recent revisions were effective in April 2014 and the current two-year inspection cycle began in July 2014. She indicated that the State's 113 juvenile detention facilities are now going through their first inspection cycle with the newly revised regulations and that inspection cycle will not end until June of 2016.

Carol Biondi expressed concern about the most recent revisions, spoke in support of plain talk guidelines, and urged the involvement of SACJJDP in the process of adopting the next revisions. Ms. Ganter explained that BSCC has always reached out to a large cross section of stakeholders for these ESCs and that the ESCs set the direction. Ms. Ganter went on to say that this work begins by taking all the regulations

and breaking them into subject groups such as Administration, Classification, Discipline, etc. and then getting as many subject matter experts as possible to develop specialized workgroups. The workgroups consider best practices, case law, and recent changes in statute. Through this process, it is the practitioners and advocates who revise the regulations and come up with minimum standards. Ms. McBrayer suggested that the committee review this item again in 2016 when the BSCC may again be considering changes.

### **Agenda Item C**

### **Status of 2014-15 Legislative Session**

BSCC Staff Kimberly Bushard directed attention to the member packets containing two reports: one prepared by the BSCC and a second prepared by David Steinhart of Commonwealth. Ms. Bushard noted that October 11<sup>th</sup> was the final day for the Governor to sign or veto bills and both reports reflect the final disposition of tracked bills. BSCC Deputy Director Mary Jolls further explained that the BSCC report contains signed and vetoed bills that have a direct BSCC impact. Ms. Jolls noted that AB 80 was vetoed by the Governor's Office while the other tracked bills were signed.

AB 1056 adds legislative priorities to Prop 47. Ms. Jolls reminded the committee that the first regional meeting on Prop 47 is on October 28, 2015 in Oakland, CA. She went on to say the BSCC plans to conduct regional meetings in six other cities in early 2016.

Gordon Jackson pointed out that the SACJJDP can influence development of the Prop 47 grants related to education and recidivism through the ESC process. Mary Jolls indicated the ESC is open to looking at anything that may add value and noted that the ESC provides another opportunity for public comment and for the topic of education to be brought up.

***Gordon Jackson made a motion that Education should have a representative on the Prop 47 ESC. Judge Brian Back seconded. Approved.***

Sandra McBrayer suggested that scheduling regional meetings so that ESC members could attend would be greatly beneficial since those members will be developing the RFP and determining the focus areas.

SB 261 was signed into law and will provide an opportunity for 14,000 inmates to be released early for crimes committed when they were under 18. To be considered for early release, offenders must meet certain requirements including having a track record of demonstrating they have changed their lives and have been proactive in that regard.

James Anderson spoke out on SB 261 saying that we are experiencing an environment change right now with lifers who previously may not have cared now getting an opportunity to potentially be released. Mr. Anderson went on to say that this has positively affected new inmates coming in and seeing these lifers doing college work, etc. and bettering themselves.

SB 621 was signed into law including diversion as an option for funds from the mentally ill offender crime reduction grant. Ms. Jolls explained that this bill does not make a big change since diversion was already allowed. Carol Biondi asked how this money gets to the counties and BSCC Staff Helene Zentner explained that counties are paid on a reimbursement basis. Ms. Zentner also shared that 15 applicant counties were fully funded; however, Orange County declined their award so \$1.1 million became available. Consequently, Tuolumne County has now been fully funded and there is \$48,000 remaining. Total funding for this program is \$18.8 million split equally between juveniles and adults, and counties were able to apply for both.

Sandra McBrayer noted that the solitary confinement bill did not make it out of Committee and will be re-introduced.

Noting that AB 217 was signed by the Governor, Judge Brian Back asked whether this legislation was applicable to both dependency and delinquency cases. BSCC staff committed to getting back to the committee with this information.

#### **Agenda Item D**

#### **Use of Force Survey Recommendation**

SACJJDP Chair Sandra McBrayer opened up this discussion by asking whether committee members were still interested in conducting a survey. Ms. McBrayer reminded the committee that previously Judge Back had suggested that counties be surveyed to find out what type of force is used, when is it used, what is used instead of pepper spray, etc. Carol Biondi expressed support for conducting a survey but suggested adding more questions and perhaps asking about discipline. Ms. McBrayer noted that the committee is trying to gain knowledge prior to the Title II funding reauthorization in order to offer assistance and guidance. Michelle Brown noted that a couple counties have lawsuits pending around use of force and pepper spray and suggested that any survey not use the term "Pepper Spray" or "Solitary Confinement" to avoid deterring counties from participation. Nancy O'Mally suggested that it would be helpful to ask for procedures and Ms. Brown agreed, adding that it would be better to first ask counties for procedures because every county has a different definition of use of force and this could skew the data reported by some counties depending on how force is defined. Ms. Biondi said counties should be asked for their directives.

Ms. McBrayer reminded the committee that they were facing a process question and asked if there was interest in exploring this issue through a workgroup.

***Gordon Jackson made a motion that a small workgroup be expeditiously formed to look at the most effective way to enhance the understanding of county use of force practices. James Anderson seconded. Approved.***

Ms. McBrayer concluded the discussion saying the workgroup will look at protocols, directives or procedures from counties, possibly ask for technical assistance support from OJJDP, and then bring recommendations back to the committee. She invited committee members to let her know if they have an interest in participation on the workgroup that will hopefully meet one time.

Deputy Director Mary Jolls asked for clarification on why this action was being taken so she would be able to provide a context when briefing BSCC's Executive Director. SACJJDP Chair Sandra McBrayer responded by saying that their guidelines are to inform the Governor and legislature of emerging issues and trends in juvenile justice and noted that it is important to have a picture of what is happening in California in order to fulfill that informant role as well as to ensure compliance with any new regulations that may be coming out.

Judge Back shared that several months ago his probation department started sending out requests for customer feedback and noted that the feedback received was found to be very helpful.

#### **Agenda Item E**

#### **Prioritization of SACJJDP Activities**

Sandra McBrayer reminded the committee that during the prior meeting members had selected several high-interest topics:

1. Use of force – work in this area would include creating a small workgroup to explore how best to enhance the understanding of what counties are doing in regards to use of force. This could include asking counties for their policies and directives.
2. Direct files – work in this area would include an assessment of how the counties handle direct files and then providing guidance around best practices.

3. Behavioral health issue amongst juvenile offenders – work in this area would include a county assessment of gaps that exist between what services are needed versus what services are available, an exploration of how counties are addressing the mental health needs of juvenile offenders, and identification of how other states are addressing competency. This information would be used to develop best practices.

Ms. McBrayer confirmed with the committee that these items remain the top priorities and discussed the need to learn about the practices in all of these areas in order to make recommendations and share best practices. She reminded the committee of what Judge Timberlake had shared about the role of SACJJDPs and noted how the work being discussed is consistent with that.

***Gordon Jackson made a motion that use of force, direct files and mental health be adopted as the committee's priorities. Nancy O'Malley seconded. None opposed or abstained. Approved.***

***Subsequently, Mr. Jackson made a motion to amend this motion to replace mental health with behavioral health. Ms. O'Malley seconded. None opposed or abstained. Approved.***

Michelle Brown asked that staff review the recording from the prior meeting because there were statements regarding use of pepper spray attributed to her that she did not make. Staff agreed to do this. Ms. Brown then asked Chair McBrayer how the work of the SACJJDP fits into the big picture of the work being done by BSCC and how the SACJJDP contributes. Ms. McBrayer responded that it can vary from state to state. In California the SACJJDP is housed within the BSCC but has the authority to report to the Governor and legislature and does that working through the BSCC management. Activities, such as the use of force survey and the comparison of mental health services and needs, would inform those reports to the Governor and legislature and would also allow the development of tools to educate and inform the field. Ms. McBrayer identified one goal of this work as sharing federal best practices amongst California's counties. She went on to acknowledge that the committee has no control over whether anything is done with the information once it is shared but stressed that their role is very clearly defined as providing information and guidance. Ms. Biondi, Ms. O'Malley and Mr. Jackson all voiced their support and enthusiasm for this role and the newly established priorities.

## **Agenda Item F**

## **Future Agenda Items**

The next meeting is December 16, 2015. Follow up items were identified as:

1. List of interested and selected parties for the Strengthening grant ESC;
2. List of counties accepting Community Recidivism Reduction grant funds for each year;
3. Side-by-side comparison of proposed and funded grantees for Title II;
4. Committee to send information to the Governor's appointment office regarding consideration of employment conflicts in making youth member appointments;
5. Reach out to appointments office to inform them regarding loss of the police department representative and notification that puts us out of compliance with federal requirements;
6. Send a list of all SACJJDP "slots" to the committee members;

At the next meeting, Chair McBrayer will present San Diego's new policy on how all youth should be treated within their juvenile justice system.

## **Adjournment**

The October 21, 2015 SACJJDP meeting was adjourned at 1:20 p.m.



**BSCC Staff Attendance Roster**

Mary Jolls, Deputy Director, CPP  
Kimberly Bushard, Field Representative, CPP  
Helene Zentner, Field Representative, CPP  
Colleen Curtin, Field Representative, CPP  
Shalinee Hunter, Field Representative, FSO  
Megan Barber-Brancamp, AGPA, Administration  
Brian Wise, AGPA, CPP