

MINUTES
State Advisory Committee on Juvenile Justice and Delinquency Prevention
January 14, 2015

Sierra Health Foundation
1321 Garden Highway
Sacramento, CA 95833

The State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) meeting was called to order at 10:05 a.m.

The following Committee members were in attendance:

Ms. Sandra McBrayer, Chair
Ms. Carol Biondi

Mr. James Anderson
Ms. Susan Harbert

Honorable Brian Back
Honorable Nancy O'Malley

Agenda Item A

Approval of the SACJJDP October 2014 Meeting Minutes

As a quorum was not present at the start of the meeting, Chair Sandra McBrayer tabled this agenda item. Chair McBrayer started the SACJJDP meeting with Committee member and Board of State and Community Corrections (BSCC) staff introductions. Laura Faer, Education Rights Director with the Public Counsel Law Center, was also in attendance as a guest presenter.

Agenda Item B

Chair and Staff Updates

Mr. William Crout, Deputy Director with the Corrections Planning and Programs (CPP) Division, opened by sharing with the Committee that the BSCC is very cognizant of the need to supplement the membership of the SACJJDP; and although the focus has been on the budget for the last couple of months, Ms. Kathleen Howard, Executive Director of the BSCC, is still very interested in having the SACJJDP membership made whole.

Mr. Crout then stated that the BSCC staff update on pepper spray was not available for this meeting due to other projects requiring completion. However, as additional information, Field Representative Shalinee Hunter shared an email she received from Allison Ganter, Deputy Director of the Facilities Standards and Operations (FSO) Division, which stated that the Chief Probation Officers of California (CPOC) has asked the California Association of Probation Institution Administrators (CAPIA) to write a white paper on the pepper spray issue and BSCC staff will assist CAPIA as needed. Chair McBrayer stated that the SACJJDP will come back to this issue on another agenda.

Mr. Crout also informed the Committee that the BSCC will be moving offices, probably at the end of February 2015, and that the new site will serve as a centralized meeting location with additional meeting rooms and free, ample parking. Mr. Crout further updated the SACJJDP on BSCC staff reorganization; specifically, that Ms. Hunter will be moving to the FSO Division where she will continue to work on Reducing Racial and Ethnic Disparities (R.E.D.) and other juvenile justice issues.

Finally, Mr. Crout updated the Committee on the following:

- Senate Bill (SB) 81, Round 2 proposals were due on December 19, 2014 – 8 proposals were received for just over \$80 million (when the remaining balance available is \$79.2 million). The SB 81, Round 2 Executive Steering Committee (ESC) met on January 8, 2015, to provide rater training. Proposed scores will be available at the next SB 81, Round 2 ESC meeting scheduled for February 5, 2015, and the conditional awards are scheduled to be announced at the April 2015 Board meeting.
- The California Gang Reduction Intervention and Prevention Program (CalGRIP) has been changed from an annual Request for Proposals (RFP) to a 3-year grant – 48 CalGRIP proposals were received and 18 will be funded for \$19.2 million. Funding is annual for three years, and Request for Applications (RFA) have to be turned in every year for three years. These will also be announced at the April 2015 Board meeting.
- The Edward Byrne Memorial Justice Assistance Grant (JAG) applications are being scored currently. The next Byrne-JAG ESC meeting is scheduled for January 30, 2015, and funding allocations should be approved at the February 12, 2015 Board meeting.
- The first ESC meeting for SB 863 – the \$500 million in jail construction with a focus on replacement beds or program space – is scheduled for January 21, 2015.

Chair McBrayer then announced that the Juvenile Justice Data Working Group (JJDWG) was meeting on January 15, 2015; and that this will be a full meeting to make some recommendations. The JJDWG and its sub-committees have been looking at the Youthful Offender Block Grant (YOBG) and Juvenile Detention Profile

Survey (JDPS) data, and trying to figure out what gets reported, what is duplicative, etc. The JJDWG has a tight turnaround, as they have reporting requirements due on April 30, 2015, so JJDWG updates will not be presented to the Committee until the March 18, 2015 SACJJDP meeting.

Field Representative Helene Zentner of the CPP Division then updated the SACJJDP on the Mentally Ill Offender Crime Reduction (MIOCR) grant, as follows:

The money for MIOCR is in the 2014/2015 state budget – \$18 million for 3-year grant projects split equally between adults and juveniles at approximately \$9 million for each. BSCC staff recently informed the California State Sheriffs' Association (CSSA) and CPOC about language in the legislation which states that the county sheriff and chief probation officer *each* have to chair a strategy committee to form a plan for applications for the adult and juvenile sides respectively. There are specific individuals identified in legislation that need to be, at a minimum, included in these committees; the committees can be co-joined if the county wants to submit both an adult and juvenile application. The BSCC wanted to get this information to the counties before the RFP was released so that counties could begin their planning process.

The MIOCR ESC met in November 2014, and the RFP will go before the Board at the February 12, 2015 Board meeting for approval. If approved, the RFP will be released the following day, February 13, 2015, with be a seven and a half week solicitation to the field. The MIOCR ESC will have a rater training and the ESC will be bifurcated; half of the ESC members will rate the juvenile proposals/half will rate the adult proposals. In June 2015, the recommendations from the MIOCR ESC should go before the Board for a July 1, 2015 contract start date.

Legislation also states that although the funding is for three years, the counties have to submit what their plan will look like for four years, and that the county must come up with, at a minimum, a 25% match. The RFP is for the first year, with an RFA for the following two years. It is not an automatic funding; it will be at the discretion of the BSCC to ensure counties are doing what they said they would do as a plan, as a county, in their applications.

Ms. Carol Biondi requested that BSCC staff send Committee members a copy of the legislation with the strategy committee's required membership; Ms. Helene Zentner stated that she would.

Ms. Biondi also asked about large, medium, and small counties. Ms. Zentner answered that there is no set-aside for small, medium, or large counties, but counties can submit co-applications. Ms. Zentner also shared that there is a "targeted" funding cap and if the county goes over that amount, the need has to be clearly justified. It will be at the discretion of the MIOCR ESC to make sure what is included in the county's budget clearly fits the need described in their statement.

Chair McBrayer then updated the Committee on the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP), which expired in 2007 and has not been reauthorized since 2002 [*legislation was introduced in December 2014 that would reauthorize the JJDP*]. The four big changes in the JJDP for the states are: 1) brain science, 2) gender-specific services, 3) truancy, and 4) R.E.D. For the first time, brain science is referenced in the JJDP (looking at the fact that young males typically do not have some decision-making processes in place until the age of 25 or older). Also identified in the JJDP is gender-specific services. Additionally, there is a three-year window in the JJDP that closes the loophole for truancy – states will not be able to incarcerate a young person for a violation of a court order if the precipitating event was about school attendance or truancy. This is written into the JJDP with a three-year phase-in. Finally, the federal change from Disproportionate Minority Contact (DMC) to R.E.D. is included in the JJDP, with language about having an oversight body, looking at policies and practices that are disparately impacting youth, and the change to race and ethnicity, not just youth of color.

Additionally, Chair McBrayer informed the Committee that Mr. James Anderson from the Anti-Recidivism Coalition (ARC) has been nominated to serve at the federal advisory level and that nomination is moving forward.

Regarding the upcoming agenda item with the Juvenile Justice Standing Committee's (JJSC) recommendation, Chair McBrayer clarified that the SACJJDP's goal is to work in concert with the JJSC to have a stronger voice. When the JJSC has a recommendation, they will come to the SACJJDP for support and vice versa, so there is a much broader coalition of stakeholders across the board who are talking about youth issues. Chair McBrayer further mentioned that due to the recent changes in the SACJJDP's membership (resignations/vacant slots), those vacancies have given the SACJJDP a lower number for their quorum, so the Committee is still moving forward and making motions. Additionally, the SACJJDP is trying to work in concert with the JJSC, building the momentum of juveniles through both committees.

Finally, Chair McBrayer referenced the BSCC staff changes Mr. Crout mentioned earlier. Chair McBrayer informed the Committee that she will be working with Ms. Howard, Mr. Crout, and Ms. Hunter to determine what this reorganization will look like and what it will mean for the SACJJDP support; she committed to bringing this information back to the March 18, 2015 SACJJDP meeting.

Agenda Item C **Review of Proposed Legislation for Support or Opposition**

Chair McBrayer mentioned the passing of SB 1296 and SB 1111, as well as SB 1038, which is a significant bill for the sealing of records. Then, Chair McBrayer spoke about Assembly Bill (AB) 80, which has been introduced to form an interagency taskforce on the status of boys and men of color in California. Ms. Hunter also informed the Committee that current language in AB 80 identifies the BSCC as leading that effort. Chair McBrayer committed to keeping the SACJJDP abreast as more bills are introduced.

Agenda Item D **Laura Faer, Education Rights Director of the Public Counsel Law Center, Presented 'Improving Educational Outcomes for Youth on Probation'**

Ms. Laura Faer presented on legislation passed in 2014 that will have a significant impact on youth coming into the juvenile justice system, as well youth already in the system, as follows:

- AB 420 basically eliminates expulsion for willful defiance and disruption and also eliminates in- and out-of-school suspensions for kindergarten through third grade students. There were over 600,000 suspensions in California in the 2012/2013 school year, 43% of these were for willful defiance/disruption. Research show that even one suspension makes it three times more likely that a young person will to end up in juvenile justice system, so there is a very close connection between school push-outs/suspensions and juvenile justice contact. The shift is to move the focus from removal from school and get schools to concentrate on alternatives that work/hold young people accountable while making the school climate/culture better. This bill expires in three years, so monitoring/implementation is being focused on; sharing of any successes or difficulties in its implementation would be appreciated.
- SB 1111 has a number of provisions, but the primary piece relates to county community schools (schools run by the county office of education). The biggest change is in the context of a Student Attendance Review Board (SARB); specifically, when there is a recommendation that a child be transferred, the district has to make certain that before there is a transfer the school is accessible to the family, there is an available space for the student, and that the school meets the educational needs of the student. This requires the school district doing the transferring to assess if it is in the best interest of the student. The other change is that it permits the return of a child to another appropriate school the semester after the semester they entered a county community school. This bill also states that if a student wins their expulsion hearing, they have the right to return to their school of origin or negotiate another placement, and it clarifies that youth on probation cannot be transferred by their probation officer – the probation officer can make a recommendation, but the education rights holder must consent to the transfer.
- SB 1296 went into effect on January 1, 2015, and states that youth can no longer be incarcerated for missing school.
- AB 2276 requires the county office of education and probation department to come together and create joint policies for the educational transition of youth leaving a juvenile facility. This also creates a statewide committee lead by the California Department of Education (CDE), with support from the BSCC, to examine policies and develop recommendations related to transitions, looking at best practices statewide. It also: 1) clarifies existing law – ensuring that students in juvenile court school have the right to immediate enrollment in a district school, 2) ensures partial credit laws are all applicable and need to be applied to same or similar courses (not to electives), and 3) provides for school of origin protection that allow youth (with some caveats) to return to their school of origin unless they were expelled.
- Proposition 47 provides a potential funding stream, with 65% of the 2016 funding going to the BSCC to administer a grant program to public agencies aimed at supporting mental health treatment, substance abuse treatment, and diversion programs, etc. The JJSC passed a motion to make a request to the BSCC that a good percentage of this funding go toward juveniles and that the money given in grant programs will reach juveniles/use best practices. Ms. Faer's request to the SACJJDP was to join the JJSC's letter to the BSCC, as well as also potentially making a statement about this funding source getting to California's juvenile population.
- Local Control Funding Formula (LCFF) is a new funding regime in California that creates a weighted student formula. Chair McBrayer shared that this is the biggest change in education since

Proposition 13. Ms. Faer explained that this creates funding streams; all districts will have a base amount of money and will then get additional funding for students with the greatest needs (e.g., foster youth, low-income students, and English learners). There is more flexibility on how the districts decide to spend the money, but they have to have a local control accountability plan in which they set out how they are going to spend that money. This is a three-year plan that has to be updated annually by the districts. The district has to set goals not only for the overall student but also for disaggregated students and state what they are going to spend to reach those goals. Chair McBrayer shared that this eliminates rigid categories and allows local determination of appropriate use of funds for individual district needs. Ms. Faer shared that although probation youth have very unique needs, right now not all probation youth are covered in LCFFs; only probation youth placed in group homes are included in LCFFs. Ms. Faer asked if the SACJJDP wanted to lend their support to the cause of including all probation youth in LCFFs.

Following the presentation, there was a group discussion about AB 2276, the way the legislation is structured, and how successful partnerships with probation, district attorneys, etc., will be necessary for the success of this venture. Since the SACJJDP examines policies/recommendations and has members from the bench, district attorney's (DA) office, etc., the question was raised if there had been any discussion with the BSCC executive staff about having the SACJJDP working in concert with the CDE, especially since the SACJJDP already has several partner projects with the CDE.

Chair Sandra McBrayer asked the Committee if they felt the SACJJDP should be the entity to work in concert with the CDE on the AB 2276 project, and DA Nancy O'Malley and Judge Brian Back agreed that would make sense. Field Representative Coleen Stoner of the CPP Division also volunteered to serve as assigned BSCC staff to the AB 2276 group.

Chair McBrayer then summarized the recommendations Ms. Faer presented to the SACJJDP:

1. Cosign a letter with the JJSC that a portion of the Proposition 47 funding go to meet the needs of the juvenile population.

DA Nancy O'Malley moved to support this recommendation and Mr. James Anderson seconded the motion; all were in favor, none were opposed, none abstained.

2. Support for juvenile justice youth inclusion in LCFF.

Ms. Carol Biondi moved to support this recommendation and Ms. Susan Harbert seconded the motion; all were in favor, none were opposed, none abstained.

The following suggestions were also presented by Ms. Faer to the SACJJDP:

1. Request that Committee members get the word out to their counties about AB 2276 and make certain counties are using joint transition policies. *[From Ms. Faer's PowerPoint]* "AB 2276 implementation in counties, request joint transition policies be developed and review existing ones and outcomes."
2. *[From Ms. Faer's PowerPoint]* "Ask Districts and County Offices to report on their plans to implement SB 1111 and status of returning students (who would like to come back) from County Community Schools."

There was additional group discussion about how information on legislation gets to the affected parties (e.g., the bench, probation, and school districts) and how the SACJJDP can become more proactive and provide best practices. Chair McBrayer stated that the topic of best practices dissemination will be included on the agenda for the next SACJJDP meeting, to include discussion on how the SACJJDP can play a role in helping regions know what is happening, what bills have passed, and what is out there that will impact them.

Consider for Adoption, the Juvenile Justice Standing Committee's Motion

Agenda Item E

for a Standing Juvenile Justice Agenda Item with the BSCC Board

Chair McBrayer covered the recommendation from the JJSC that the SACJJDP adopt a motion to present to the Board that asks for juvenile justice issues to be a standing agenda item on the BSCC Board agenda. To clarify, the intent is not to have five committees present report-outs. The agenda item would be on the topic of juveniles not on the committees, so it could be that the SACJJDP has nothing to present, it could be that the BSCC queries all the committees and none have anything to present, or it could be that someone has something to put forward for discussion and/or approval. However, it would be where there is a standing agenda item for juveniles for any of the committees or multiple committees to have a place to present their issues/work; the agenda item would have to be on a pertinent issue, something substantive, to make it a very clear conversation about what the issues are.

Judge Brian Back moved that the SACJJDP adopt the JJSC's motion for a standing juvenile justice agenda item with the BSCC Board and Mr. James Anderson seconded the motion. Chair Sandra McBrayer asked for questions. Ms. Susan Harbert asked if the SACJJDP had an issue could they speak to Chair McBrayer to bring it to the JJSC; Chair McBrayer identified that she would bring items to the JJSC. All were in favor of the motion, none were opposed, none abstained.

Chair McBrayer closed by stating that the SACJJDP will tell the JJSC they will co-sign the letter and make that recommendation to the Board.

Title II Formula Grant Federal Solicitation and Executive Steering Committee Update

Agenda Item F

Field Representative Shalinee Hunter of the CPP Division shared that the Title II Formula Grant federal solicitation usually comes from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the spring, but this year it is likely to be a little different as last year was an augmentation. To try to get ahead of the solicitation, there are several areas being concentrated on in alignment with the SACJJDP's focus on evidence-based practices (EBP) and R.E.D. The four R.E.D. grantees (Mono, Stanislaus, Santa Barbara, and San Joaquin County) only needed approximately \$648,000, so approximately \$300,000 was left over. The R.E.D. committee met to discuss what to do with those funds and their recommendation to the SACJJDP is that this money be reallocated toward a sustainability approach for the original 13 R.E.D. counties. In essence, to bring back their DMC/R.E.D. stakeholder committees and develop a plan in terms of what they might need/what would be most beneficial in sustaining their projects. As the needs of the first five awarded counties might be different than the second seven awarded counties, the R.E.D. committee suggested developing a menu and offering \$20,000 to \$40,000 depending on county size. Chair McBrayer clarified that counties would be given a list of options to choose from through their local assessment to say what they wanted to do (e.g., a series of trainings, education, etc.). Ms. Hunter then presented that the R.E.D. committee was also requesting approval to allocate approximately \$10,000 to do a pilot project with law enforcement in the Bay Area for a leadership academy dealing specifically on race/ethnicity in communities of color. This would be made up of law enforcement officers at various decision-making levels (e.g., line staff, police on the street, sergeants, etc.) that have participated in a leadership program already.

Ms. Hunter further shared that the Title II Formula Grant ESC is scheduled for January 23, 2015, with Judge Brian Back as the chair and Mr. James Anderson as a member of the ESC. This ESC will be deciding which program purpose areas within the Title II Formula Grant they want to focus on that are aligned with EBP and R.E.D.

Ms. Hunter and Chair McBrayer summarized staff's recommendation that the SACJJDP approve the two primary components to the Title II and R.E.D. plan for 2015, which is doing some work with law enforcement and working with the 13 previous counties for a menu-specific application process; this will then go to Board in February 2015 for approval.

Ms. Carol Biondi moved to approve the staff recommendation and Ms. Susan Harbert seconded the motion, Chair Sandra McBrayer recused herself and Judge Brian Back abstained; all remaining were in favor, none were opposed.

Youthful Offender Block Grant /

Agenda Item G

Juvenile Justice Crime Prevention Act Data Update

Field Representative Kimberly Bushard of the CPP Division presented an overview on the YOBG and Juvenile Justice Crime Prevention Act (JJCPA), including similarities and differences, as follows:

- Annual Expenditure Plans: For both YOBG and JJCPA, every participating county is required to submit an expenditure plan to the BSCC each funding cycle, in which the counties lay out for the upcoming fiscal year what their plans are in their respective applications. These are due on May 1, 2015 for both programs. One interesting distinction is that for the JJCPA, counties are required to have a juvenile justice coordinating council with multi-disciplinary representation; that body deliberates about the juvenile justice priorities in their county and how the funding plan will be put together. For YOBG, there is no such required planning body or process.
- Reporting of Actual Expenditures and Performance Outcomes: For YOBG, counties complete expenditure and performance outcome reports and submit these electronically to the BSCC on Excel and Word forms. For JJCPA, there is an automated component where counties are able to access a portal through the BSCC website where they can enter their data online. Once the fiscal year is concluded, counties have a few months to report their data to the BSCC. YOBG data is due on October 1, 2015, and JJCPA data is due October 15, 2015.

- Performance Outcome Reporting: For JJCPA, counties have to report to the BSCC on the outcomes of each of the youth that participated in JJCPA-funded programs. For YOBG, since the county is allowed to spend this money not only on programs but on most any other expense within the juvenile system (e.g., equipment, facility cost, staff training, etc.), it is not as easy to talk about outcomes for these types of expenditures. The YOBG ESC came up with a proxy for those youth who would have previously gone to Department of Juvenile Justice (DJJ), which was decided to be adjudicated felons. Every year, the BSCC works with the Department of Justice (DOJ), who pulls a sample from the juvenile court and probation statistical system so that the BSCC has a statewide sample of about 1,000 to 1,100 youth who have adjudicated felonies that were sustained in the prior fiscal year. For each of those identified youth, counties report to the BSCC on a number of specific outcomes, such as school enrollment, graduation during the year, continuation on probation, etc.
- Specific Outcome Measures: For JJCPA, outcome measures are identified in statute. For all the programs funded with JJCPA dollars, the county has to report six outcomes to the BSCC: 1) arrest rate, 2) incarceration rate, 3) probation violation rate, 4) rate of successful completion of probation, 5) rate of successful completion of restitution, and 6) rate of successful completion of community service. For YOBG, the ESC developed the following list of outcome measures: school enrollment during the year, school enrollment at year end, graduation during the year, new felony adjudication during the year, new felony conviction during the year, on probation during the year, on probation at year-end, and committed to DJJ during the year.
- Outcome Reporting: Looking at JJCPA outcome reporting, the BSCC is able to report in their annual report to the legislature such things as, "Youth in JJCPA-funded programs achieved better results than comparison youth for four of the six outcome measures," and "Over the past 12 years, youth in JJCPA-funded programs have consistently lower arrest and incarceration rates than comparison youth." For YOBG, the BSCC is able to report, "YOBG-funded youth receive more assessments, placement, and direct services," and "Significantly more YOBG-funded youth were enrolled in school."
- Data Limitations: For JJCPA, there is no consistent definition for arrest rate or incarceration rate, no consistent follow-up period or reference group, and data are only collected on a small portion of the county juvenile justice population. For YOBG, data are insufficient to support inferences about the relationship between YOBG funding and youth outcomes, and only about 5% of juvenile cases are reported on and less than half of those received YOBG-funded services.

There was group discussion regarding outcomes versus outputs, and Ms. Bushard brought out that this issue will also be discussed by the JJDWG. She additionally shared that the JJCPA is funded through vehicle licensing fees, but if there is a shortfall it is covered by sales tax. YOBG is the opposite; its primary funding source is through sales tax, but if there is a shortfall there is a provision for vehicle licensing fees to cover it.

Agenda Item H

San Diego Pathways Presentation

In the interest of time, Chair McBrayer tabled this agenda item until the March 18, 2015 SACJJDP meeting.

Agenda Item I

Future Agenda Items

- Positive Youth Justice Initiative (PYJI) first year update.
- San Diego Pathways project presentation.
- Conversation on disseminating best practices to counties through the SACJJDP.
- JJDWG update.
- Update on BSCC staff reorganization and its impact on the SACJJDP.

Adjournment

The January 14, 2015 SACJJDP meeting was adjourned at 1:06 p.m.

BSCC Staff Attendance Roster

William Crout, Deputy Director, CPP
 Kimberly Bushard, Field Representative, CPP
 Joyce Carroll, Field Representative, Standards and Training for Corrections
 Shalinee Hunter, Field Representative, CPP
 Lisa Southwell, Field Representative, FSO
 Colleen Stoner, Field Representative, CPP
 Helene Zentner, Field Representative, CPP
 Melynda Gillies, Staff Services Analyst, FSO
 Juanita Flores, Division Secretary, CPP