

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
Thursday, November 17, 2016

Meeting held at: Board of State and Community Corrections
Board Room~ 2590 Venture Oaks Way Room 101~ Sacramento, California 95833

I. Call to Order:

Chair Linda Penner called the meeting to order at 10:04 AM

Ms. Penner welcomed Board Members and the public to the meeting

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

The following members were in attendance:

Ms. Penner	Ms. Scray Brown	Mr. Budnick	Ms. Tournour
Mr. Kernan	Mr. Ertola	Judge Garrett	Mr. Growdon
Mr. Dean	Mr. Bejarano	Mr. Steinhart	

ABSENT BOARD MEMBERS

Mr. Viera Rosa and Ms. Perez were not present.

II. INFORMATION ITEMS:

1. Chair's Report.

Chair Penner announced the retirement of Chief Bejarano, who will continue serving on the BSCC Board. Chair Penner also announced the retirement of BSCC Staff Deputy Director of County Facilities Construction division Magi Work. Chair Penner thanked Ms. Work for her commitment and dedication.

2. Executive Director's Report.

Executive Director (ED) Howard provided updates on the following:

A. Thanked BSCC Communications Director Tracie Cone and Adam Lwin for providing timely reports and preparation for this meeting; acknowledged Deputy Director Magi Work and announced her retirement; welcomed John Prince as Acting Division Director of County Facilities Construction Division.

B. Update on the Working Group on Sexual Assault

At the September Board meeting, General Counsel Aaron Maguire provided a briefing on PREA and the extent to which California regulations address sexual assault-related issues. The BSCC is drafting a document that outlines the provisions of PREA and whether and how those issues are addressed in California Regulations, so that we can recommend to the Board. Staff has completed the document, and we will discuss with an informal working group. That group will include subject matter experts on PREA and issues for LGBT individuals who are in custody, and sheriffs representatives from a variety of locations and county sizes across the state. A report back to the Board will take place at the February 2017 meeting.

C. SACJJDP membership update

The Governor's Office made eight new appointments to SACJJDP. A recommendation for a new Chair of SACJJDP will be brought to the Board in the February 2017 meeting. There will be an orientation meeting for new SACJJDP members in January. ED Howard thanked outgoing Chair Sandy McBrayer for her service.

D. Byrne JAG Delegation and unfreezing of funds

Two agenda items are related to Byrne JAG (Agenda Item E-1 and E-2). Item E-1 pertains to the freezing of JAG funds. The FFY 2015 funds were released the week of October 31, 2016 and the FFY 2016 funds will be released (today), following the 30-day notice to this Board. Item E-2 is a request for the Executive Director to have delegated authority to submit applications for ongoing federal grants. This will help us stay in compliance with federal requirements without convening a special Board meeting when a federal solicitation timeline does not line up with the regular Board meeting schedule.

E. Next Board Meeting.

We are confirmed for Thursday, February 16, 2017 in San Diego. We will have our strategic planning meeting on February 15, 2017 in San Diego.

Public comments were heard:

Lynn Wu (Prison Law Office): Cosponsor for SB 1157. Stated that she appreciated the invitation to the SB 1157 follow up meeting.

3. Legislative Update Report (presented by Executive Director Howard):

A hard copy of the report on legislation potentially affecting the BSCC was included in the meeting material and posted on the BSCC's website.

- The report includes the updates on Governor’s actions on bills of interest to the BSCC in 2016. One is the Governor’s veto of SB 1157 (Mitchell), which sought to prohibit video-only visitation in county jail facilities.
- The Governor’s veto message directed the BSCC to “work with stakeholders to explore ways to address these issues.” We have scheduled a number of meetings with sheriffs, counties, advocates, and other interested stakeholders. We will provide a summary of those meetings to the Administration, not later than January 2017. And we will brief this Board on any further action that may involve the Board at the February meeting.
- Also highlighted AB 1998, which, among other things, creates new reporting requirements for the YOBG and JJCPA programs. David Steinhart was helpful in negotiations on this bill. There is also an agenda item on proposed consent (Item F) that refers to the JJSC the development of reporting guidelines on the disaggregation of data on race and ethnicity.

Legal update:

Mr. Aaron Maguire provided information on the following:

(A) Office of Justice Program Guidance Regarding the Applicability of 8 U.S.C. § 1373 to Edward Byrne Memorial Justice Assistance Grants (Byrne/JAG)

At the last board meeting, it was noted that beginning October 1, we anticipated that sub-recipients of Byrne/JAG funding would be required to certify compliance with 8 U.S.C. 1373 regarding the sharing of immigration information with the federal government. Subsequent to that Board meeting, the Bureau of Justice Assistance released a new FAQ, indicating that those requirements would not be enforced in federal fiscal year 2016. At this point, it is not expected that the guidance would be enforced until October 1, 2017. However, with the new Administration it is possible that the guidance could change.

III. CONSENT ITEMS:

A. Minutes of the Board of State and Community Corrections September 22, 2016 Board Meeting: Requesting Approval.

B. Senate Bill 81 Local Youthful Offender Rehabilitative Facility Construction, Tulare County Relinquishment: Requesting Approval.

This agenda item requested the Board acknowledge and accept this relinquishment and approve the reallocation of funding to the last project in the large county set-aside on the list. Riverside County would receive \$1,601,545 to augment its partial award of \$15,898,455 to a full \$17,500,000.

C. Senate Bill 1022 Adult Local Criminal Justice Facilities Construction, Lake County Relinquishment and Recommended Conditional Awards to Tehama and

Madera Counties: Requesting Approval.

This agenda item requested the Board acknowledge and accept this relinquishment and approve the reallocation of funding to the next-ranked projects on the list. Which would give Tehama County \$4,414,000 to augment its partial award to a full \$20,000,000, and Madera County, which was not funded and had requested \$19,000,000, would receive the remaining \$15,586,000.

D. Senate Bill 81 Local Youthful Offender Rehabilitative Facilities Construction, Kings County Scope Change: Requesting Approval.

This agenda item requested the Board approve Kings County's request for a change in project scope for its local youthful offender rehabilitative facility (LYORF) project.

E. Edward Byrne Memorial Justice Assistance Grant:

E-1: Review of FFY 2015 Fund Activity and Application for Federal Funds FFY 2016: Requesting Approval.

This agenda item requested the Board's actions and offers information on the Edward Byrne Memorial Justice Assistance Grant (JAG) for Federal Fiscal Years 2015 and 2016.

E-2: Delegation of Authority to Executive Director to Submit Federal Grant Applications: Requesting Approval.

This item requested the Board to delegate its authority to apply for federal grants to the Executive Director in order to meet the grant application deadlines that fall outside regularly scheduled meetings of the Board.

Mr. Steinhart moved approval of items E-1 and E-2. Mr. Kernan seconded the motion. The motion carried. Prior to the discussion, *Sheriff Dean, Sheriff Growdon, Chief Brown, Chief Ertola and Chief Bejarano recused themselves from Consent Item E and left the meeting room during the discussion. The remaining members voted for the items.*

F. Assembly Bill 1998 Implementation: Requesting Approval.

This agenda items provided an overview of Assembly Bill 1998 (Campos) (Statutes of 2016, Chapter 880), which includes revised reporting requirements for the Juvenile Justice Crime Prevention Act (JJCPA) and the Youthful Offender Block Grant (YOBG) programs.

Mr. Steinhart moved approval of Consent Item A, B, C, D, and F. Mr. Kernan seconded the motion. The motion carried.

Public Comments were heard:

Manuel Perez (Director of Corrections Madera County Item C): Thanked the Board for SB 1022 on behalf of the community. We are seeing mental health needs and this will give us an opportunity to move forward and address these concerns.

IV. DISCUSSION AGENDA ITEMS:

G. Standards and Training For Corrections Compliance Report and Annual Update: Information Only

Evonne Garner, Deputy Director of Standards and Training for Corrections (STC) Division, presented the annual report for FY 2015-16. This report included compliance findings and ongoing efforts to revise core (entry) training for Probation Officers (PO), Juvenile Corrections Officers (JCO), and Adult Corrections Officers (ACO). It also included an update on a recent workgroup of mental health experts focused on improving the behavioral health training included in core. This work is being conducted under an Executive Steering Committee chaired by Chief Ertola.

- 155 agencies were in compliance in FY 2015-16 and six were out of compliance. This is the highest rate of compliance in the last 15 years. Those agencies found out of compliance have developed corrective action plans to come into compliance in the current year.
- STC completed a job analysis in 2015 to determine what today's PO, JCO and ACO job looks like and how candidates for those jobs should be selected and trained. One of the major areas of change identified by the job analysis was in the area of mental health.
- STC is currently working with subject matter experts to review and revise the PO, JCO and ACO core training in accordance with the job analysis findings and to develop shared training requirements where appropriate to facilitate transfer flexibility between classifications.
- STC hopes to have fully revised core courses by summer of 2017.

Following the presentation, Chief Ertola asked if the mental health training would be provided to officers that are currently employed. Deputy Director Garner clarified that the training is designed for entry level officers and will be offered in core training but that the subject matter experts will likely be making recommendations for advanced and refresher training.

Chief Brown asked if agencies found to be out of compliance still received STC funding. Deputy Director Garner responded that agencies did continue to receive funding to help them come into compliance.

H. Law Enforcement Assisted Diversion Approval and Release of the Request for Proposals: Requesting Approval.

This agenda item requested the Board's approval and release of the proposed Request for Proposals for the Law Enforcement Assisted Diversion Grant Program as developed and recommended by its Executive Steering Committee. Staff further requested that, should it become necessary due to trademark considerations, staff is authorized to change the name of the Grant Program. We have contracted with California

State University Long Beach for the evaluation of the program.

Mr. Bejarano: Thanked the committee and staff for the great work to the final minute.

Ms. Tournour: Thanked the committee and the grant will be beneficial to the communities.

Mr. Budnick moved for approval. Mr. Bejarano seconded. The motion carried. Prior to the discussion, Chief Ertola and Sheriff Growdon recused themselves and left the room.

I. Senate Bill 844, The Financing of Adult Local Criminal Justice Facilities Construction Financing Program, Promulgation of Regulations: Requesting Approval.

This agenda item requested approval of the draft revisions to the regulations and to begin the rulemaking process with the Office of Administrative Law. In addition, this item requested approval to engage in the emergency rulemaking process to expedite the regulatory process and to request staff file a Certificate of Compliance to make permanent the regulations enacted during the time period the emergency regulations are in effect.

Mr. Kernan moved approval. Mr. Budnick seconded. The motion carried. Prior to the discussion, Sheriff Growdon recused himself and stepped out of the room.

J. Senate Bill 844, The Financing of Adult Local Criminal Justice Facilities Construction Financing Program, Approval and Release of the Request for Proposals: Requesting Approval.

This agenda item requested that the Board approve the Senate Bill (SB) 844 Request for Proposals (RFP) approve the release of the RFP following the final adoption of the SB 844 regulations.

Public comments were heard:

Israel Diaz (Motivating Individual Leadership for Public Advancement (MILPA) (Salinas): In-person visitation clarification is needed. Our communities need to see what is being build and what the space is being used for. Sexual assault reduction effort must be described in the RFP. A rating criteria should be included.

Cory Salzillo (Legislative Director California State Sheriff's Association): Thanked the committee and board for putting the RFP together.

Erica Webster (Center on Juvenile & Criminal Justice): Submitted a letter for the Board's review. Counties had to propose in person visitation. This RFP does not show how the facility will look. Communities should see in-person visitation planning in new projects. Sexual assault reduction should be enhanced. Improve the RFP. The ESC should elicit technical assistance to rate properly.

Mr. Steinhart: Regarding visitation space. There is not a requirement to describe what they are going to do with the visitation space requirement and it is a deficiency. It needs to go

one more step and applicants should describe this.

Counsel Maguire: We took the in-person visitation definition from SB 1157. They have to comply with Title 15 and Title 24 in person visitation requirements. Which includes two visits a week.

Mr. Steinhart: agreeing to and describing what the room/ space is different. A description is required.

Ms. Magi Work: When a county submits their proposal, we have to look at their proposal and we go through a process and a program statement which should explain how they will do visitation with visitation space is required. FSO inspectors will go out bi-annually to ensure that visitation is provided.

Mr. Dean moved approval. Mr. Ertola seconded. The motion carried. Prior to the discussion, Sheriff Growdon recused himself and left the room.

K. Proposition 47, Approval of and Release of the Request for Proposals: Requesting Approval.

This agenda item requested the Board's approval and release of the proposed Request for Proposals for the Proposition 47 Grant as recommended by its Executive Steering Committee.

Mr. Budnick: We have probably the most diverse ESC. This has been a fascinating process. I can guarantee you once this money gets to the streets it will make the public better.

ED Howard read a message from *Ms. Perez:* "As you all know duty calls and today I have been called upon to serve my county as a member of the jury pool. I am truly bummed I will not be with my favorite people in California as we celebrate the unprecedented accomplishments of the Prop 47 team. It has been a grueling and enlightening process that has shaped my perspective in ways I could not have imagined or anticipated. Thank you to my co-chair and hero Scotty B and the passionate and consummate professionals of the BSCC. This is truly the best of us. Upward and onward. LP"

Mr. Steinhart: How many grants will be supported by the time the rating process is through? Do we have how many counties or cities will get this grant?

Ricardo Goodridge: Over 20

Chair Penner: This is a new way of rolling out funding. It gives grantees a longer time to roll out as the amount was larger. Thanked the co-chairs.

ED Howard: Thanked the staff involved in developing the RFP.

Judge Garrett: Congratulations to the ESC

Public comments were heard:

Erica Webster (Center on Juvenile & Criminal Justice): Thanked committee and co-chairs and the BSCC for their great work and a very diverse ESC. We hope the BSCC continues this practice.

Judge Garrett moved approval. Mr. Dean seconded. Prior to the discussion Chief Brown and Chief Ertola left the room and did not participate in the discussion or vote.

L. Minimum Standards for Local Detention Facilities, Title 15 and Title 24, Approval of Rulemaking Package and Submittal to Office of Administrative Law: Requesting Approval

BSCC staff requested approval of the final rulemaking package, including the previously approved final regulation revisions, for the Minimum Standards for Local Detention Facilities, Title 15, California Code of Regulations. Board staff sought approval to proceed with the Administrative Procedure Act process for regulation adoption. The effective date for the new regulations will be April 1, 2017.

Ms. Allison Ganter thanked Ginger Wolf, Leslie Heller, BSCC Support, and the public who were involved in the regulations revisions.

Mr. Dean moved approval. Mr. Bejarano seconded. The motion carried.

M. Minimum Standards For Local Juvenile Detention Facilities, Title 15 and Title 24: Begin Regulation Revision Process, Appoint Co-Chairs, and Approve Expertise Areas for Executive Steering Committee: Requesting Approval

BSCC staff is requested approval to establish an Executive Steering Committee (ESC) to begin the juvenile detention facility regulation revision process. Staff also requested that the Board approve the appointment of Board Members Michelle Scray Brown and David Steinhart as Co-Chairs. This establishment will begin the BSCC's process for regulations revision, which involves participation and feedback from local juvenile detention facility and juvenile justice partners and related subject matter experts.

Public comments were heard:

Erica Webster (Center on Juvenile & Criminal Justice): Support of the co-chairs. Membership of the ESC should be diverse and include formerly incarcerated people, juvenile justice experts, and young people.

Mr. Dean moved approval. Mr. Growdon seconded. The motion carried.

N. Implementation of Senate Bill 1004, Young Adults: Deferred Entry of Judgment Pilot Program: Requesting Approval

The Young Adults: Deferred Entry of Judgment Pilot Program requires the BSCC to approve for suitability any named county detention facility that seeks to participate.

Finally, the BSCC is required to conduct an evaluation of the program's impact and effectiveness.

SB 1004 created the Young Adults: Deferred Entry of Judgment Pilot Program in five counties, which includes Alameda, Butte, Napa, Nevada, Santa Clara. The application will be released on January 1, 2017.

Mr. Ertola suggested that the application request a copy of the Multidisciplinary Team required by legislation.

Mr. Steinhart noted that the application as is should be used as a starting point, and requested that the Juvenile Justice Standing Committee be given a chance to provide input into the application as subject matter experts. Chair Penner agreed, provided that this doesn't elongate the process.

Ms. Ganter informed the Board that there would be updates provided as the pilot program progresses. The Board would delegate to staff the ability to approve the applications.

Mr. Kernan moved approval. Mr. Dean seconded. Mr. Ertola abstained. The motion carried.

O. Edward Byrne Memorial Justice Assistance Grant Executive Steering Committee: Requesting Approval

This agenda item requests approval of the proposed Executive Steering Committee (ESC) for the Edward Byrne Memorial Justice Assistance Grant (JAG) program for the grant cycle that begins in January 2018 and related activities. Approve the attached ESC roster and delegate authority for ESC Chair Linda Penner to modify the ESC membership, if needed. Approve the ESC to review the current JAG State Strategy, Develop the RFP consistent with the proposed timeline, and develop award recommendations.

Mr. Steinhert moved approval. Mr. Bejarano seconded. The motion carried. Prior to the discussion Chief Ertola, Sheriff Dean, Chief Brown and Sheriff Growdon, abstained and stepped out of the room.

There were no public comments for this item.

V. PUBLIC COMMENTS

There were no public comments

The meeting was adjourned at 12:26 PM.

Next meetings:

- ❖ BSCC Strategic Planning Meeting: Wednesday, February 15, 2017
- ❖ BSCC Board Meeting: Thursday, February 16, 2017

Respectfully submitted,

Original signed by

TRACIE CONE
Communications Director
Board of State and Community Corrections

ROSTER OF PERSONS IN ATTENDANCE

BSCC Board Members

Ms. Penner, Chair, Board of State and Community Corrections
Mr. Kernan, Secretary, California Department of Corrections and Rehabilitation
Mr. Dean, Sheriff, Ventura County Sheriff's Department
Ms. Perez, County Supervisor, Kern County
Ms. Scray Brown, Chief Probation Officer, San Bernardino County Probation Department
Mr. Ertola, Chief Probation Officer, Nevada County
Mr. Bejarano, Chief of Police, City of Chula Vista Police Department
Mr. Budnick, Founder of the Anti-Recidivism Coalition
Mr. Steinhart, Director, Commonwealth Juvenile Justice Program
Ms. Tournour, Director, City of Sacramento, Office of Public Safety Accountability

BSCC Staff

Kathleen Howard, Executive Director
Tracie Cone, Communications Director
Aaron Maguire, General Counsel
Mary Jolls, Deputy Director, Corrections Planning and Programs (CPP)
Magi Work, Deputy Director, County Facilities Construction (CFC)
Allison Ganter, Deputy Director, Facilities Standards and Operations (FSO)
Evonne Gardner, Deputy Director, Standards and Training for Corrections (STC)
Adam Lwin, Special Assistant to The Chair & Executive Director
Ricardo Goodridge, Field Representative, CPP
Daryle McDaniel, Field Representative, CPP
Colleen Stoner, Field Representative, CPP
Maria Rodriguez-Rieger, Executive Assistant