



BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING

MONDAY, July 22, 2013, 10:00 A.M.
State of California Resources Building
Auditorium (Dept. of Water Resources)
1416 Ninth Street, First Floor
Sacramento, CA 95814

SACRAMENTO, CA 95811 Phone: (916) 445-5073 www.bscc.ca.gov

*Notes provided by Brian Goldstein, Policy Analyst
Center on Juvenile and Criminal Justice*

Note: Further meeting documents can found online at: <http://www.bscc.ca.gov/board/past-agenda>

Roll Call

- JEFFREY A. BEARD Chair Secretary, CDCR – In Attendance
- DANIEL STONE Director Adult Parole Operations, CDCR – In Attendance
- DEAN GROWDON Sheriff, Lassen County – In Attendance
- LEROY BACA Sheriff, Los Angeles County – In Attendance
- SUSAN MAURIELLO County Administration Officer, Santa Cruz County – In Attendance
- LINDA PENNER Chief Probation Officer, Fresno County – In Attendance
- ADELE ARNOLD Chief Probation Officer, Tuolumne County – In Attendance
- WILLIAM R. POUNDERS Retired Judge, Los Angeles County – In Attendance
- DAVID L. MAGGARD, Jr. Chief of Police City of Irvine – In Attendance
- VACANT COMMUNITY PROVIDER of Rehabilitative Treatment or Services for Adult Offenders to be Appointed by Speaker of the Assembly
- DAVID STEINHART Director Juvenile Justice Program Commonwealth – In Attendance
- MIMI H. SILBERT Chief Executive Officer and President Delancey Street Foundation - Absent

DISCUSSION ITEM:

- A. Requesting Approval of SB 1022 Construction of Adult Local Criminal Justice Facilities Request for Proposal (RFP)

Lunch Break – 11:30AM-1:00pm

CONSENT CALENDAR:

Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless pulled by a Board Member for discussion or separate action. At this time, any member of the public may ask the Board to be heard on any item on the Consent Calendar.

- B. Requesting Approval of the Board of State and Community Corrections’ (BSCC) May 9, 2013 Meeting Minutes



- C. Requesting Final Approval of Amendments to Title 15 Regulations on Minimum Standards for Juvenile Facilities
- D. Requesting Approval of the AB 900 Phase II Jail Construction Financing Program – Sutter County’s Request for Time Extension
- E. Requesting Approval of a Memorandum of Understanding (MOU) between the Board of State and Community and Public Policy Institute of California (PPIC) Implementing Multi-County Data Collection Project
- F. Requesting Approval of the Executive Steering Committee’s Proposed Grant Allocations Totaling \$738,392 for the Residential Substance Abuse Treatment for State Prisoners (RSAT) Program to the Sheriff’s Department of Riverside, Tulare, Sacramento, and Kern County
- G. Requesting Approval of the Standards and Training for Corrections (STC) Executive Steering Committee’s Recommendations for Revisions to the STC Program Regulations and to begin the Administrative Procedure Act Rulemaking Process
- H. Requesting Approval of the Board of State and Community Corrections’ Strategic Plan Outline

DISCUSSION ITEM:

There will be a Public Comment period prior to Board action on each item. Agenda items may be taken out of order.

- I. Requesting Approval to Develop the Edward Byrne Justice Assistance Grant (JAG) Four-Year Strategy and Funding for Fiscal Year 2013

PUBLIC COMMENTS

Next Meeting: August 8, 2013 10:00 A.M. at Department of Water Resources, 1416 Ninth Street, Sacramento, CA 95814.



MEETING NOTES

- Curtis Hill appointed by Governor to be the Acting Executive Officer of the BSCC.
- Former Chief Probation Officer of Fresno County Linda Penner appointed by Governor to be Executive Officer of the BSCC and Chair of the BSCC Board. Ms. Penner will start her position on September 1, 2013.

A. Requesting Approval of SB 1022 Construction of Adult Local Criminal Justice Facilities Request for Proposal (RFP)

- Senate Bill (SB) 1022 becomes law on June 27, 2012.
- \$500 million available to finance construction of adult local correctional facilities.
- RFP issued by BSCC on July 23, 2013 and bidder’s conference scheduled for August 12, 2013 in Sacramento.
- Proposals are due October 24, 5:00 pm in Sacramento. Awards issued at January 14, 2014 BSCC meeting.
- Counties are subject to requirements, with preference given to counties most prepared.
- County limited to one site location, but this may also include a regional facility.
- Ten percent of cost must be contributed by county, although smaller counties can appeal.
- Facility must include program space for justice-involved individuals (i.e. treatment, programming).
- Mr. Baca and Mr. Growden recuse themselves given potential conflict of interest.

Public comment:

- Kim Horiuchi (ACLU of Northern California): It is encouraging that program space is included in the RFP. There must also be consideration of long-term cost for jails, which goes beyond the facility construction. San Mateo County is one such example, given the environmental cost of their facility. There is a need for pretrial programming.

Board action:

- Mr. Maggard: Move staff recommendation. Item passes with consent of the Board.

LUNCH BREAK

Consent Calendar Items

- Mr. Pounders: Pull Item E for a separate vote.
- Ms. Mauriello: 5 counties, including San Joaquin County, originally applied for Item F.
- Items B,C,D,F,G,H passes with consent of Board.
- Discussion of Item E
 - Question regarding the MOU between the BSCC and PPIC.
 - Mr. Pounders: Will the state pay if there is misconduct by PPIC?
 - BSCC staff: Parties are left without indemnification and the MOU does not contemplate compensation. PPIC is doing the bulk of data collection and there is a system of termination if parties are not satisfied.
 - PPIC Researcher: PPIC is helping the BSCC establish a multi-county data collection project. This will allow for analysis of individual-level metrics for



realigned individuals in 10 counties, which is available to all, along with the reports. We have visited 10 counties based on their representativeness and we expect all 10 counties to accept project.

- Item E passes with consent of the Board.

I. Requesting Approval to Develop the Edward Byrne Justice Assistance Grant (JAG) Four-Year Strategy and Funding for Fiscal Year 2013

- Mr. Beard: Board may have conflict of interest given individuals may come from jurisdictions and departments, which will apply for funding.
- If there is not a quorum, the Board will have to use a lottery system to determine participation.
- Board members who recuse themselves: Ms. Penner, Mr. Baca, Mr. Growdon, Mr. Maggard, Mr. Beard, Ms. Mauriello, Mr. Stone, Mr. Pounders, and Ms. Arnold.
- Mr. Steinhart: Lottery could skew the discussion, sets a troubling precedent, and makes any subsequent decision vulnerable to litigation. Attorney General Kamala Harris says the lottery is a legitimate solution to this problem, but her office is also requesting Byrne-JAG funding.
- Mr. Beard: I have discussed this with Chief Counsel and recommend complying with the Attorney General. We can resume Byrne-JAG discussion after lottery.
- Mr. Steinhart: We need budget trailer language or legislation to properly address the Board's conflict of interest. The current legal analysis is very limited.
- Government Code Section 1090: "Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members."
- Attorney General Representative: There is an exception for non-interest and remote interest parties. For example, if a Member works for a county agency that is not receiving funds or if Member works for non-profit agency.
 - Another potential conflict is that the BSCC is voting on funds that will also be used for the BSCC.
 - Lottery system allows Board to establish the necessary quorum.
- Mr. Steinhart: Can we have a discussion today, without the votes, which extends the timeline and JAG program areas can be ratified in the September meeting?
- Attorney General Representative: Discussion qualifies as participation by the Board.
- Mr. Steinhart makes a motion that the Board allows a discussion at the meeting and later confirms any legal constraints.
- Mr. Beard opposes the motion: People are here at the meeting and this motion will delay funding.
 - This motion expires without a second to the proposal.
- Mr. Beard makes motion: Board should come to a conclusion on whether lottery is appropriate.
 - This motion expires without a second to the proposal.
- Mr. Hill: "I look out and see our clients. Salaries are being hurt and I strongly urge you to look at the lottery."



- Ms. Penner makes motion: 1) Board will move forward with the lottery structure, 2) the Board will search for a potential legislative remedy in the future, and 3) the Board will go back and revisit the conflict of interest issue.
 - All Board members support the motion.
- Lottery result excludes from participation: Ms. Mauriello, Mr. Beard, and Mr. Pounders.
 - Mr. Steinhart was not included in the lottery, given he has no conflict of interest.
 - Members do not have to leave, but they cannot participate in the discussion.
 - Ms. Penner becomes the acting Board Chair.

Presentation by Daryle McDaniel, BSCC Field Representative (CPP)

- Edward Byrne Memorial Justice Assistance Grant (JAG) provides California with \$19,776,740 in state JAG funding for FY 2013. This is meant to prevent or reduce crime and violence.
- The Board must approve the development of a four-year strategy for FY 2013-14 through FY 2016-17.
- JAG funds must be used within the scope of the seven program purpose areas.
- Up to 10% of the fund can go to administrative costs.
- In July 2012, Byrne-JAG funding was transferred from Cal EMA to the BSCC.
 - This is an opportunity to use funds in a manner that is line with the new BSCC mandate.
- 5 programs currently funded are:
 - Anti-Drug (ADA) Enforcement Team Program - \$13,545,433
 - Marijuana Suppression Program (MSP) - \$ 2,155,045
 - Campaign Against Marijuana Planting (CAMP) - \$65,304
 - Crackdown Multi-Community Task Force - \$2,244,766
 - Drug Endangered Children - \$360,000
- In March 2013, the BSCC began to gather stakeholder input on use of JAG funds and development of new four-year strategy.
 - Use of electronic survey, which netted 890 respondents.
 - Three public comment sessions held throughout the state.

Presentation by National Criminal Justice Association Policy Analyst David Marimon

- Byrne-JAG funding has decreased by 34 percent in the last two years.
- This is the only fund that can be used for any purpose and there is a movement towards greater inclusivity across the country.
- Results from BSCC survey:
 - 71 percent of respondents were from local government.
 - In the aggregate, law enforcement professionals were the dominant voice.
 - Top three program area priorities: 1. Prevention and Education, 2. Law Enforcement, 3. Prosecution, Courts, Defense, and Indigent Defense.
 - Respondents' top ranked initiatives were those that addressed issues, which impacted multiple system partners.

Presentation resumed by Daryle McDaniel, BSCC Field Representative (CPP)

- The Board has three options for determining four-year strategy and funding priorities for the use of JAG:



1. Continue the current drug enforcement strategy and continue to fund the existing 74 grant projects, which all are within the Law Enforcement PPA, at slightly reduced levels of funding for FY 2013 due to a reduction in the amount of local assistance funding available in the 2013 JAG allocation from the 2012 JAG allocation.
 2. Use the information from one or more of the following to develop the JAG four-year strategy and funding priorities:
 - a. Results from the 2013 California JAG survey and public comment sessions.
 - b. Priorities contained in the BJA's JAG Program FY 2013 State Solicitation.
 3. Approve a combination of Option 1 and Option 2.
- Board decides to hear public comment before making a decision on which option to choose.

Public Comment:

- Individual from San Jose Conservation Board: JAG should be allocated to the California Youthful Offender Reentry (Cal-YOR) program.
- Individual from Sacramento Sheriff's Department: JAG should be allocated to address human trafficking.
- Rosie McCool (Chief Probation Officers of California): Support option 3, which provides a balanced approach.
- Paul Curtis (California Coalition for Youth): JAG should be allocated for at-risk youth.
- Stephanie Richard (Coalition to Abolish Slavery & Trafficking): JAG should be allocated for anti-human trafficking.

Mr. Beard and Mr. Hill leave meeting.

- Carole D'Elia (Little Hoover Commission): It is time to rethink priorities of Byrne-JAG.
- Individual from Anaheim Police Department: Multi-jurisdictional task force has been a success and there is a need to continue support of human trafficking enforcement.
- Undersheriff of Alameda County: Narcotics task force is working, which receives support through Byrne-JAG.
- Ron Lawrence (California Police Chiefs Association): Support for option 1.
- Individual from Lincoln Police Department: Support for option 1.
- David King (LA Impact): Support of multi-jurisdictional task force.
- Police Chief from Lodi: Support for option 1 and use of multi-jurisdictional task force.
- Paving the Way Foundation Executive Director: Support for funding allocation to Youth Build.
- Amanda Reiman (Drug Policy Alliance): Support for funding of substance abuse treatment programs, rather than marijuana eradication.
- San Joaquin Sheriff's Department: Support for multi-jurisdictional task force.
- Dennis Garcia (Hernández Strategy Group on behalf of Homeboy Industries): Support for allocation of fund to Cal-YOR program.
- Opal Singleton (Million Kids): Support for funding of trafficking enforcement.
- Individual from San Francisco Police Department: Funds necessary to identify violent gang members and combat sex trafficking.
- Shawn Riggins (YouthBuild Fresno): Support of funding for Cal-YOR program.



- Daniel Ingles (Riverside Sheriff's Department): Money has helped fund task force dealing with prostitution and trafficking.
- Kent Shaw (Department of justice, Attorney General Kamala Harris' office): Funds necessary for multi-jurisdictional task force.
- Kimberly Horiuchi (ACLU): Support for option 2.
- Brian Goldstein (CJCJ): Support for funding of Cal-YOR program and reentry services.
- Individual from Fresno Police Department: Positive impact of funding on human trafficking and multi-jurisdictional task force.
- Ignacio Hernández (Hernández Strategy Group on behalf of California Youth Build Coalition): Support funding of reentry services and Cal-YOR program, which has a 1.5 percent recidivism rate. Cal-YOR received one time allocation of Byrne-JAG funding through Cal-EMA.
- Individuals from Families for Safer Schools: Support for option 3.
- Individual from Fresno Economic Opportunities Commission and Central Valley Anti-Trafficking Project: Support for continued funding of 9 regional anti-trafficking task services.
- Individual from Legal Services for Prisoners with Children: Need to prioritize funding for reentry services.
- Nancy O'Malley (Alameda County District Attorney's Office): Support for funding of narcotics task force and sex trafficking enforcement.
- Scott Miller (Sheriff Monterey County): Need for robust formula that gives funds to county, so they can distribute money in a similar fashion to the CCP.

Board Comment and Action:

- Mr. Growden: Where is the human trafficking money coming from?
 - Mr. Daniel: This is stimulus funds through the Cal-EMA program.
- Mr. Growden: Could the BSCC provide minimum allocation to each county and let them decide?
- Mr. Baca: BSCC needs to bring resources into facilities and the Board should challenge the legislature to get AB 109 funding stream for partnership development, given Byrne-JAG funding is declining.
- Mr. McDaniel: BSCC must develop a strategy, not strategies.
- Ms. Arnold: Option 3 is good for the state by enhancing treatment and multi-jurisdictional task forces.
- Mr. Growden: Why is BSCC Byrne-JAG overhead 10 percent, when it was 8 percent for Cal-EMA?
- Mr. Steinhart: Option 3 indicates BSCC will not change allocation for some time and does not recognize survey respondents and outreach. Option 3 is Option 1, until some later date.
- Ms. Penner: Option 3 allows BSCC to continue funding for past programs and honors survey. The BSCC needs to be careful and this choice is thoughtful.
- Mr. Baca: The Youth Promise Act funding can help youth programs. The absence of California's voice in Washington, D.C. is troublesome. There is another way for the state to get funds. The BSCC needs a survey to determine if counties are matching contributions of Byrne-JAG.



- Mr. Growden: Make a motion to fund multi-jurisdictional task forces, hear other proposals as they come, and look for additional funding from other programs.
 - Mr. Baca seconds motion.
 - Mr. Steinhart: This ignores the survey and voices in the room, while being too open-ended. When will there be opportunity for other programs to get Byrne-JAG?
 - Mr. Baca: Can we give funding amounts, for other programs, to the legislature and Speak Pro-Tempore? The BSCC could pass along survey to Governor Brown.
 - BSCC staff member: The Board needs to identify which five projects get Byrne-JAG funds.
 - Mr. Steinhart: Refinement of option 3, which includes option 2, should happen by BSCC staff.
 - Mr. Maggard: The BSCC should keep funding all programs, until Board decides alternatives.
 - Mr. Steinhart: This motion is option 1.
 - Mr. Maggard: There is urgency for the BSCC to act now. I have an interest in working with staff about when to make a change.
 - Vote by Board members: Mr. Stone (aye), Mr. Growdon (aye), Mr. Baca (aye), Ms. Penner (aye), Ms. Arnold (aye), Mr. Maggard (aye), Mr. Steinhart (no).
- Mr. Steinhart: Can we amend the previously passed motion to extend reentry youth programs within the zone of funding extension?
- Mr. Growdon: The Board has the ability to come back to this issue.
- Ms. Penner: This motion was option 3, with some minor amendments.
- Ms. Arnold: The August BSCC meeting can determine what percentage of Byrne-JAG funding will go for reentry services.
 - Mr. Steinhart: Ms. Arnold wants to reinforce option 3 with funding for option 2.
- Ms. Penner: A hybrid proposal was adopted. The funds are already allocated, which does not include youth reentry programming.
- Mr. Maggard: Option 3 is vague and the time period for modification is within the 4-year strategy.
- Ms. Penner: With option 3, the Board can revisit this at August 8th meeting.
- BSCC staff: The Board actually just voted in support of option 1. Option 3 would have allowed flexibility to review funding.
- Ms. Penner: This was not my understanding of the motion. I thought this would not allocate funding.
- Ms. Arnold: This was also my understanding.
- Mr. Growden: I thought the motion would fund the multi-jurisdictional task forces.
- Ms. Penner: Can staff read back the wording of the motion?
 - BSCC staff is unable to do so.
- Mr. Stone: I did not intend to vote for option 1.
- Ms. Penner: I did not want to continue funding allocation, otherwise I would have voted for option 1.
- BSCC staff: If there is confusion, the Board can continue this matter at the next BSCC meeting on August 8, which will be held at the same location.
 - All Board Members vote in favor of this proposal.



Public Comment

- Sheriff of Monterey County: We would like \$43.7 million for jail construction funding, given San Joaquin County has rescinded their request. This funding will allow Monterey County to scale up their jail project.
- Kimberly Horiuchi (ACLU): There should be caution with Monterey request, given the substantial cost of operating a jail facility.
- Ignacio Hernández (Hernández Strategy Group): As a point of clarification, the Cal-YOR program was funded as part of one two-year cycle (2011-13). This marks the end of this period.
- Individual from the Central Valley Trafficking Task Force: The grant cycle for this program ends September 30, 2013. The motion and vote appear to end this funding.
- Mr. Growden: Can the BSCC staff clarify if the Board vote on funding will affect human trafficking task forces? We did not vote on this allocation.
 - BSCC staff: This is correct; the BSCC is not terminating these grants.
- Ms. Penner: The BSCC is not the appropriate funding agency.
- Ignacio Hernández (Hernández Strategy Group): One year ago, the Board previously agreed to continue Byrne-JAG funding for these five drug suppression and law enforcement programs. This continued funding was only supposed to be for one year and then the Board would revisit the allocation for all programs. However, equal consideration is not being given.

[END NOTES]