



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-045

For business meeting on: May 21, 2021

Title	Agenda Item Type
Criminal Law: Judicial Council Appointment to Board of State and Community Corrections	Action Required
	Effective Date
	May 20, 2021
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	May 20, 2021
Recommended by	Contact
Executive and Planning Committee Hon. Marsha G. Slough, Chair	Martha Wright, 415-865-7649 martha.wright@jud.ca.gov

Executive Summary

The Executive and Planning Committee recommends that the Judicial Council appoint Judge Janet Gaard (Ret.) to the Board of State and Community Corrections (BSCC). The BSCC is an independent statutory agency that provides leadership to the adult and juvenile criminal justice systems, and expertise on public safety realignment issues. The BSCC is composed of 13 members, including a judge appointed by the Judicial Council.

Recommendation

The Executive and Planning Committee recommends that the Judicial Council, effective July 1, 2021, appoint Judge Janet Gaard (Ret.) to the Board of State and Community Corrections for a term beginning July 1, 2021, and ending July 1, 2024.

Relevant Previous Council Action

On July 20, 2018, the council appointed Judge Gordon S. Baranco (Ret.) to the BSCC from July 1, 2018, to July 1, 2021.

Analysis/Rationale

Background

Established in 2012, the California Board of State and Community Corrections is an independent statutory agency that provides leadership to the adult and juvenile criminal justice systems, expertise on Public Safety Realignment issues, a data and information clearinghouse, and technical assistance on a wide range of community corrections issues. (Pen. Code, § 6024–6025.)

The BSCC acts as the supervisory board of state planning under federal acts such as the Omnibus Crime Control and Safe Streets Act of 1968 and the federal Juvenile Delinquency Prevention and Control Act of 1968. It establishes priorities for the use of the federal funds under these acts, approves expenditures, and evaluates the recipients of the program’s funding.

The BSCC is the successor entity to the Corrections Standards Authority (CSA), which was abolished in July 2012. The BSCC absorbed the previous functions of the CSA, as well as certain other programs previously administered by the California Emergency Management Agency (CalEMA). Additionally, it assumed the roles of the California Council on Criminal Justice (CCCJ) and the Office of Gang and Youth Violence Policy (OGYVP).

Role of the board

Policy for the BSCC is set by a 13-member board, whose members are prescribed by statute; appointed by the Governor, the Legislature, and the Judicial Council; and subject to approval by the state Senate. The chair of the BSCC board is Linda Penner, former chief probation officer for Fresno County. The board is composed of representatives from local detention facilities, the courts, county administration, probation, law enforcement, treatment, and youth advocacy. One board position is reserved for a “judge appointed by the Judicial Council of California.” (Pen. Code, § 6025(a)(8).) The BSCC has a variety of subcommittees, several with members representing the judicial branch.

Term

The most recent appointee, Judge Baranco, will step down from his position in July 1, 2021. Terms of office are three years. The appointee receives no compensation but is reimbursed for expenses incurred in the performance of BSCC duties. The board meets bimonthly, primarily in Sacramento and occasionally in Southern California.

Recommendation

Judge Gaard (Ret.) is recommended to replace Judge Baranco. A judge of the Superior Court of Yolo County from 2008 to 2019, Judge Gaard has extensive experience in collaborative courts and criminal court assignments. Before her appointment to the superior court, she served in several roles with the Attorney General’s Office, including deputy attorney general assigned to the criminal division from 1984 to 1999 and as a special assistant attorney general and director of legislative affairs from 1999 to 2007. During her time on the bench, she presided over Collaborative Courts and served as the assistant presiding judge and presiding judge of the court. Her judicial committees included Center for Judicial Education and Research Advisory

Committee, Criminal Law Curriculum Committee, Felony Sentencing Workgroup, and Collaborative Justice Courts Advisory Committee.

Policy implications

None.

Comments

Public comment has not been solicited on this recommendation.

Alternatives considered

None.

Fiscal and Operational Impacts

The BSCC is staffed by employees of the BSCC. The appointees to the BSCC receive no compensation but are reimbursed from the BSCC budget for expenses incurred in the performance of BSCC duties. (Pen. Code, § 6025.1.)

Attachments and Links

1. Link A: Pen. Code, §§ 6024–6033, https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=7.&part=3.&chapter=5.&article=1