

**MINUTES**  
**BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING**  
**THURSDAY NOVEMBER 16, 2023 – 9:00 A.M.**  
**BOARD MEETING**

Meeting Held In-Person, Zoom & Teleconference

**2590 Venture Oaks Way**  
**BSCC Board Meeting Room**  
**Sacramento, California 95833**

**The full recording of the meeting can be viewed here:**

<https://youtu.be/HD9BGJ2Gq-g>

**I. Call Meeting to Order**

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Chair Linda Penner called the meeting to order at 9:00 a.m.

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

Board Secretary Adam Lwin called roll and announced that there was a quorum.

The following members were in attendance:

Chair Penner	Mr. Johnson	Mr. Richart
Ms. Gaard	Mr. Dicus	Ms. Zaragoza*
Ms. Chavez*	Mr. Haynes	Ms. Cumpian

Absent Board Members: Mr. Macomber, Mr. Growdon, Mr. Mills, Mr. Budnick

**II. Information Session (Commenced at 9:00 a.m.)**

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Overview of Local Detention Facilities Inspection Responsibilities and Planning for Senate Bill 519

• Power Point Presentation

This Agenda item was presented by Executive Director Kathleen Howard and Deputy Director Allison Ganter. The presentation reviewed the BSCC's facility inspection responsibilities and processes. It also covered the BSCC's expanded responsibilities under [Senate Bill 519](#).

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\* Board members participated remotely through Zoom.

Deputy Director Ganter presented the following:

**BSCC Authority for Adult Facilities:**

The BSCC's Facility and Standards and Operations Division holds the responsibility of adopting and revising regulations every two years in compliance with Penal Code section 6030. These regulations establish minimum standards for local adult and juvenile detention facilities, as outlined in the California Code of Regulations under Titles 15 (Operational) and Title 24 (Physical Plant). Ganter noted that while local detention facilities must adhere to Title 15 every few years, compliance with Title 24 is not as frequent.

Penal Code section 6031.1 authorizes the BSCC to inspect local detention facilities, ensuring adherence to established standards. Additionally, Penal Code section 6029 authorizes BSCC to review construction plans, guiding the process from the initiation to the completion of facility construction.

As of November 2023, there are 450 adult detention facilities across the state, each falling under specific types as defined by the BSCC. The BSCC conducts inspections on each type of facility annually. Further details regarding facility types are available [here](#).

**BSCC Authority for Juvenile Facilities:**

Ganter further explained the BSCC's role in regulating juvenile facilities, stating that the BSCC adopts and revises regulations for:

- Welfare and Institutions Code §210: Pertaining to juvenile halls and secure youth treatment facilities.
- Welfare and Institutions Code §885: Applicable to camps.

In terms of inspections, WIC § 209 authorizes the BSCC to determine the suitability of juvenile facilities that are found to be out of compliance with Title 15 regulations.

As of November 2023, there are 133 juvenile detention facilities throughout the state, each subject to annual inspections by the BSCC. The specific definitions for each type of facility inspected annually can be found [here](#).

Ganter also highlighted 47 Secure Youth Treatment Facilities (SYTF) across the state. These facilities are integrated into existing facilities and specialize in catering to the needs of youth with higher levels of support and care.

**Enhanced Inspection Process:**

Ganter detailed the Enhanced Inspection Process as follows:

**Annual Inspections:**

Comprehensive and targeted inspections are conducted annually, focusing on identifying and addressing items of noncompliance.

**Unannounced Inspections:**

Unannounced inspections serve the purpose of observing and inspecting a local detention facility outside of the regular inspection process during typical operations.

These inspections may be initiated to follow up on past items of noncompliance.

## **Reporting and Board Approval:**

Inspection status updates are reported to the Board, and if necessary, the Board's approval is sought to have local parties appear before the Board to address and resolve items of noncompliance.

## **Inspection Process:**

### **Pre-Inspection Briefing:**

A pre-inspection briefing is conducted to explain the aforementioned process, along with the supplemental information required.

### **Review Policies and Procedures:**

BSCC inspectors thoroughly review the policies and procedures of the facility.

### **On-Site Inspection:**

Conduct on-site inspections to ensure compliance with established policies and procedures.

Interviews are conducted, and the physical plant is observed.

### **Exit Briefing:**

During the exit briefing, BSCC inspectors review the findings outlined in the initial inspection report.

### **Notice of Noncompliance:**

If applicable, a notice of noncompliance is provided, requiring the facility to submit a corrective action plan.

### **Follow-Up and Technical Assistance:**

The BSCC maintains continuous follow-up with the facility to address items of concern and provides ongoing technical assistance as needed.

Ganter presented:

That the BSCC does the following:

- Inspect for compliance with Title 15 and 24
- Assess suitability for juvenile detention facilities
- Adopt and revise regulations
- Conduct plan review

The BSCC does not:

- Develop agency policy and procedures
- Compel compliance in adult detention facilities and cannot sue, close or issue sanctions on agencies.
- Investigate complaints or personnel actions.
- Inspect outside of Title 15 and 24 regulations.
- Enforce consent decrees.

Executive Director Howard presented on how the BSCC is planning for the enactment of [Senate Bill 519](#) and outlined the following key points:

- The bill is set to take effect on July 1, 2024.
- The BSCC has engaged in planning discussions on resources and staffing needs with the Department of Finance.
- The Director of In-Custody Review, appointed by the Governor and confirmed by the Senate, will lead the new division tasked with reviewing investigations of any in-custody death incidents.
- The division will provide recommendations to the Sheriff regarding death incidents, complete with a timeline for implementation.
- The Board may call upon the Sheriff to discuss recommendations, and reports will be made available on the BSCC website.
- Modifications to death in custody regulations under Title 15 § 1046 will be made.

The Board Members had a lengthy discussion on staffing for facility inspections and whether the current number of positions at the BSCC is sufficient, also whether unannounced inspections are similar to announced and how public complaints are currently addressed. The Board also discussed an explanation of the oversight process, questioning whether the BSCC would collaborate with other agencies and resources.

Chair Penner and Director Howard said that the focus of the new division would be on facility operations and providing recommendations to local sheriffs regarding policies and procedures in alignment with Title 15 and 24 collaborating with other agencies and resources. Complaints by incarcerated people or the public would be facilitated by the ombudsperson of the Office of Youth and Correctional Rehabilitation (OYCR).

### **III. Closed Session**

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Consultation with Legal Counsel Regarding Pending Litigation (Gov. Code, § 11126, subds. (e)(1), (e)(2)(B), & (e)(2)(C).)

The Board went into closed session at 10:00 a.m.

Ms. Gaard recused from closed session.

The Board returned at 11:33 a.m.

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Executive Director Kathleen Howard and Board Secretary Adam Lwin provided updated instructions to address identified concerns about the public comment process. The BSCC now makes an on-screen list available so that public participants can see the queue. In addition, the timer will be visible on the Zoom screen.

## IV. **Information Items**

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### **1. Chair's Report**

Chair Penner reported on the following:

None to report.

### **2. Executive Director's Report**

Executive Director Kathleen Howard reported the following:

*Staff Introduction:*

- Introduced Gregory Hosman as the Acting Director for the Standards and Training for Corrections Division.

*Community Corrections Partnership (CCP) Survey:*

- Informed the Board about the release of the CCP survey to county probation departments.
- Said that the CCP survey is an annual component of the public safety realignment and the allocation of \$7.95 million for this initiative in the Budget Act of 2023.
- Said that surveys are expected to be returned to the BSCC by December 15, 2023.

*BSCC Meeting with Stakeholders on Grant Issues:*

- Shared information about the meeting held on November 2nd, attended by Chair Penner, Ms. Zaragoza, and Ms. Cumpian, to discuss grant-related concerns.

### **3. Legal Update**

Chief Deputy Director & General Counsel Aaron Maguire said that Agenda Item J, related to the Suitability and Corrective Action Plan Process under Welfare and Institutions Code Section 209 (d), has been removed from the agenda. The item is anticipated to be revised and presented to the Board at the February meeting for further consideration.

Maguire reminded Board Members to review the Agenda Items and recuse themselves from items that may have potential conflicts of interest pursuant to Government Code section 1091.

#### 4. Legislative Warp-Up – [PDF](#)

Legislative Analyst Adam Lwin reported on the following:

- The Governor signed [Assembly Bill 268](#) by Assemblymember Dr. Akilah Weber which adds two members to the Board, a licensed health care provider and a mental or behavioral health care provider appointed by the Governor and subject to Senate confirmation. The bill also required changes to Title 15 regulations and STC standards.
  - The BSCC has adopted regulations for safety checks during the last round of revisions.
  - The STC Division is planning to modify regulations to incorporate the mandated four hours of annual mental and behavioral health training for Adult Correctional Officers as required in the bill, staff are also developing regulations to ensure compliance with the bill regarding CPR training of officers.
- [Senate Bill 519](#) by Seante President Pro Tem Toni Atkins was also signed by the Governor to require the BSCC to create a position of the Director of In-Custody Death Review appointed by the Governor to lead a team of professionals to review reports and make recommendations to local agencies related to in-custody deaths.
- The Governor also signed [Assembly Bill 28](#) by Assemblymember Gabriel would add more funding to the current CalVIP grant.
- [Assembly Bill 762](#) by Assemblymember Wicks would expand the CalVIP grant to include tribal governments. The bill would also allow for advance payments to grantees.

Chair Penner called for public comment. Public comment was heard from six people; the full recording of the public comment and its transcription may be viewed by turning. closed captions on here: (<https://www.youtube.com/watch?v=HD9BGJ2Gq-g>). Public comment for Information Items Start: 1:14:34; End: 1:33:07.

#### **V. Action: Consent Items**

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**A. Minutes from the September 14, 2023, Board Meeting: Requesting Approval – [PDF](#)**

**B. Proposition 64 Public Health & Safety Grant, Cohort 2 – Six-Month, No-Cost Extension: Requesting Approval – [PDF](#)**

This agenda item requested Board approval for a six-month contract extension for the Proposition 64 Public Health and Safety (Prop. 64 PH&S) Cohort 2 grantees that did not apply for or receive additional funding through the Cohort 3 Request for Proposals (RFP).

Ms. Chavez moved approval. Mr. Dicus seconded. The motion was approved by all other Board members for Agenda items A and B.

**C. Public Defender Pilot Program – Cohort III – Request for Applications: Requesting Approval – [PDF](#)**

This agenda item requested Board approval to release the [Request for Applications \(RFA\)](#) for the third and final year of the Public Defense Pilot Program (PDPP) and authorize staff to redistribute any unallocated funds among interested applicants, using a formula based on county population.

Mr. Johnson moved approval. Mr. Haynes seconded. Ms. Chavez recused pursuant to Government Code section 1091. The motion was approved by all other Board members.

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**VI. Action: Discussion Items**

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**D. Missing and Murdered Indigenous People Grant – Cohort 2 Request for Proposals: Requesting Approval – [PDF](#)**

This item, presented by Field Representative Eddie Escobar, requested Board approval to release the Missing and Murdered Indigenous People Grant Program Cohort 2 RFP with the funding that remains unallocated from the first round of awards and an additional one-time augmentation from the Budget Act of 2023. Staff also requested Board approval to fund a proposal submitted by the Trinidad Rancheria in response to the original RFP, which was incorrectly disqualified from funding in Cohort 1.

*Public Comment was heard:*

**Yusef:** Said he supports the release of the MMIP funding and urged its immediate release.

*End of public comment.*

Ms. Gaard moved approval. Mr. Johnson seconded. Mr. Dicus recused pursuant to Government Code section 1091. The motion was approved by all other Board members.

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**E. Medication Assisted Treatment Grant (MAT) – Request for Proposals: Requesting Approval – [PDF](#)**

This item, presented by Deputy Director Colleen Curtin, requested Board approval to release a new RFP in the amount of \$10 million for a three-year Medication-Assisted Treatment Grant. Eligible applicants are California counties. If approved, staff would convene a Scoring Panel for the proposal rating process, to include BSCC staff as necessary.

*Public Comment was heard:*

**Yusef:** Said the addition of a quality assurance program to the MAT grant, emphasizing the importance of monitoring the timing and efficiency of medication administration within the program.

*End of public comment.*

Mr. Haynes moved approval. Mr. Richart seconded. Ms. Chavez and Ms. Gaard recused pursuant to Government Code section 1091. The motion was approved by all other Board members.

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**F. Residential Substance Abuse Treatment Grant – Request for Proposals: Requesting Approval – [PDF](#)**

This item, presented by Deputy Director Colleen Curtin, requested Board approval to release a new RFP for the next three-year Residential Substance Abuse Treatment (RSAT) Grant Program. Successful applicants will be funded for a three-year grant cycle. Applicants will be allowed to request up to a maximum of \$500,000 for the three-year period. A total of \$2,500,000 in federal RSAT funding is available for the first year, July 1, 2024, through June 30, 2025.

Mr. Richart moved approval. Ms. Cumpian seconded. Ms. Chavez and Ms. Dicus recused pursuant to Government Code section 1091. The motion was approved by all other Board members.

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**G. Standards and Training for Corrections Compliance Report and Annual Update: Information Only – [PDF](#)**

Acting Deputy Director Gregory Hosman presented this information item, providing compliance findings and program information for the Standards for Training in Corrections (STC) Division during Fiscal Year (FY) 2022-23. Hosman reported that out of the 150 agencies participating in the STC Program during this period, 136 were deemed to be “In Compliance,” while 14 agencies were “Out of Compliance” with STC training requirements.



Hosman explained that an agency is considered “out of compliance” when it has not fulfilled 100 percent of its training obligation and does not meet the criteria for an approved mitigating circumstance. Among the agencies found to be out of compliance, ten were in their first year of non-compliance status, and four agencies were out of compliance for a second consecutive year.

For more detailed statewide statistics, please refer to the information provided below:

- [FY 2022-23 STC Program Statistics](#)
- [FY 2022-23 Compliance Monitoring Findings](#)
- [FY 2022-23 Out of Compliance Agencies](#)
- [STC Compliance History](#)
  - [Power Point Presentation](#)

This item did not require a vote.

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#### **H. Opioids in Local Detention Facilities – Review of Survey: Requesting Approval – [PDF](#)**

This agenda item. Presented by Deputy Director Allison Ganter, requested that the Board approve the Survey of Opioid Antagonists in Local Detention Facilities and direct staff to begin collecting information in January 2024. At the June 15, 2023, Board Meeting, Board members discussed the increasing incidence of overdoses in both adult and juvenile local detention facilities. The Board requested that BSCC staff develop a survey to assess the impact of overdoses in adult and juvenile local detention facilities.

In response to the BSCC Board’s request, the BSCC staff developed a survey to assess the occurrence of drug overdoses within local detention facilities by collecting information related to the availability of, and incidents of, opioid antagonist (e.g., Narcan) use within the facilities. The survey and its overview may be found below.

- [Survey of Opioid Antagonists in Local more Detention Facilities](#)
- [Survey of Opioid Antagonists in Local Detention Facilities – Overview](#)

Written comment for Agenda Item H:

#### [Public Comment Letter from Starting Over Inc. et. Al – Feedback on BSCC Opioid Survey](#)

The Board engaged in an extensive discussion regarding the survey and its scope, particularly addressing the questions raised in the public comment letter. The discussion

focused on the BSCC's capacity to conduct a more in-depth quantitative and qualitative survey.

The Board asked about the feasibility and implications of a more in-depth survey. Ms. Chavez acknowledged the concerns raised in the public comment letter, and requested a meeting with the authors to further explore and discuss their perspectives on the matter.

Chair Penner called for public comment. Public comment was heard from ten people; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: <https://www.youtube.com/watch?v=HD9BGJ2Gq-g>. Public comment for Agenda Item H Start: 2:36:10; End: 2:54:44.

The Board did not vote on this item. Instead, Ms. Chavez and Ms. Zaragoza agreed to hold a meeting with BSCC staff and the authors to further discuss the suggestions. The purpose of this meeting will be to identify aspects within the scope of the Board's authority that can be incorporated into the survey.

BSCC staff will provide an update at the February meeting on the additions made to the survey.

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**I. Proposed Revisions to Section 1046 (Death in Custody) of Title 15 of California Code of Regulations: Requesting Approval – [PDF](#)**

This agenda item, presented by Deputy Director Allison Ganter, requested the Board to begin the process of revising regulations for adult local detention facilities to report in-custody deaths in advance of the appointment of the Director of In-custody Death Review, a new position created by Senate Bill (SB) 519 (Chapter 306, Statutes of 2023). The proposed regulations may be found below:

- [Proposed Revisions to Title 15, Section 1046, Death in Custody](#)

Mr. Richart moved approval. Mr. Dicus seconded. The motion was approved by all other Board members.

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**~~J. Suitability and Corrective Action Plan Process – Welfare and Institutions Code Section 209 (d): Requesting Approval – PDF\*~~**

Agenda item J was removed from the agenda.

**K. Local Detention Facilities Inspection Update: Requesting Approval – [PDF](#)**

This agenda item, presented by Deputy Director Allison Ganter, provided updates to the Board on local detention facilities inspections. Ganter said that the 2023/2024 biennial inspection cycle will conclude on December 31, 2024. The full list of items of noncompliance may be found here: [Adult & Juvenile Items of Noncompliance](#).

Ganter said the top six items of noncompliance in adult facilities included the following:

- §1065 Out of Cell Time
- §1265 Issue of Personal Care Items
- §1027 Number of Personnel
- §1027.5 Safety Checks
- §1056 Use of Sobering Cell
- §1058 Use of Restraint Devices

Ganter said the top items of noncompliance in juvenile facilities include:

- § 1355 Institutional Assessment and Plan
- § 1391 Discipline Process
- § 1390 Discipline
- § 1357 Use of Force
- § 1354.5 Room Confinement
- § 1324 Policy and Procedures Manual

Ganter said the FSO team will inspect the items of noncompliance in the upcoming weeks and provide technical assistance as necessary. Updates on the remaining items which are out of compliance will be brought to the Board at the February Board meeting.

Chair Penner called for public comment. Public comment was heard from three people; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: <https://www.youtube.com/watch?v=HD9BGJ2Gq-g>. Public comment for Agenda Item H Start: 3:28:00; End: 3:35:57.

Staff requested the Board request the Sheriffs of Los Angeles and Alameda Counties to appear at the February 15, 2024 meeting if the county facilities remain out of compliance following their Corrective Action Plan deadlines.

Ms. Chavez requested that the County Executive and the Chair of the Board of Supervisors at the respective County be notified each time the Board invites a Sheriff to the Board.

Mr. Haynes moved approval. Ms. Cumpian seconded. The motion was approved by all other Board members.

## **VII. Public Comments**

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**Sarah:** Said that the Board meetings should be more accessible to the public by changing the timing of the meetings to beyond the typical working day.

**MJ:** Said they had concerns about the appointment of the Director of In-Custody Death Division. Asked that a medical professional should be selected and to work with the community to make future decisions pertaining to individuals in detention facilities.

**Adreena:** Asked why probation is given extensions on their items of noncompliance.

## **VIII. Adjourn**

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The Board adjourned at 2:30 p.m.

**Next Board Meeting: February 15, 2024**

## **ATTENDANCE ROSTER**

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### **BSCC BOARD MEMBERS:**

1. Chair Penner, Chair, Board of State and Community Corrections
2. Mr. Johnson, Director, California Department of Corrections & Rehabilitations - Division of Adult Parole
3. Mr. Dicus, Sheriff, San Bernardino County
4. Mr. Haynes, Chief Probation Officer, Fresno County
5. Mr. Richart, Chief Probation Officer, El Dorado County
6. Ms. Gaard, Retired Judge, Yolo County
7. Ms. Cumpian, Director, Women's Department, Anti-Recidivism Coalition

### **\*Participated Remotely:**

8. Ms. Chavez, Supervisor, Santa Clara County
9. Ms. Zaragoza, Los Angeles County Alternate Public Defender's Office

### **BSCC STAFF:**

Kathleen T. Howard, Executive Director  
Aaron Maguire, Chief Deputy Director & General Counsel  
Adam Lwin, Board Secretary  
Allison Ganter, Deputy Director, Facility Standards and Operations  
Collen Curtin, Deputy Director, Corrections Planning and Grant Programs  
Ian Silva, Field Representative, Corrections Planning and Grant Programs  
Helene Zentner, Corrections Planning and Grant Programs