

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY FEBRUARY 15, 2024
9:45 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://www.youtube.com/watch?v=193UTZFJEhw>

I. Call Meeting to Order

Chair Linda Penner called the meeting to order at 9:45 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. Zaragoza
Mr. Budnick	Mr. Dicus	Ms. Zaragoza	Ms. Cumpian
Ms. Chavez ¹	Mr. Haynes	Mr. Macomber	Mr. Mills

Absent Board Members: Ms. Gaard

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

Closed Session start: 9:47 a.m.

Closed Session end: 10:00 a.m.

Public Meeting start: 10:06 a.m.

¹ Board members participated remotely through Zoom.

III. Information Items

1. Chair's Report

Chair Penner announced the retirement of Board Member Sheriff Dean Growdon and presented Mr. Growdon with a plaque of appreciation.

2. Executive Director's Report

Executive Director Kathleen Howard reported on the following:

On February 9, 2024, Howard presented to a joint hearing of the Assembly Public Safety Committee and an Assembly Select Committee on Organized Retail Theft (ORT).

- Said the hearing was a positive experience with members of the Legislature hearing from various stakeholders on the work being done in the field, including the BSCC grants for ORT-prevention and ORT vertical prosecution.
- Juvenile Justice Realignment Hearing in Sacramento was conducted by two Senate budget subcommittees.
 - Topics included issues in Los Angeles detention facilities related to juvenile justice realignment.
 - Scott Budnick also participated on a panel focused on issues in LA county.
 - Chair Penner and Ms. Zaragoza attended as guests.

Budget Update:

- Provided an update on the January Governor's budget and said there were changes to certain grant funding levels.
- Said that the budget process has begun, and California faces a significant deficit.

3. Legal Update

Chief Deputy Director & General Counsel Aaron 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 Update – [PDF](#)

Executive Director Howard referred the Board to their reading materials for the Legislative Update.

IV. Action: Consent Items

- A. Minutes from the November 16, 2023, Board Meeting: **Requesting Approval** – [PDF](#)
- B. Implementation of Assembly Bill 268 – Annual Training Requirements, Cardiopulmonary resuscitation (CPR) Training, and Facility Operations – (Proposed Revisions to Sections 184 and 1028 of Title 15): **Requesting Approval** – [PDF](#)

Staff recommend the Board to direct staff to begin the rulemaking process for revisions to [Title 15, Section 1028](#) and to bring a final package for approval if substantive revisions are made to the draft language during the regulatory making process; and file the final regulatory package with the Office of Administrative Law and that this Board action constitute the final approval.

- C. Senate Bill 844 (Adult Local Criminal Justice Facilities Construction Financing Program) – Contra Costa County Scope Change: **Requesting Approval** – [PDF](#)
 - [Attachment C-1: January 09, 2024, Contra Costa County Sheriff's Office Request for Scope Change](#)

Staff requested the Board approve Contra Costa County's request for a scope change to reduce the number of rated beds from 288 to 272 for its SB 844 ALCJF Construction Financing Program project.

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

V. Action: Discussion Items

- D. Selection of a Vice Chair for the Board of State and Community Corrections: **Requesting Approval** – [PDF](#)

Chair Linda Penner nominated Board Member Kirk Haynes as the Vice Chair.

Chair Penner moved approval. Mr. Dicus seconded. The motion was approved by all other Board members for Agenda D.

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

Deputy Director Allison Ganter Presented this agenda item which outlined the items of [noncompliance in adult and juvenile detention facilities](#).

Ganter provided an update of Los Angeles and Alameda adult facilities items of noncompliance.

- Links to Smartsheet Items of Noncompliance: [ADULT](#) | [JUVENILE](#)
 - [2023 Adult](#) | [2024 Adult](#)
 - [Outstanding Items of noncompliance – Printable Version](#)

Ganter said the following:

Summary of Outstanding Items of Noncompliance (Adult)

- Separate data provided for 2023 and 2024 inspections.
- Notable improvements in Lassen County and Lake County jails.
- 68 items of noncompliance from 2023 inspections, down from 116 in November.
- Main issues: physical plant, exercise and recreation, personnel.
- Safety checks violations mostly related to policy and procedure.

Outstanding Items of Noncompliance (Juvenile)

- San Diego County has four outstanding items, due for correction by April 18.
- Most issues resolved, awaiting verification.
- Imperial County resolved all noncompliance items.

Los Angeles County, Men's Central Jail

- **Update from Sheriff Robert G. Luna**

Deputy Director Ganter summarized the status of items of noncompliance in LA county as follows:

- Los Angeles County Men's Central Jail (MCJ) notified of noncompliance on September 18, 2023.

Noncompliance Issues:

- Safety checks exceeded the 60-minute minimum.
- View into cells obstructed, impeding direct visual observation as required.

Corrective Action:

- Corrective action plan submitted by MCJ on October 16, 2023.

- Follow-up inspections conducted on November 21, 2023, and January 3, 2024.
- Improvement noted in safety checks timing, but obstructed view issue persists.

Chair Penner invited Los Angeles County Sheriff Robert Luna to present his response to the items of noncompliance.

Luna said:

- Acknowledged the seriousness of the issue.
- Committed to ensuring the safety and well-being of inmates.
- Working on culture change and policy reinforcement.
- Addressing challenges of eliminating tenting practice.
- Committed to compliance with Board's requirements.

The Board discussed the items of noncompliance and recognized the efforts made by Sheriff Luna and his team. The importance of durable compliance was emphasized.

The Board will continue to monitor MCJ's compliance efforts and provide additional technical support as needed.

Alameda County, Santa Rita Jail

- **Update from Sheriff Coroner Yesenia Sanchez**

Deputy Director Ganter summarized the status of items of noncompliance in Alameda County as follows:

Santa Rita Jail was notified of noncompliance on August 15, 2023. Noncompliance with safety checks exceeding the 60-minute minimum.

Corrective Action:

- Corrective action plan submitted by September 15, 2023.
- Follow-up inspections conducted on November 17-20, 2023, and January 25, 2024.
- Improvement noted but still some units reporting late safety checks.

Sheriff Sanchez, Assistant Sheriff Danny McNaughton, and Captain Ross Clippinger of Alameda County said the following:

- Shifted to Radio Frequency Identification (RFID) system for observation log-in March 2023.
- Emphasizes meaningful checks over mere completion of tasks.
- Highlights culture shift and progress in compliance percentage.
- Discussed various activities and responsibilities of staff during checks.
- Addressed staffing challenges and efforts to streamline hiring and retain personnel.
- Confirmed patrol staff's participation in mandatory overtime program.

Chair Penner and Board members recognized the progress made in compliance efforts and acknowledged concerns raised about staffing challenges and their impact on safety checks. The Board expressed appreciation for transparency and commitment to improvement.

The Board will continue to monitor compliance progress and provide additional technical assistance on staffing as needed.

Chair Penner called for public comment. Public comment was heard from 45 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=193UTZFJEhw>. Public comment for Agenda Item E Start: 01:05:43 end: 01:15:30.

Board members discussed dignity of incarcerated individuals, staffing, inspections, increased frequency and intensity of inspections over the past few years.

This item did not require a vote.

F. Determination of Suitability – Los Angeles County Juvenile Detention Facilities – (Welf. & Inst. Code, § 209, subds. (a)(4) & (d).): **Requesting Approval**

Deputy Director Allison Ganter presented this item. Ganter said in May 2023 that Barry J. Nidorf (BJN) and Central Juvenile Halls were found unsuitable for the confinement of minors. Following this determination, youth from these facilities were relocated. At the time of this determination of suitability, the BSCC did not have the statutory authority to make determinations of suitability at Secure Youth Treatment Facility (SYTFs) and camps. Ganter noted that the statutory authority was granted in July 2023 to require the Board to make the determinations of suitability in all types of county juvenile detention facilities.

An inspection conducted in August 2023 identified multiple areas of noncompliance at BJN SYTF. The initial inspection report outlined ten items of noncompliance, triggering a 60-day period for the county to submit a corrective action plan (CAP). The CAP, due on

October 10, 2023, was submitted and approved, with the completion date set for January 5, 2024.

A follow-up inspection in December 2023 raised concerns about the lack of programming documentation, which led to discussions with facility management.

Subsequent inspections in January 2024 confirmed the correction of three non-compliant items but identified seven remaining areas of noncompliance.

Barry J. Nidorf Secure Youth Treatment Facility – [PDF](#)

- [August 11, 2023 Initial Inspection Report – BJN SYTF](#)
- [October 9, 2023 Final Corrective Action Plan – BJN SYTF](#)
- [January 5, 2024 Response Letter for Final Corrective Action Plan – BJN SYTF](#)
- [February 2, 2024 Follow Up Inspection Report – BJN SYTF](#)

Presentation from Los Angeles: Barry J. Nidorf SYTF

Sheila Williams, Deputy Director, and Kimberly Epps, Chief Deputy of Los Angeles County Probation Department presented on this item. Williams and Epps thank the Board for the opportunity to present a letter from Chief Viera Rosa, and additional documentation from LA. Williams outlined the significant organizational changes undertaken by the Probation Department to enhance safety and compliance.

Williams & Epps requested the board to reconsider the staff findings and deem BJN suitable for operation. Williams addressed specific areas of concern highlighted by the staff, providing evidence of compliance in staffing ratios, staff training, and policy procedures.

Board members had a lengthy discussion on what Los Angeles County needed to do to remedy the items of noncompliance and make BJN SYTF safe for the youth and staff.

Chair Penner called for public comment. Public comment was heard; 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=193UTZFJEhw>. Public comment for Agenda Item F-1 Start: 02:59:40; End: 04:00:01.

The Board motioned to determined Barry J. Nidorf SYTF unsuitable for the confinement of minors under Welfare and Institutions Code sec. 209 which includes:

- § 1321 Staffing
- § 1353 Orientation
- § 1357 Use of force
- § 1371 Programs and recreation
- §1390 discipline

Ms. Cumpian moved approval. Mr. Haynes seconded. Mr. Budnick and Ms. Zaragoza recused. The motion was approved by all other Board members for Barry J. Nidorf Secure Youth Treatment Facility.

The Board recessed at: 2:10 p.m.

The Board returned at: 2:25 p.m.

F-2: Los Padrinos Juvenile Hall – [PDF](#)

- [August 18, 2023 Initial Inspection Report – LPJH](#)
- [October 16, 2023 Final Corrective Action Plan – LPJH](#)
- [January 10, 2024 Response Letter for Final Corrective Action Plan – LPJH](#)
- [February 26, 2024 Follow Up Inspection Report – LPJH](#)
 - [Response from Los Angeles County Probation](#)
- [Public Comment – CJCJ – Youth Justice Imagined](#)
- [Public Comment from Peace and Justice Law Center](#)
- [Public Comment from Local 148 Board of Directors](#)
- [Public Comment from Liberation Fund](#)
- [Public Comments Received 2-15-2024](#)
 - [Response Letter from Los Angeles Department of Probation](#)

Ganter presented on the items of noncompliance for Los Padrinos which reopened in July 2023 to accommodate youth that had been housed in Central Juvenile Hall and BJN Juvenile Hall. Ganter said BSCC staff conducted a targeted inspection between August 14th and August 18th, 2023. Initial inspection findings highlighted several areas of non-compliance with Title 15 regulations.

Los Angeles County Probation Department submitted a CAP by October 16th, 2023, with a completion deadline of January 10th, 2024. Follow-up inspections conducted on January 20th and February 3rd, 2024, showed progress in resolving non-compliance issues. However, certain areas, such as staffing, fire safety plan, safety checks, room confinement, use of force, and educational programs, remained out of compliance. The facility's behavior management program also requires further implementation.

○ [Presentation from Los Angeles: Los Padrinos](#)

Sheila Williams, Deputy Director, and Kimberly Epps, Chief Deputy of Los Angeles County Probation Department presented on this item. Williams and Epps provided updates on their efforts to address staffing issues and training deficiencies.

They gave updates on the steps taken to address these issues, acknowledging areas where improvements were needed and outlining the actions they had taken to rectify the deficiencies.

Some of the key points include:

- Staffing: Ensuring that all staff meet the required training and deployment standards.
- Training: Providing comprehensive training for staff, particularly regarding youth supervision and use of force.
- Policy Manuals: Updating and ensuring staff awareness of policy manuals to maintain compliance.
- Fire Safety Plan: Implementing an emergency evacuation plan and consulting with local fire departments to ensure compliance.
- Safety Checks: Implementing a system to ensure timely and documented safety checks.
- Room Confinement: Clarifying the reasons and procedures for room confinement and ensuring proper documentation.
- Education Programs: Addressing issues related to student tardiness and offering compensatory tutoring.

These updates reflect the efforts made by Los Angeles County to address the compliance issues identified at Los Padrinos Juvenile Hall and move towards full compliance with the relevant regulations and standards.

Chair Penner called for public comment. Public comment was heard; 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=193UTZFJEhw>. Public comment for Agenda Item F-1 Start: 4:59:16; End: 5:34:39.

The Board had a lengthy discussion which acknowledged the efforts made by Los Angeles County but expressed grave concerns regarding persistent non-compliance in several critical areas and the steps needed to ensure full compliance with Title 15 regulations, including the implementation of corrective measures outlined in the CAP.

The Board determined Los Padrinos juvenile hall unsuitable for the confinement of minors under Welfare and Institutions Code sec. 209 which included:

- § 1321 Staffing
- § 1325 Fire safety plan
- § 1328 Safety checks
- § 1354.5 Room confinement
- § 1357 Use of force
- § 1360 Searches
- § 1370 Education program
- § 1371 programs, recreation and exercise

§ 1390 Discipline

Mr. Dicus moved approval. Mr. Richart seconded. Ms. Zaragoza and Mr. Budnick recused. The motion was approved by all other Board members for Los Padrinos juvenile hall.

G. Byrne State Crisis Intervention Program, Release of Request for Proposals: **Requesting Approval** – [PDF](#)

Field Representative Ian Silva presented this agenda item which requested the release of the [Request for Proposals](#) of the Byrne State Crisis Intervention Program (Byrne SCIP).

Applicants will be allowed to request up to \$500,000 for small-scope projects and up to \$1,000,000 for large-scope projects. Applicants must propose programs that address a minimum of one of the following Byrne SCIP Program Purpose Areas.

Staff recommended approval to release the RFP, delegate authority to the [Chair of the Advisory Committee](#) to establish a scoring panel, and the committee to approve awards with approval from the Board.

Ms. Zaragoza moved approval. Mr. Johnson seconded. Mr. Dicus and Mr. Haynes and Ms. Chavez recused pursuant to Government Code section 1091. Mr. Mills, and Mr. Budnick were absent during the vote. The motion was approved by all other Board members for Agenda item G.

H. Proposition 47 Grant, Cohort 2: [Statewide Evaluation Findings](#) 2019 – 2023: **Information Only** – [PDF](#)

- [Proposition 47 Grant, Cohort II: Statewide Evaluation Findings 2019-2023 PowerPoint presentation](#)
- [Proposition 47 Cohort II: Statewide Evaluation Report](#)

This agenda items' presentation was deferred to the April Board meeting.

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

Agenda Item I was removed from the agenda.

VI. Public Comments

There were no other public comment.

VII. Adjourn

The meeting adjourned at: 3:46 p.m.

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Mr. Budnick, Founder of Anti-Recidivism Coalition
3. Ms. Chavez, Santa Clara County Supervisor
4. Ms. Cumpian, Director, Women's Department, Anti-Recidivism Coalition
5. Mr. Dicus, Sheriff, San Bernardino County
6. Ms. Gaard, Retired Judge, Yolo County
7. Mr. Haynes, Chief Probation Officer, Fresno County
8. Mr. Johnson, Director, California Department of Corrections & Rehabilitations - Division of Adult Parole
9. Mr. Macomber, Secretary, California Department of Corrections & Rehabilitations
10. Mr. Mills, Chief of Police, City of Palm Springs
11. Mr. Richart, Chief Probation Officer, El Dorado County
12. Ms. Zaragoza, Los Angeles County Alternate Public Defender's Office

Participated Remotely:

13. Ms. Chavez, Supervisor, Santa Clara County

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
Stacy Riley, Research Data Specialist III, Research

ADDITIONAL GUESTS & PARTICIPANTS

Sheriff Robert G. Luna, Los Angeles County
Sheriff Coroner Yesenia Sanchez, Alameda County
Sheila Williams, Deputy Director, Los Angeles County Probation Department
Kimberly Epps, Chief Deputy, Los Angeles County Probation Department