

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY MAY 23, 2023 – 11:00 A.M.
BOARD MEETING

Meeting Held In-Person, Zoom & Teleconference

Board Room
2590 Venture Oaks Way
Sacramento, California, 95833

The full recording of the meeting can be viewed here:
<https://www.youtube.com/watch?v=QscUJ06Na7s>

I. Call Meeting to Order

Chair Linda Penner called the meeting to order at 11:03 a.m.

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

Board Secretary Adam Lwin provided instructions to the Board members and the public for participating in the meeting.

Mr. Lwin called the roll and announced that there was a quorum.

The following members were in attendance:

| | | | |
|--------------|-------------|--------------|---------------|
| Chair Penner | Mr. Dicus* | Ms. Gaard* | Ms. Zaragoza* |
| Mr. Macomber | Ms. Chavez* | Mr. Budnick* | |
| Mr. Speed* | Mr. Haynes | Ms. Mills* | |
| Mr. Growdon | Ms. Vernon | Ms. Cumpian | |

*Attended remotely

II. Action: Discussion Items

A. Continuation of Determination of Suitability – Los Angeles County Juvenile Halls – (Welf. & Inst. Code, § 209, subds. (a)(4) & (d.): Requesting Approval

- Barry J. Nidorf Juvenile Hall
- Central Juvenile Hall

Deputy Director Allison Ganter presented the following:

Ganter stated that Agenda item A requested that the Board make a final determination of suitability within the meaning of Welfare and Institutions Code section 209, subdivisions (a)(4) and (d) and find both Barry J. Nidorf and Central juvenile halls unsuitable for the confinement of pre-adjudicated youth.

The Board had deferred action on the determination of suitability at its April 13 meeting to have staff assess whether the corrective action plan and supplemental corrective action plans were implementable and to verify whether the county had taken the steps described in the plan. While some aspects of some parts of the plan have been implemented, no significant items of noncompliance have been corrected, she said.

Ganter reported that staffing remains at deficient levels and there is no indication that the remaining aspects of the plan could be timely implemented so that the facilities would come into compliance by June 12, 2023.

Staff recommended the following:

1. Find that both the [corrective action plan](#) and [supplemental corrective plan](#) submitted by the County of Los Angeles cannot be approved because they do not adequately demonstrate that the items of noncompliance will be corrected in a reasonable period of time and no later than June 12, 2023.
2. Find that because the county has failed to file an approved corrective action plan within 60 days following the issuance of the January 13, 2023, initial inspection report that Central Juvenile Hall and Barry J. Nidorf are unsuitable within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4) and (d).
3. Find that even if the county had filed an approved corrective action plan, that the county had failed to meet its commitment to resolve the items of noncompliance within the meaning of Welfare and Institutions Code section 209, subdivision (d).
4. a) Find that the following items remain out of compliance with Title 15, California Code of Regulations:

i. Barry J. Nidorf Juvenile Hall

1. § 1321. Staffing.
2. § 1325. Fire Safety Plan.
3. § 1328. Safety Checks.
4. § 1354.5. Room Confinement.
5. § 1357. Use of Force.
6. § 1360. Searches.
7. § 1370. Education Program.
8. § 1371. Programs, Recreation, and Exercise.
9. § 1390. Discipline.

ii. Central Juvenile Hall

1. § 1321. Staffing.
2. § 1328. Safety Checks.
3. § 1354.5. Room Confinement.
4. § 1357. Use of Force.
5. § 1358.5. Use of Restraint Devices for Movement and Transportation Within the Facility.
6. § 1360. Searches.
7. § 1370. Education Program.
8. § 1371. Programs, Recreation, and Exercise.
9. § 1390. Discipline.

b) Find that due to the items of noncompliance set forth in recommendation 4(a)(i) and 4(a)(ii) that both Barry J. Nidorf and Central Juvenile Hall are unsuitable within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4).

5. Direct staff to provide electronic notice no later than close of business on May 24, 2023, to all persons within the county having authority over placement of youth in the juvenile halls that both facilities shall not be used for the confinement of youth commencing 60-days after issuance of the notice.

The following representatives from Los Angeles County Probationa presented a plan for future operations:

- ❖ Margarita Perez, representing Interim Chief Probation Officer Guillermo Viera Rosa
- ❖ Michael Minor, Juvenile Consultant, Los Angeles County Probation Department
- ❖ Nancy Campbell, Criminologist & Expert in Effective Behavioral Treatment Strategies
- ❖ Sheila Williams, Chief Executive Office & Probation Department Representative

Their full presentation may be viewed here: <https://www.bscc.ca.gov/wp-content/uploads/LA-Co-BSCC-Presentation-May-22-2023-Version-3-FINAL.pdf>

The Los Angeles County Probation proposed a strategy to align practices with the youth justice reimagined philosophy and requested a continuance to allow a smoother transfer of all pre-dispositioned youth to the Los Padrinos Juvenile Hall and to expedite the BSCC's inspection of the hall.

The Department would focus on:

- Staffing & Training
- Program & Services
- Operational & Structural Changes
- Structures, Policies & Practices to sustain compliance

The County's primary focus would be facilitating the day-to-day staffing levels, collaborating with other county departments to relieve sworn staff, and ensuring Los Padrinos is structurally and operationally ready for occupancy within 60 days.

Board Members unanimously agreed that the County has presented multiple plans but has not yet performed or shown the Board that the facilities had made positive progress, especially in the area of staffing. The Board members stated that significant change has not been made by the County.

Chair Penner called for public comment. Public comment was heard from 58 people; the full recording of the public comment and its transcription may be viewed by turning on closed captions here: <https://www.youtube.com/watch?v=QscUJ06Na7s>.

The Board Members discussed the next steps if the Board were to adopt the staff's recommendation to find both facilities unsuitable, including issuing a 60-day notice of unsuitability on May 24 demanding that youth be moved to a suitable facility, completing a pre-inspection before moving youth and providing technical support. There would be no further action required by the Board. However, any new facility that the County uses, the facility would be subject to inspection and regulations by the BSCC.

Mr. Growdon moved approval. Mr. Dicus seconded. Ms. Zaragoza, Ms. Gaard and Mr. Budnick recused from the discussion and vote. The motion was approved by all other Board members for Agenda Item A.

B. Development of Process for Submittal of 60-Day Corrective Action Plans: Requesting Approval

This Agenda item was presented by Chief Deputy Director Aaron Maguire and Deputy Director Allison Ganter, who requested Board approval to direct staff to develop written

policies and procedures for the submission and approval of county Corrective Action Plans (CAP) under Welfare and Institutions Code section 209. Staff recommended that the Board approve the following:

1. Direct BSCC staff to develop a written process and timeline for the consideration and approval of county Corrective Action Plans under Welfare and Institutions Code section 209 (d).
2. Until new policies and procedure are adopted, formally delegate authority to staff under Penal Code section 6025.6¹ to approve CAPs.

The Board discussed the recommendations and amended recommendation 2 as follows:

Until new policies and procedures are adopted, formally delegate authority to the Facilities Standards Division Deputy Director to approve or deny the corrective action plan and authorize staff to bring any CAP to the Board for approval or denial when appropriate.

Chair Penner called for public comment. Public comment was heard from four people; the full recording of the public comment and its transcription may be viewed by turning on closed captions here: <https://www.youtube.com/watch?v=QscUJ06Na7s>.

Ms. Vernon moved approval. Mr. Growdon seconded. Mr. Speed voted No. Ms. Gaard and Ms. Zaragoza Abstained. Mr. Budnick and Mills were not present during the vote. The motion was approved by all other Board members for Agenda Item B.

III. Public Comments

There were no public comments.

IV. Adjourn

The Board adjourned at 3:17 p.m.

Next Board Meeting: July 27, 2023

¹ “The [BSCC] may delegate any ministerial authority or duty conferred or imposed upon the board to a subordinate officer subject to those conditions as it may choose to impose.”

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Mr. Macomber, Secretary, California Department of Corrections & Rehabilitations (CDCR)
3. Mr. Speed, Acting Director, Division of Adult Parole (CDCR)
4. Mr. Growdon, Sheriff, Lassen County
5. Mr. Dicus, Sheriff, San Bernardino County
6. Ms. Chavez, Supervisor, Santa Clara County
7. Mr. Haynes, Chief Probation Officer, Fresno County
8. Ms. Vernon, Chief Probation Officer, Kings County
9. Ms. Gaard, Retired Judge, Yolo County
10. Mr. Mills, Chief of Police, City of Palm Springs
11. Mr. Budnick, Founder, Anti-Recidivism Coalition
12. Ms. Zaragoza, Attorney, Los Angeles County Alternate Public Defender
13. Ms. Cumpian, Associate Director Anti-Recidivism Coalition Women's, and Non-Binary Services

BSCC STAFF:

Kathleen T. Howard, Executive Director
Aaron Maguire, Chief Deputy Director & General Counsel
Tracie Cone, Communications Director
Adam Lwin, Board Secretary
Allison Ganter, Deputy Director, Facility Standards and Operations