

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY NOVEMBER 17, 2022 – 10:00 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=HyqQQVIHv50>

I. Call Meeting to Order

Chair Linda Penner called the meeting to order at 10:05 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. Allison	Ms. Chavez*	Mr. Budnick*
Mr. Viera Rosa	Mr. Haynes	Mr. Garcia
Mr. Growdon	Ms. Vernon	Ms. Cumpian

*Attended remotely

Absent Board Members:

Mr. Mills

II. Information Items

1. Chair's Report

- Chair Penner reported on the Senate Bill 81 (Local Youthful Offender Rehabilitative Facility Financing) project in Orange County. The Multipurpose Rehabilitation Center held its ribbon cutting ceremony in November. This was a state funded project which started in 2014 and is now ready to house youth.
- Penner also reported a visit with Executive Director Kathleen Howard and Director of Office of Youth and Community Restoration (OYCR) Katherine Lucero to the California State Association of Counties conference in Orange County, where they gave a presentation on the Division of Juvenile Justice (DJJ) realignment and the roles and responsibilities of the BSCC and OYCR. More information can be found here: https://www.bscc.ca.gov/s_djjrealignment/.
- Chair Penner reported that Board Member Miguel Garcia will be resigning from the Board.

Mr. Garcia thanked the Board for the opportunity and shared his personal experience and triumphs and spoke about how he has overcome obstacles.

Board Members shared their appreciation for Mr. Garcia's contributions, and offered congratulations on his new role with OYCR.

2. Executive Director's Report

Executive Director Kathleen Howard reported on the following:

- the hard work and dedication by the BSCC staff.
- a status update on the Juvenile Regulations Revisions Executive Steering Committee:
- that the first meeting was held on November 2 and 3 and was led by Board Members Chief Kirk Haynes and Miguel Garcia. Input was received from subject-matter experts and the public and a date for a second meeting has been identified.
- that she and Chair Penner have met with the OYCR Ombudsperson to discuss the duties of BSCC & OYCR.

Regarding DJJ Transitional Housing:

- Howard stated that there was \$3 million in the budget to provide up to one year of transitional housing for youth being discharged from DJJ who are at-risk of becoming homeless.
- She said that the BSCC is working on providing funds to counties to reimburse for placements.

- The BSCC has entered into a contract with the Amity Foundation to provide placement services for youth. Six counties have been in contact with Amity for services.

On a New Federal Grant Program:

- Howard said the U.S. Department of Justice, Bureau of Justice Assistance has created and released a new funding opportunity. The Byrne State Crisis Intervention Program (Byrne SCIP) provides funding for the creation and/or implementation of extreme risk protection order programs, state crisis intervention court proceedings, and related gun violence reduction programs/initiatives.
 - Approximately \$257 million will be allocated to State and Territories, of that amount approximately \$29.2 million is available to California.
 - The Byrne SCIP program is different from the traditional JAG program due to its concentrated focus on court program and gun violence reduction.
 - The initial applications are due December 12 and the full application by December 19.
 - Field Representative Ian Silva will be the BSCC contact for the traditional JAG Program and Byrne SCIP.
 - More details will be provided at the February meeting.

The State Funded Grant Programs Status Update:

- Howard reported that at the June 2022 meeting, the Board approved four requests to establish Executive Steering Committees:
 1. Organized Retail Theft Prevention and Vertical Prosecution Grant Programs
 2. Local Law Enforcement Gun Buyback Grant Program
 3. Missing and Murdered Indigenous People Grant Program
 4. Mobile Probation Service Centers Grant Program
- Those requests included tentative timelines to release Request for Proposals (RFP) at the November 2022 meeting. Interest in the grants has been high but volunteers to serve on the various ESCs has been limited. The timeline for the Mobile Probation Service Centers Grant is the shortest and will be presented at today's meeting. The remaining RFPs will be delayed.
- Staff continues to recruit members from a variety of sources, including local governments, CBOs, and through the BSCC website for anyone interested in participating on the three remaining ESCs
- Staff is considering different approaches to release the RFPs in a timely manner including a greater use of Scoring Panels, paid membership, a dedicated recruitment position, as well as greater staff involvement in the RFP development process
- Staff will provide an update to the Board at the February 2022 meeting

COVID-19 Update: [Power Point Presentation](#)

Howard said that COVID data has been brought to the Board since June 2020. The Governor recently announced that the remaining emergency orders are set to expire in February 2023. Staff will bring to the Board the possibility of ending the collection of local COVID-19 data at the February 2023 meeting.

Executive Director Kathleen Howard reported on the COVID-19 Data:

- Total number of detained people tested has increased in recent weeks across facilities. The number of confirmed positive cases has held steady.
- In the last six weeks, there has been a slight decline in confirmed cases.
- After the increase in January 2022, positivity rates returned to pre-January spike levels.
- Rates are currently lower than what they were this time last year.
- After the increase of hospitalizations in January 2022, hospitalizations have also decreased.
- There were no hospitalizations reported from March 13, 2022 through May 21, 2022. In the last five weeks, there has been 1 <11 hospitalizations reported.
- Deaths: Sixteen <11 figures have been reported during the data collection.
- All fifteen <11 figures have been confirmed to be one death per <11 reported. 1 death in Fresno, 6 deaths in Los Angeles, 1 death in Marin, 1 death in Mariposa, 1 death in Mendocino, 2 deaths in Orange, 1 death in Santa Barbara, and 3 deaths in San Diego. The most recent death reported is from reporting period ending on 2/12/22, the first reported death since 9/18/21.
- There's been a significant drop-off in Average Daily Population
- After zero positive cases reported in the week ending on April 23, 2022, positive cases have increased.
- Total Number of Juveniles Tests are slightly higher than they were this same time last year. Despite increases in overall testing for youths, the number of confirmed positive cases is much lower compared to this time last year. The absolute numbers for confirmed positive youths have decreased.
- Positivity rates have decreased from the last board reporting week (8/20/2022).
- Positivity rates are heavily influenced by testing data. The positivity rate is lower than the October 2021 and October 2022 rates.
- Only one hospitalization has been reported. Zero deaths have been reported in juvenile facilities.

3. Legal Update

- General Counsel Aaron Maguire reminded Board Members to review the Agenda Items and recuse themselves of items that may have potential conflicts of interest pursuant to Government Code section 1091.
- Reported that the adult regulations revisions process is currently in review by the Office of Administrative Law. The office has made recommendations on two of the regulations on suicide prevention and outdoor recreation time as not being clear. They have asked the Board that the reference to *national best practices* should be stricken. Staff will accept the recommendations and will consider those recommendations during the juvenile regulations as well.
- Staff will withdraw the two regulations of suicide prevention and recreation time and submit the rest of the regulations to meet the January 1, 2023 deadline. Staff will revisit the two regulations and bring them back to the Board at the February meeting.

4. [Legislative Update](#)

Legislative Analyst Adam Lwin provided an update on the following bills that impact the BSCC:

The Governor signed:

- AB 2417 By Assemblymember Ting, Chapter 786 creating the Juvenile Bill of Rights in juvenile justice facilities. Lwin reported that the BSCC discussed the incorporation of the provisions of the bill into Title 15 at the Regulation Revisions process early November.

The Governor vetoed:

- AB 2343 by Assemblymember Weber, which would have added two additional members to the Board and made changes to training standards.
- AB 731 by Assemblymember Bauer-Kahan, which would have required the Sheriff of each county to compile recidivism data and the BSCC to collect that data.

Lwin reported the Legislature will return in January and new bills that affect the BSCC will be presented at the February meeting.

III. **Action: Consent Items**

- A. [Minutes from the September 8, 2022 Board Meeting: Requesting Approval](#)
- B. [Proposition 47 Cohort II Grant Program, 12-Month, No-Cost Extension: Requesting Approval](#)

This agenda item requested Board approval of a 12-month, no-cost grant term extension for the City of Corning, Nevada County Behavioral Health, Orange County Behavioral Health, and Pasadena Unified School District Proposition 47 Cohort II grantees through May 15, 2024.

Ms. Vernon moved approval. Mr. Garcia seconded. The motion was approved by all other Board members.

IV. **Action: Discussion Items**

- C. [Medication-Assisted Treatment Grant Program, Appointment of Chair and Establishment of an Executive Steering Committee: Requesting Approval](#)

This Agenda item, presented by Field Representative Helene Zentner, requested the Board's approval to establish an Executive Steering Committee (ESC) to develop a Request for Proposals (RFP) for the Medication-Assisted Treatment (MAT) Grant Program. Staff also requested the Board appoint a Chair to oversee the grant development process, authorize staff to work with the ESC Chair to establish a diverse ESC with relevant subject-matter expertise, and delegate authority to the Chair to modify ESC membership, if needed.

Mr. Budnick said that there is an issue of doctors over prescribing MAT in detention facilities and if the Board can regulate the issue.

Public comment was heard:

California Jail Programs: Thanked Mr. Budnick for his comments on the MAT program.

End of public comment

Counsel Maguire suggested amending the recommended action of this agenda item to: Delegate Chair Penner to appoint a Chair for this grant program at a later date to oversee the grant development process.

Mr. Viera Rosa moved approval with the amended recommendation. Ms. Vernon seconded. Mr. Growdon, Mr. Dicus, and Ms. Chavez recused pursuant to Government Code section 1091. The motion was approved by all other Board members for Agenda Item C.

D. [California Violence Intervention and Prevention \(CalVIP\) Grant Program Service Contracts: Requesting Approval](#)

This agenda item, presented by Field Representative Katrina Jackson, requested Board approval to allocate an additional \$1.8 million in funding to the service contracts and supplemental grants for technical assistance, expanded capacity, and training for the California Violence Intervention and Prevention (CalVIP) program.

The Budget Act of 2022 allocated an additional \$1.8 million in funding to promote CalVIP and building capacity in the field of community-based violence intervention and prevention. Staff recommended the Board double the funding allocations for training and certification, and mental health services for frontline workers, regional technical assistance, convening capacity and professional development.

Mr. Growdon moved approval. Mr. Dicus seconded. Ms. Allison Abstained. The motion was approved by all other Board members for Agenda item D.

E. [Title II Grant Program Funding Recommendations: Requesting Approval](#)

This Agenda item, presented by Field Representative Timothy Polasik, requested the Board's approval of the Title II Grant Program funding recommendations developed by the Title II Grant Program ESC and approved by the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP).

The full list of the 12 proposals to be awarded \$3.65 million and the proposal summaries may be found below. The Office of Youth and Community Restoration concurred with the recommendations, as required by Welfare and Institutions Code section 2200:

- [List of Title II Proposals Recommended for Funding](#)
- [Title II Proposal Summaries](#)
- [Letter of concurrence, dated November 3, 2022, from the Office of Youth and Community Restoration](#)

Mr. Growdon moved approval. Ms. Vernon seconded. Mr. Dicus. Mr. Budnick, Mr. Garcia, and Ms. Cumpian recused pursuant to Government Code section 1091. The motion was approved by all other Board members.

F. [Mobile Probation Service Centers Grant – Request for Proposals: Requesting Approval](#)

This Agenda item, presented by Deputy Director Ricardo Goodridge, requested Board's approval to release the RFP for the Mobile Probation Service Centers Grant Program and to convene a Scoring Panel to make funding recommendations.

The RFP will include the following key components:

- Eligible applicants are county probation departments
- \$20,000,000 is available competitively to establish mobile probation service centers
- Funding will be allocated across small, medium, and large counties
- A Scoring Panel will read and rate proposals and develop funding recommendations for the Board.

Mr. Garcia moved approval. Mr. Growdon seconded. Ms. Chavez, Mr. Haynes, and Ms. Vernon recused pursuant to Government Code section 1091. Mr. Budnick was not present for the vote. The motion was approved by all other Board members.

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

This Agenda item was presented by Deputy Director Colleen Curtin, who provided an annual update of the local correctional agency compliance with the Standards and Training for Corrections program.

Curtin reported on the following:

- In Fiscal Year 2021-22, 150 Sheriff's Offices, Departments of Corrections, Probation Departments and Police Departments participated in the STC Program.
- Of the 150 agencies that participated in the STC Program in 2021-22, 136 agencies were found to be "In Compliance" and 14 agencies were found to be "Out of Compliance" with STC training requirements. The full list may be found here: [FY 2021-22 Compliance Monitoring Findings](#)
- Due to COVID-related travel restrictions, for the past two years STC conducted most of its compliance reviews virtually. This year, almost all STC compliance visits were conducted in person.
- Across the state, there were 12 staff who did not receive the required core training within one year of assignment and were found to be out of compliance and 120 staff who did not receive all their required annual training and were found to be out of compliance. That represents less than one percent of local corrections personnel statewide who did not comply with STC policy. There were an additional 47 in the core category that claimed COVID exemptions, down from 60 claimed last year. In the annual training category, COVID exemptions decreased from 2,800 to zero. These low numbers reflect the successful innovations that have been adopted to make training more available despite the continuing effects of the pandemic.

Chair Penner stated that the even with the hardship of COVID the number of out of compliance agencies is still an outstanding number.

Mr. Viera Rosa asked if the training is too minimal for a complex job in the field.

Deputy Director Curtin responded that the core training is the minimum standard, and each agency provides extensive additional training on their own. The BSCC will be revisiting the curricula in the next year.

This Agenda item did not require Board action.

H. [Local Detention Facilities Inspection Update: Requesting Approval](#)

This Agenda item was presented by Deputy Director Allison Ganter as a regular update on the local detention facility inspections completed in the 2020/2022 Biennial Inspection Cycle. Ganter provided a summary of current outstanding items of noncompliance for biennial inspections, and a summary of current outstanding items of noncompliance for targeted inspections.

The list of outstanding items of noncompliance for adult detention facilities, and their statuses may be viewed here: [ADULT](#)

The list of items of noncompliance for juvenile detention facilities may be viewed here: [JUVENILE](#)

Ganter reported that staff is not recommending any other formal action be taken at this time and staff remains in continuous contact with agency administrators to provide technical assistance.

Public comment was heard:

Aditi Sherikar: Reported that Los Angeles County Probation still has not come into compliance with their issues and suggested the Board should take the issues seriously.

Israel Villa: Asked when accountability will be seen when facilities are out of compliance.

Nancy Juarez: Asked the Board to move with urgency regarding all counties on inspections process when they are out of compliance in the facilities.

End of public comment.

This Agenda item did not require Board action.

V. **Public Comments**

Public comment about any agenda items may be heard at this time.

Paula Hawthorn: Referenced the delay on the gun buyback program and would like to participate on the ESC and volunteered her time.

Nancy Juarez: Referenced a past lawsuit in Los Angeles County juvenile facility where young people were sexually assaulted and asked the Board to research and discuss the matter further.

VI. **Adjourn**

The Board adjourned at 1:10 p.m.

Next Board Meeting: February 9, 2023

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Ms. Allison, Secretary, California Department of Corrections & Rehabilitations (CDCR)
3. Mr. Viera Rosa, 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. Budnick, Founder, Anti-Recidivism Coalition
11. Mr. Garcia, Specialist, Office of Youth and Community Restoration
12. 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
Ricardo Goodridge, Deputy Director, Corrections Planning and Grants Program
Colleen Curtin, Deputy Director, Standards and Training for Corrections
Damieon Renault, Field Representative, Corrections Planning and Grants Program
Helene Zentner, Field Representative, Corrections Planning and Grants Program
Timothy Polasik, Field Representative, Corrections Planning and Grants Program
Katrina Jackson, Field Representative, Corrections Planning and Grants Program