

**MINUTES**  
**BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING**  
**THURSDAY SEPTEMBER 8, 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=x1-kJeStvPQ>

**I. Call Meeting to Order**

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Chair Linda Penner called the meeting to order at 10:00 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	Mr. Budnick
Ms. Allison	Ms. Chavez	Mr. Mills	
Mr. Viera Rosa	Mr. Haynes	Mr. Garcia	
Mr. Growdon	Ms. Vernon	Ms. Cumpian	

## II. Information Items

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### 1. Chair's Report

Chair Penner reported on her recent visit to the Los Angeles County Barry J. Nidorf Juvenile Hall with Board Member Scott Budnick and Deputy Director Allison Ganter. Penner reported that based on her own observations, it appears that recent issues of safety for youth and staff have improved and the Board will continue to monitor the facility closely and keep the Board apprised of any outstanding issues.

### 2. Executive Director's Report

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

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

- In recent weeks, the ADP has increased to 62,000.
- Total Number of Detained People Tested has increased in recent weeks across the majority of facilities. The number of confirmed positive cases has held steady following the increase in January 2022.
- 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 comparable to 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 four weeks, there have been 4 <11 hospitalizations reported.
- Deaths: Sixteen <11 figures have been reported during the data collection period. 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.
- Total number of juveniles tests have returned to typical figures following a fluctuation in testing between June 4, 2022 and July 16, 2022. Testing had been trending down until after 4th of July weekend, where there was a small spike likely due to case increases in past years.
- Despite increased testing during the post-July 4 period, there was only a slight increase in confirmed positives for the low, more conservative estimate of confirmed positive tests.

*Executive Directors Report Continued:*

- Howard noted Consent Item D: [Establishing Process for Emergency Grantmaking Procedures](#), which addresses a recommendation from the State Auditor in the 2021 audit of the Coronavirus Emergency Supplemental Fund (CESF) Grant.
- Howard reported that [Assembly Bill 179 Budget Act of 2022](#) provided \$10 million to the BSCC to administer the Medicated Assisted Treatment Grant (MAT). Staff will bring a recommendation to launch an ESC for this grant to the November Board meeting.
- Howard also noted Agenda Item I: *Proposition 47 Grant Program: [Evaluation of Program Participation and Analysis of Outreach to Underserved Communities](#)*, which focuses on improving the Proposition 47 grant program through two separate research projects.
- Howard also reported that there has been difficulty in seating Executive Steering Committees. For the next cohort on Prop 64 and Byrne JAG, we are proposing today that RFP modifications that have been drafted by staff be release for public comment, and that scoring panels should be used to rate the proposals received.
- Howard said that that the BSCC is moving to a new online program for the submission of grants, and the Proposition 64 and Byrne/JAG grants will be the first to use the new software, which is called Submittable.
- The software is intended to address the issues that most often lead to technical disqualification of grants.

### **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.
- Maguire reported on recent decision out of the Ninth Circuit: *The City and County of San Francisco vs. Garland*, which related to conditions imposed by the Trump Administration on JAG, Title II, and the RSAT grants. This was the final case and counties will be able to freely use these funds.
- Maguire also reported that the Board will need to meet in closed session after voting on the consent agenda.

#### 4. Legislative Update

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

- [AB 2343](#) by Assemblymember Dr. Akilah Weber would add two additional Board members to the current 13-member board: a mental health care provider and a licensed health care provider. The bill would also require the Board to promulgate regulations on safety check and intake, which have already been taken care of in Adult Regulations Revisions. AB 2343 also requires four hours of mental and behavioral health content as part of the annual training for correctional officers.
- Lwin also mentioned AB 731 (Bauer-Kahan), which would require the Sheriff of each county to submit to the BSCC specified recidivism data until 2027.
- [AB 2632](#) by Assemblymember Holden would require local detention facilities to develop written procedures on segregated confinement. It would also require the BSCC to monitor for compliance and report to the Legislature annually.

*Public Comment was heard for the Information Items*

**Nancy Juarez:** Asked that BSCC require counties to upload crucial COVID-19 data and establish routine tests to ensure incarcerated people and staff are safe and tested regularly.

*End of Public Comment*

### III. Action: Consent Items

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- A. [Minutes from the July 25, 2022 Board Meeting: Requesting Approval](#)
- B. [Proposed 2023 Board of State and Community Corrections Meeting Schedule: Requesting Approval](#)

This Agenda item requested Board approval of the following 2023 Board meeting dates:

- February 9, 2023
- April 13, 2023
- June 15, 2023
- July 27, 2023
- September 14, 2023
- November 16, 2023

D. [Establishing Process for Emergency Grantmaking Procedures: Requesting Approval](#)

This Agenda item requested Board's approval of the following:

- Approve the updated [Grant Proposal Evaluation Process \(September 2022\)](#), make it effective immediately, and authorize its posting on the BSCC website

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

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C. [Adult Title 15 Regulations: Final Approval of Proposed Regulations for Submission to Office of Administrative Law: Requesting Approval](#)

This Agenda item requested approval of the following:

- Approve the modifications to text of proposed regulations in the [Title 15 Minimum Standards for Local Detention Facilities: Text of Modified Regulations](#)
- Approve the final rulemaking package
- Direct staff to submit the final rulemaking package to the Office of Administrative Law including the modified text of the proposed regulations, final proposed regulations, final statement of reasons, and any other final rulemaking documents required by the Administrative Procedures Act.

Mr. Growdon moved approval. Ms. Allison seconded. Ms. Chavez Abstained. The motion was approved by all other Board members for Agenda Item C.

#### **IV. Closed Session**

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Board Members went into Closed Session at 10:37 a.m.

Consultation with Legal Counsel Regarding Significant Exposure to Litigation and Deciding Whether to Initiate Litigation (Gov. Code, § 11126, subd. (e)(1) & (e)(2)(B)-(C).)

Ms. Gaard recused from Closed Session discussion.

Board Members returned from Closed Session at 11:30 a.m.

#### **V. Action: Discussion Items**

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##### **E. [Proposition 64 Health and Safety Grant Program, Cohort III Request for Proposals: Requesting Approval](#)**

This Agenda item was presented by Field Representative Helene Zentner, which requested approval of the Proposition 64 Health & Safety Grant Program Cohort 3 Request for Proposals development process.

Staff recommended the Board:

- Approve the modified Prop 64 PH&S Grant, Cohort 3 RFP for posting to the BSCC website for a 30-day written public comment period.
- Delegate authority to the ESC Chair, in consultation with staff, to release the Prop 64 PH&S Grant, Cohort 3 RFP, if there are only minor, non-substantive edits.
- Delegate authority to the ESC Chair to consider and incorporate relevant written public comments into the Prop 64 PH&S Grant, Cohort 3 RFP for Board consideration at its November meeting.
- Delegate authority to the ESC Chair to work with staff to establish a diverse Scoring Panel with relevant subject matter experts and to modify membership as needed, including the potential inclusion of BSCC staff as raters.
- Authorize the Scoring Panel to make funding recommendations; and
- Approve the proposed activities and tentative timeline associated with the Prop 64 PH&S Grant, Cohort 3 RFP.

*Public Comment was heard:*

**Adwoa Akyianu:** Stated concerns about cannabis marketing targeting young people. Stated the Proposition 64 funding should be allocated to larger counties with larger population.

*End of Public Comment*

Ms. Cumpian thanked the public speaker for her comment.

Mr. Budnick moved approval. Mr. Viera Rosa seconded. Growdon and Mr. Mills recused pursuant to Government Code section 1091. Ms. Chavez was not present during the vote. The motion was approved by all other Board members.

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F. [Edward Byrne Memorial Justice Assistance Grant Program Request for Proposals: Requesting Approval](#)

This Agenda item was presented by Field Representative John Prince, and it requested the Board's approval for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Request for Proposals development process.

Staff recommended the Board:

- Approve the revised JAG RFP for posting to the BSCC website for a 30-day public comment period;
- Delegate authority to the ESC Chair to consider and incorporate non-substantive public comments into the JAG RFP;
- Delegate authority to the ESC Chair to consider and incorporate relevant written public comments into the JAG RFP for Board consideration at its November meeting;
- Delegate authority to the ESC Chair to work with staff to establish a diverse Scoring Panel with relevant subject matter expertise and to modify membership as needed, including the potential inclusion of BSCC staff as raters.
- Authorize the Scoring Panel to make funding recommendations; and
- Approve the proposed activities and tentative timeline associated with the JAG RFP.

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

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G. [Adult Reentry Grant Cohort III Funding Recommendations: Requesting Approval](#)

This Agenda item was presented by Field Representative Tanya Thompson, and it requested Board's approval of the Adult Reentry Grant Program awards as recommended by the Executive Scoring Committee. A total of 103 community-based organizations would be funded. Twenty-Three community-based organizations would be eligible to receive \$58,900,000 for Rental Assistance, and 80 community-based organizations will be eligible to receive \$56,615,557 for Warm Handoff and Reentry Services. Proposals selected for funding would be under agreement from October 1, 2022, through April 30, 2026.

The full list of funding recommendation and their project summaries may be found below:

- [Adult Reentry Grant Proposals Recommended for Funding](#)
- [Adult Reentry Grant Proposal Summaries](#)

Ms. Vernon and Mr. Garcia echoed thanks to the Executive Steering Committee and the Staff for the work on the grant and getting the funding out to needed communities.

Mr. Growdon moved approval of the staff's recommendation, and further directed BSCC staff to take actions consistent with the Board's discussion in closed session. Mr. Garcia seconded. Ms. Gaard abstained. Mr. Budnick and Ms. Cumpian recused pursuant to Government Code section 1091. The motion was approved by all other Board members.

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H. [California Violence Intervention and Prevention Grant Program \(CalVIP\) Funding Recommendations: Requesting Approval](#)

[CalVIP - Power Point Presentation](#)

This Agenda was presented by Field Representative Katrina Jackson and it requested the Board's approval to award the remaining \$53 million of a \$209 million allocation for the California Violence Intervention and Prevention (CalVIP) Grant Program. On June 9, 2022, the Board approved funding recommendations for 79 proposals totaling \$156,209,171. This agenda item proposed funding a total of 29 additional proposals. Five

proposals were submitted by cities disproportionately impacted by violence, 15 were submitted by community-based organizations, and nine were submitted by small scope CBOs.

Staff recommended the Board to:

- Fully fund five city proposals, 14 CBO, and eight small scope CBO proposals for programs and initiatives to prevent and reduce violence.
- Partially fund Urban Peace Institute and Hope Now for Youth, Inc., which fell at the funding cut-off on the CBO and Small Scope CBO rank ordered list.
- Authorize staff to continue to make awards from the rank-ordered list if any applicant is unable to accept the award or relinquishes an award, first by offering funds to any partial awardee and then to the next highest-ranked application(s); and
- Authorize staff to continue to make awards from the rank-ordered list if staff determines during the follow-up award-making process that an applicant recommended for funding is ineligible, if a grantee becomes ineligible during the grant cycle, or if the grant award is relinquished during the grant cycle.

The full list of funding recommendation and their project summaries may be found below:

- [Proposals Recommended for Funding](#)
- [CalVIP Proposal Summaries](#)

Mr. Mills thanked the staff thanked the staff for the hard work on this grant.

*Public Comment was heard*

**Jesus Sandoval:** Described how he turned his life around as a former gang member and is now trying to reform youth in his own community. Thanked the Board for the grant funding and explained how these funds will further help the community.

**John Jones III:** Described his lived experience in the community and thanked the Board for the CalVIP funding.

**Henry Community Healer:** Asked for clarification of the cities awarded and the process for selection of the awardees and explained that the awards should be allocated to communities that really need the funding.

Chair Penner and Director Howard explained the award process the listed the cities that will receive the award and deferred the public speaker to the BSCC website at [www.bscc.ca.gov](http://www.bscc.ca.gov).

*End of Public Comment*

Mr. Growdon moved approval of the staff's recommendation, and further directed BSCC staff to take actions consistent with the Board's discussion in closed session. Dicus seconded. Ms. Gaard abstained. Mr. Budnick and Ms. Cumpian recused pursuant to Government Code section 1091. Ms. Chavez was not present during the vote. The motion was approved by all other Board members.

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I. [Proposition 47 Grant Program: Evaluation of Program Participation and Analysis of Outreach to Underserved Communities: Requesting Approval](#)

This Agenda Item was presented by Field Representative Dameion Renault and Research Data Specialist Stacy Rilea and proposed two projects to improve the Proposition 47 Grant Program:

- An outside, professional review and evaluation of the procedures for informing the field about the purpose and availability of Proposition 47 grant funding, with a focus on enhancing the number of qualified grant applicants across the state; and
- An analysis of the existing grantees' experiences in reaching underserved communities. Specifically, staff is interested in conducting semi-structured focus group interviews to examine strategies and procedures used by Proposition 47 grantees to successfully engage, recruit, and retain Latino participants.

The full projection description may be viewed here: [Evaluation Project Description](#)

Mr. Growdon stated that smaller counties are often ineligible for Prop 47 grants because they do not have CBOs in small counties and asked if there could be an exception for smaller governmental agencies.

Director Howard responded that those impediments would be reviewed in the study and reviewed for future RFPs.

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

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## J. 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, and their statuses may be viewed here: <https://app.smartsheet.com/b/publish?EQBCT=721da257110c4f80bd92d8215c165fe1>

The list of items of noncompliance for juvenile detention facilities may be viewed here: <https://app.smartsheet.com/b/publish?EQBCT=aafefb79b5d446b984d16a013d541c0d>

Ganter reported that the current inspection cycle will close December 31, 2022 and a new cycle will begin January 1, 2023, which will include comprehensive and unannounced inspections.

Mr. Growdon stated that the deficiency of the low number of personnel is a struggle and a common issue throughout the state.

Director Howard commended the FSO team for the enhancements in the inspection process in the field and the analytical staff for work they are currently doing.

This item did not require a vote.

## VI. **Public Comments**

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

**Sheri Wiedenhofer:** Thanked the Board for the Adult Reentry Grant funding and said how beneficial it will be for the community and successful reintegration for the clientele.

## VII. **Adjourn**

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The Board adjourned at 12:31 p.m.

**Next Board Meeting: November 17, 2022**

**ATTENDANCE ROSTER**

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**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. Mills, Chief of Police, Santa Cruz
11. Mr. Budnick, Founder, Anti-Recidivism Coalition
12. Mr. Garcia, Specialist, Office of Youth and Community Restoration
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  
Ricardo Goodridge, Deputy Director, Corrections Planning and Grants Program  
Helene Zentner, Field Representative, Corrections Planning and Grants Program  
John Prince, Field Representative, Corrections Planning and Grants Program  
Tanya Thompson, Field Representative, Corrections Planning and Grants Program  
Katrina Jackson, Field Representative, Corrections Planning and Grants Program  
Dameion Renault, Field Representative, Corrections Planning and Grants Program  
Stacy Riley, Research Data Specialist II, Facility Standards and Operations