

STATE OF CALIFORNIA
BOARD OF STATE AND COMMUNITY CORRECTIONS



April 13, 2023
Board Meeting Agenda
& Reports



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916-445-5073

KATHLEEN T. HOWARD
Executive Director, BSCC

BOARD MEMBERS

LINDA M. PENNER
Chair, BSCC

JEFFREY D. MACOMBER
Secretary, CDCR

GUILLELMO VIERA ROSA
Director, Adult Parole
Operations, CDCR

DEAN GROWDON
Sheriff, Lassen County

SHANNON D. DICUS
Sheriff
San Bernardino County

CINDY CHAVEZ
Supervisor
Santa Clara County

KIRK HAYNES
Chief Probation Officer
Fresno County

KELLY M. VERNON
Chief Probation Officer
Tulare County

JANET GAARD
Retired Judge
Yolo County

ANDREW MILLS
Chief of Police
City of Palm Springs

SCOTT BUDNICK
Founder
Anti-Recidivism Coalition
Film Producer

ANGELES D. ZARAGOZA
Attorney
Los Angeles County
Alternate Public Defender

NORMA CUMPIAN
Director
Anti-Recidivism Coalition
Women's Department

BOARD MEETING AGENDA

April 13, 2023

Please Note - Start Time: 9:00 a.m.

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

Zoom link & instructions appear at the end of the Agenda

Instructions for remote attendance appear on the last page of this agenda

Remote Public Participants:

*To request to speak on an agenda item during the Board meeting,
please email publiccomment@bscc.ca.gov*

Please state in the subject line on which item you would like to speak

*To submit written public comment on an agenda item, please email
publiccomment@bscc.ca.gov*

Routine items are heard on the consent calendar. All consent items are approved after one motion unless a Board member asks for discussion or separate action on any item. Anyone may ask to be heard on any item on the consent calendar prior to the Board's vote. Members of the public will be given the opportunity to give public comment during the Board's discussion of each item. There is a two-minute time limit on public comment unless otherwise directed by the Board Chair.

I. Call Meeting to Order

II. Information Items

1. Chair's Report
2. Executive Director's Report

III. Action: Consent Items

- A. Minutes from the February 9, 2022 Board Meeting: **Requesting Approval**
- B. Title II Grant Program – Tribal Request for Proposals: **Requesting Approval**

- C. Proposition 47 Grant Program Cohort II, Twelve-Month, No-Cost Extension: **Requesting Approval**

IV. Action: Discussion Items

- D. Organized Retail Theft Grant Program, Request for Proposals: **Requesting Approval**
- E. Missing and Murdered Indigenous Persons Grant, Requests for Proposals: **Requesting Approval**
- F. Mobile Probation Service Centers Grant Program, Funding Recommendations: **Requesting Approval**
- G. Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Funding Recommendations: **Requesting Approval**
- H. Proposition 64 Public Health and Safety Grant Program, Cohort III, Funding Recommendations: **Requesting Approval**
- I. Appointment of Co-Chair to the Title 15 and 24 Juvenile Regulations Revision Executive Steering Committee: **Requesting Approval**
- J. Local Detention Facilities Inspection Update: **Requesting Approval**

V. Special Order of Business (To Commence at 10:00 a.m.)

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

- Barry J. Nidorf Juvenile Hall
- Central Juvenile Hall

VI. Public Comments

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

VII. Adjourn

****BYRNE STATE CRISIS INTERVENTION PROGRAM ADVISORY BOARD WILL MEET UPON ADJOURNMENT****

Next Board Meeting: June 15, 2023

Instructions for Attending Zoom / Teleconference Board Meeting

Use Zoom to both view and hear the Board meeting. Join by phone for audio only. If you do not have Zoom, [download](#) to your device before the meeting.

Join Zoom:

April 13, BSCC Board Meeting **Webinar ID: 843 8473 9580**

Or join by phone: Dial: +1 669 444 9171 or +1 669 900 9128

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Adam.Lwin@bscc.ca.gov or call (916) 324-2626.

*For general information about the BSCC visit www.bscc.ca.gov, call (916) 445-5073 or write to:
Board of State & Community Corrections,
2590 Venture Oaks Way, Ste 200, Sacramento CA 95833*

Agenda Item A

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY FEBRUARY 9, 2023 – 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=UEKo0vvXqbY&t=7991s>

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.

Chair Penner announced that Jeffrey Macomber has been appointed by the Governor as Secretary of the California Department of Corrections and Rehabilitation also as an ex-officio member of the Board and administered the Oath of Office.

Penner also announced that Angeles D. Zaragoza has been appointed by the Senate Rules Committee to the Board and that she will participate at the April 13 Board 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. Growdon	Mr. Haynes	Mr. Mills
Mr. Macomber	Mr. Dicus	Ms. Vernon	Mr. Budnick
Mr. Viera Rosa	Ms. Chavez	Ms. Gaard*	Ms. Cumpian

*Attended remotely

Absent Members:

Ms. Zaragoza

II. Information Items

1. Chair's Report

None to report

2. Executive Director's Report

Executive Director Kathleen Howard reported on the following:

Grant Updates:

❖ Howard reported that at the June 2022 meeting, the Board approved four grants and the establishment of Executive Steering Committees (ESCs):

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

- The application period for Mobile Probation Service Centers Grant Program closed on January 6, 2023. Twenty-eight proposals will be considered for funding. \$20 million is available competitively to county probation departments. Staff anticipates the Board will hear funding recommendations at the April 13 meeting.
- An ESC for The Missing and Murdered Indigenous People Grant Program will meet the first week of March. Howard thanked Board member Cumpian for serving as the committee Chair. Approximately \$11.4 million will be available competitively to federally recognized Indian tribes in California.
- Staff continues to encounter challenges seating the Organized Retail Theft and Local Law Enforcement Gun Buyback Grant Program ESC. To implement the programs in a timely manner, staff has been hosting one-on-ones with subject-matter experts in Organized Retail Theft and on Vertical Prosecution. Staff anticipates an Organized Retail Theft Request for Proposal will be presented at the April 13 Board meeting.
- Staff will provide an update on Local Law Enforcement Gun Buyback Grant Program at the June 15 Board meeting.

Mr. Growdon asked the status of the Officer Wellness Grant. Howard responded that staff has distributed the majority of the payments and is collecting contact information from local agencies. More information on FAQs will be sent out to the field.

Juvenile Regulations Revisions Updates:

Howard reported that that juvenile regulation revision ESC will meet on March 23, 2023. A subcommittee on Secure Youth Treatment Facility (SYTF) regulations has been selected and will be chaired by Katherine Lucero, Director of the Office of Youth and Community Restoration (OYCR).

Governor's Budget Summary – FY 2023-24 Updates:

Howard briefed the Board on the following budget items:

Public Defender Pilot Program

BSCC Budget Impact – Decreased Funds

- \$50 million one-time General Fund reduction in 2023-24, due to declining General Fund revenues.
- Removes the third and final year of the grant program funding.

Proposition 47/Second Chance Fund

Budget Impact – Decreased Funds

- Estimated net General Fund savings of \$101 million, which is a decrease of \$46.3 million over the estimated savings in FY 2022-23.
- The current estimated transfer to the BSCC is \$73.105 million, which is a decrease of \$22.418 million from FY 2022-23. This amount represents the initiative-mandated 65 percent of the savings intended for grants to public agencies to support various recidivism reduction programs.

Proposition 64/Cannabis Tax Fund

Budget Impact – Increased Funds

- The Budget includes \$83.922 million from the Cannabis Tax Fund. Five percent of the appropriation is reserved for administration support, or \$4.196 million.
- 95 percent of the appropriation is reserved for local assistance, or \$79.726 million.
- This is a \$14.948 million increase from FY 2022-23's allocation.

a. COVID-19 Update – [PDF](#)

Howard reported that COVID data were collected from local detention facilities through winter and did not show a surge. The remaining California Public Health Emergency orders are scheduled to end as of February 28, 2023. The most current guidance from state and federal agencies indicate that the COVID-19 pandemic has entered the

endemic phase. Howard reported that COVID data collection by the BSCC will end in February.

Howard reported the following COVID-19 data:

- The statewide Average Daily Population of detained people has stayed relatively steady at just over 61,000.
- Total Number of Detained People Tested has decreased in recent weeks across facilities. The number of confirmed positive cases has decreased throughout 2022 from a peak 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 lower than what they were this time last year.
- After the increase of hospitalizations in January 2022, hospitalization(s) have also decreased. There were no hospitalizations reported from the week of October 29, 2022 to the week of November 19, 2022. In the last five weeks, there have been four <11 hospitalizations reported.
- Total Number of Juveniles Tests is lower than this same time last year. The number of confirmed positive cases is lower compared to this time last year. The absolute numbers for confirmed positive youths have decreased.
- Positivity Rates have increased from the last board reporting week.
- Positivity Rates are heavily influenced by testing data. Even with a similar number of tests administered in January 2023 compared to October 2022, October 2022's number of confirmed positives is lower than January 2023's.
- Only one hospitalization has been reported during data tracking (reporting period of 11/29/20 - 12/05/20) and zero deaths have been reported.

3. Legal Update

- 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.

Ms. Chavez asked if the Levine Act would have an impact to members on the Board. Counsel will review.

4. Legislative Update – [PDF](#)

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

[Assembly Bill 268](#) by Akilah Weber. The Board of State and Community Corrections would add two additional members to the existing 13-member Board: a licensed medical health care provider and a licensed mental health care provider. The bill also adds updates to training regulations as well as modifications to Title 15 regarding safety checks, which were addressed in last year's regulations revisions.

[Senate Bill 63](#) (Homeless and Mental Health Court and Transitioning Home Grant Programs) by Senator Ochoa Bogh. It would require the Board to administer the transition home grant targeted for Sheriffs and Jail Administrators.

[Assembly Bill 280](#) (Segregated confinement) by Assembly Member Holden. It would limit the use of segregated confinement requirements and impose additional requirements for its use. The BSCC would be required to assess compliance with the law for each local correctional facility.

Lwin deferred to all other bills of note in the reading materials for further details.

Public comment was heard:

Lisa Matus: Referred to the conditions of the Riverside County Jail and the death of her son. Asked the Board what policy changes can be done at the Board level.

Paula Hawthorn: Asked about the Gun Buyback Grant and when the public will receive more information about the program.

Paloma Serna: Said her daughter died in San Diego jail and to have the Board consider having a medical professional as a Board member.

Avalon Edwards: Raised concerns about the deaths in Riverside County Jail and listed the poor conditions of the medical and mental health care experienced in the facility. Asked the Board to have better oversight of inspections and have stricter regulations.

Luis Nolasco: Listed the names of 18 deaths in Riverside County Jail and asked the Board to intervene.

Nancy Juarez: Said that there is a lack of medical and mental health care in Riverside County Jail and listed several conditions that incarcerated people have experienced. Asked the Board to inspect the conditions and restructure the standards.

Colin Ford: Referred to the Riverside County Jail and asked that the inspection process be reassessed, that safety checks should be reviewed and that there should be more accountability by the BSCC for the 18 deaths.

Yusef Miller: Said that San Diego County Jail has the highest number of deaths due to lack of medical and mental health attention and it needs to be addressed. Asked the BSCC to have more oversight and asked for two additional seats on the Board for a medical and mental health professional.

Sonja Cury: Said that the Board needs a change in direction and decision making and all the comments heard today should be taken into consideration.

End of public comment

III. Action: Consent Items

A. Minutes from the November 17, 2022 Board Meeting: Requesting Approval – [PDF](#)

B. Senate Bill 863 (Adult Local Criminal Justice Facilities Construction Financing Program): Merced County Scope Change: Requesting Approval – [PDF](#)

This agenda item requested the Board approve Merced County's scope change to build additional treatment and programming space as part of the Senate Bill 863 project.

C. Adult Reentry Grant – Rehabilitation of Existing Property, ~~Twenty-Four~~ (Amended during meeting) Thirty-Six Month No-Cost Extension: Requesting Approval – [PDF](#)

This agenda item was amended by Counsel Maguire during the board meeting and requested the Board's approval of a 36-month rather than 24-month liquidation extension for Epidaurus, DBA Amity Foundation, to continue invoicing the Rehabilitation of Existing Property Grant. Amity Foundation experienced implementation delays and service interruptions due to COVID-19 and was unable to deliver services as planned. A 36-month liquidation period extension would allow additional time to implement the rehabilitation of existing grant as originally intended and to spend down funds in accordance with the grant agreement.

D. Indigent Defense Grant Program, Twelve-Month No-Cost Extensions: Requesting Approval – [PDF](#)

This agenda item requested Board approval of a 12-month liquidation extension for the Indigent Defense Grant program. Grant-funded projects experienced implementation

delays and service interruptions due to COVID-19, and grantees were unable to deliver services as planned. A 12-month liquidation period extension would allow additional time for grantees to implement programming and to spend down funds as originally intended.

Mr. Growdon moved approval. Ms. Chavez seconded. The motion was approved by all other Board members.

IV. Action: Discussion Items

E. Establishment of Byrne State Crisis Intervention Program Advisory Board: [Requesting Approval](#) – [PDF](#)

Field Representative Ian Silva presented this agenda item, which requested Board approval to establish the Byrne State Crisis Intervention Program (SCIP) Advisory Board to inform and guide the implementation of the federal Byrne SCIP grant program, which will provide federal funding for California to implement additional gun-violence reduction programs. Staff also recommended that the Board members serve on the Advisory Board with additional members meeting required subject-matter expertise appointed by the Chair.

Staff recommended the Board establish the Byrne State Crisis Intervention Program Advisory Board and appoint Linda Penner as Chair, and delegate authority to the Chair to appoint additional members as needed, consistent with the requirements of the Byrne SCIP federal grant program.

Sheriff Dicus asked how the Department of Justice (DOJ) played a role in the firearms program. Counsel Maguire responded that they have consulted with DOJ and they might be involved with the program.

Mr. Viera Rosa moved approval. Mr. Budnick seconded. The motion was approved by all other Board members.

The Board recessed at 11:02 a.m.

The Board returned from recess at 12:08 p.m.

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

This agenda item was presented by Deputy Director Allison Ganter and requested Board approval of modified text for sections 1030 (suicide prevention program) and 1065 (exercise and recreation) of the Title 15 Regulations for Adult Local Detention Facilities (Cal. Code Regs., tit. 15, §§ 1000-1280). BSCC staff initiated the required 15-day public comment period on December 23, 2022, after the Office of Administrative Law requested clarifying language in the two regulations. BSCC staff will resubmit those sections for adoption with an estimated effective date of April 1, 2023.

The full text of modifications may be found here: [Modified Text of the Proposed Regulations](#)

Ms. Gaard asked about § 1030: *“Suicide Prevention Program (e) Housing recommendations for people at risk of suicide that balance safety and environment. The least restrictive environment **should** be considered.”* She asked why the word “*should*” is used and not “*shall*” and the word “*considered*” and not the word “*required*.” Ganter responded that the language use was based on best practices and what is available to facilities and would give facilities flexibility.

Ms. Gaard suggested that the sentence should be amended to “shall.” Counsel Maguire recommended that the Board adopt the current language so that the regulations may be submitted timely to be effective April 1, 2023. Counsel suggested that the regulations can be considered for revision in the next cycle.

Mr. Dicus and Mr. Viera Rosa concurred that the proposed language gives locals flexibility.

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

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

Outstanding Items of noncompliance may be found here: [ADULT](#) | [JUVENILE](#)

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

inspections, and a summary of current outstanding items of noncompliance for targeted inspections.

Forty-one unannounced inspections were conducted in the last cycle. The 2022 Los Angeles inspections were conducted in November and their corrective action plans will be due March 2023. The County is currently in the WIC timeline. Staff recommended that the Board invite the Chief of Los Angeles County Probation to appear before the Board at the April 2023 meeting.

Chair Penner said that the Los Angeles County Probation Department is again out of compliance with the Board's regulations and is in the process of corrective action. She suggested a motion to invite the Chief of Probation to appear in person before the Board at the April meeting.

Board Members had a discussion on inviting Chief Adolfo Gonzales from Los Angeles County Probation as well as extending an invitation to the LA County Chief Administrative Officer, and all the members of the Los Angeles County Board of Supervisors.

Counsel recounted the timeline of Los Angeles Juvenile Halls as follows: Los Angeles County was found with items of noncompliance on January 13, 2023 and the department has 60 days to submit a corrective action plan by March 14, 2023. The County will have 90 days to remedy the issues. At the next meeting in June, the Board must find the juvenile facilities suitable or unsuitable.

Public comment was heard:

Aditi Sherikar: Asked the Board to limit the number of chances given to Los Angeles County as it is not safe to house young people.

Brian Goldstein: Expressed concerns about the inspection process by the BSCC. Requested more immediate action from the BSCC.

Nancy Juarez: Requested that the BSCC be more accountable for inspections.

End of public comment

Chair Penner made a motion to request Chief Gonzales appear in person before the Board at the April 13, 2023 meeting to address the issues of noncompliance and also to extend an invitation to County Executive Officers and Board of Supervisors. Mr. Growdon seconded. Ms. Gaard abstained. The motion was approved by all other Board members.

V. Public Comments

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

Written public comments may be read below:

- [Public Comment From Bonafide Sisterhood Inc.](#)
- [Public Comment From Starting Over Inc.](#)

Paloma Serna: Said that her daughter experienced horrible medical conditions in San Diego County and jail staff should be held accountable.

Tonyia Carter Jr.: Requested clarification on the California Violence and Intervention Grant program and why her agency was dropped as the subgrantee and what they can do.

Tonyia Carter Sr.: Referred to the CalVIP Grant and asked the Board to reconsider reviewing their application for funding.

Brian Goldstein: Expressed concern about the deaths in Riverside County Jail. Asked BSCC to complete a thorough inspection of the facility.

Ashly Rojas: Asked about the Missing and Murdered Indigenous People Grant and if applications are being accepted. (Director Howard responded that a meeting will be held in March).

Denise Settles: Referred to the deaths in San Diego Jail and said it is due to lack of access to mental health care, oversight, transparency, and communication at the state and county levels. Suggested that mental health needs to be better addressed.

Charlie Brown: Said there should be health professionals on the Board.

Saxon's Older Sister: Referred to a family death in San Diego Jail and described accounts of what happened at the facility and that drugs are entering the facility. They asked the Board to investigate the facility.

Paloma Serna: Said that a family member died in San Diego Jail and detailed that drugs were involved, and staff did not provide aide. Asked the Board to assist the families who have experienced the same situation.

Lisa Matus: Detailed accounts of the Riverside Jail deaths and requested unannounced inspections be conducted by the BSCC.

Kathy: Described the conditions at the Riverside County Jail and that they are not following the protocols for those who overdose. Asked for proper procedures and staff duties for caring for individuals suffering from an overdose.

Israel Villa: Spoke in support of adding two additional seats for a mental health and medical health care provider.

Gilbert Gils Daughter: Referred to a family member who died in San Diego County Jail and accounted details.

Avalon Edwards: Requested a change in the public comment system. Addressed the Riverside County Jail and that the minimum standards are not accomplishing any positive changes that the Board has not done anything as an oversight body.

Tina Curiel-Allen: Asked the Board to freeze the funding for the City of Antioch and conduct an investigation.

End of public comment

Mr. Budnick asked whether the BSCC is conducting unannounced inspections in Los Angeles and Riverside County jails. Director Howard said she will provide a detailed list of the unannounced inspections that have been conducted since July 2021.

Mr. Mills and Mr. Dicus said that keeping drugs out of facilities is a struggle, especially with gangs and flash incarceration. In addition, Board Members added that each facility takes staff misconduct seriously and there are very strict protocols, investigations including internal.

VI. Adjourn

The Board adjourned at 1:10 p.m.

Next Board Meeting: April 13, 2023

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. 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, City of Palm Springs
11. Mr. Budnick, Founder, Anti-Recidivism Coalition
12. Ms. Zaragoza, Attorney, Los Angeles County Alternate Public Defender (*in attendance, did not participate*)
13. Ms. Cumpian, Associate Director Anti-Recidivism Coalition Women's, and Non-Binary Services

*Attended Remotely

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
Ian Silva, Field Representative, Corrections Planning and Grants Program
Eloisa Tuitama, Legal Counsel, Board of State and Community Corrections

AUXILIARY STAFF REPRESENTATIVES:

Francine Byrne, Director, Judicial Council of California

Agenda Item B

MEETING DATE: April 13, 2023 **AGENDA ITEM:** B

TO: BSCC Chair and Members

FROM: Timothy Polasik, Field Representative, timothy.polasik@bscc.ca.gov

SUBJECT: Title II Grant Program -Tribal Request for Proposals: Requesting Approval: **Requesting Approval**

Summary

This agenda item requests Board approval to release a Title II Grant Program - Tribal Request for Proposals as recommended by the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) and the Title II Executive Steering Committee.

Background

The Juvenile Justice and Delinquency Prevention Act (JJDP), as reauthorized and amended by the Juvenile Justice Reform Act of 2018, is the federal statute that establishes the Title II Grant Program. The U.S. Office of Juvenile Justice and Delinquency Prevention (OJJDP) administers the grant, in part, by awarding grants to states to support delinquency prevention and juvenile justice system improvement. The Board of State and Community Corrections is the state agency that receives and administers California's Title II award. The BSCC must competitively award the majority of these funds to units of local government, nonprofits, nongovernmental organizations (NGOs) (referred to as local private agencies in the JJDP), and Indian tribes consistent with the purpose and intent of the JJDP.

OJJDP requires that states receiving Title II awards establish a State Advisory Group to advise on Title II activities. In California, this State Advisory Group is the State Advisory Committee on Juvenile Justice and Delinquency Prevention (Attachment B-1). The SACJJDP is a Governor-appointed committee serving as a standing BSCC Executive Steering Committee (ESC) that works on behalf of the Governor to support policy and programs that improve outcomes for young people in the justice system. The SACJJDP recently developed California's Title II 2021-2023 State Plan. This grant program will fulfill the goals and objectives of this State Plan and JJDP requirements.

This Title II Grant Program funds the following six Program Purpose Areas (PPAs):

1. Aftercare/Reentry
2. Alternatives to Detention
3. Community-Based Programs & Services
4. Diversion
5. Mentoring, Counseling & Training Programs
6. Job Training

On June 10, 2021, the Board authorized SACJJDPC Chair Rachel Rios to convene an ESC and to oversee the development of the Title II Request for Proposals (RFP). The ESC met March 16 - 17, 2022 to develop the RFP. The RFP was presented to the Board for approval and released on June 9, 2022. That RFP included a set-aside to fund a California tribal applicant or applicant Lead agency partnering with a California tribe. However, no proposals were received that met the criteria.

The SACJJDPC convened on March 9, 2023 and agreed to release a Tribal-specific RFP for the Title II Grant Program (Attachment B-2). This RFP removes references that are not specific to Tribal applicants and is streamlined to elicit greater interest and responses from Tribal communities.

Successful applicants will be funded for a three-year cycle of up to \$350,000 annually. \$350,000 is anticipated to be available statewide for the first year of the grant cycle. Funding and amounts for the second year (October 1, 2024 - September 30, 2025) and the third year (October 1, 2025 – September 30, 2026) are contingent on federal OJJDP Title II awards and the amounts are not yet known.

Key Request for Proposal Components

- Federally recognized Indian Tribes in California, or a nonprofit nongovernmental organization partnering with a federally recognized Indian Tribe in California are eligible to apply.
- Successful Indian Tribes are required to pass through a minimum of 70 percent of grant funding to at least one direct service provider. A direct service provider must be a non-governmental organization. An Indian Tribe can satisfy the pass-through requirement if the Indian Tribe provides the direct services.
- The highest scoring proposal that meets the minimum scoring threshold submitted by a California tribal applicant or applicant Lead agency partnering with a California tribe will be funded.
- There is no match requirement.
- The target population for the Title II Grant Program - Tribal is tribal youth under the age of 26 who are at-risk or have been under the jurisdiction of the juvenile justice system.

RFP Activities and Tentative Timeline

Below is a tentative timeline of activities necessary to administer a competitive Title II Grant Program - Tribal Request for Proposals.

Activity	Date
RFP Presented for Board Approval	April 13, 2023
Release Request for Proposals	April 13, 2023
Bidder's Conference	May 2, 2023
Letter of Intent due to BSCC	May 5, 2023
Proposals Due to the BSCC	June 9, 2023
Proposal Rating Process and Development of Funding Recommendations	June – August, 2023
SACJJDP Meeting for approval of funding recommendation to the Board.	August 24, 2023
Present Funding Recommendations to Board	September 14, 2023
Grants Begins	October 1, 2023

Recommendation/Action Needed

Staff recommends that the Board:

- Approve and release the Title II Grant Program - Tribal Request for Proposals as recommended by the SACJJDP.

Attachments

B-1: State Advisory Committee on Juvenile Justice and Delinquency Prevention Roster

B-2: Title II Grant Program - Tribal Request for Proposals

Attachment B-1

BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC)
STATE ADVISORY COMMITTEE ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION (SACJJDP)
 Membership Roster

	Name	Title	Organization/Agency	County
1	Rachel Rios (Chair)	Director	La Familia Counseling Center, Inc.	Sacramento
2	Carol Biondi (Vice-Chair)	Commissioner	Los Angeles County Commission for Children and Families	Los Angeles
3	Hon. Brian Back	Superior Court Judge	Ventura County Juvenile Court	Ventura
4	Dr. B.J. Davis	Adjunct Professor	Alliant International University	Sacramento
5	Dr. Carly Dierkhising	Assistant Professor	CSU Los Angeles	Los Angeles
6	Miguel A. Garcia	Youth Member	Legal Assistant, Daniel H. Cargnelutti, Esq.	Riverside
7	Juan Gomez	Director	Motivating Individual Leadership for Public Advancement	Los Angeles
8	Susan Harbert	Staff Attorney	Loyola Law School	Los Angeles

BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC)
STATE ADVISORY COMMITTEE ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION (SACJJDP)
 Membership Roster

9	Gordon Jackson	National Director of Protect	3Strands Global Foundation	Sacramento
10	Winston Peters	Assistant Public Defender	Los Angeles County Public Defender's Office	Los Angeles
11	Kent Mendoza	Policy Coordinator	Anti-Recidivism Coalition	Los Angeles
12	Amika Mota	Prison Reentry Director	Young Women's Freedom Center	San Francisco
13	Dante Williams	Youth Advocate Manager	Stanford Youth Solutions	Sacramento
14	Michelle Guymon	Director, Child Trafficking Unit	LA County Probation	Los Angeles
15	Elliot Housman-Turrubiate	Youth Victim Advocate	Native American Health Center	Sacramento
16	Dr. Mimi Silbert	Chief Executive Officer	Delancey Street Foundation	San Francisco

Attachment B-2



2023 Title II Grant Program - Tribal

REQUEST FOR PROPOSALS

Eligible Applicants:

Federally Recognized Indian Tribes in California
Designated Nonprofit Nongovernmental Organizations

Grant Period: October 1, 2023, to December 31, 2026

RFP Released: April 13, 2023

Letters of Intent Due: May 5, 2023

Proposals Due: June 9, 2023



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NOTICE: California Public Records Act

All documents submitted as a part of the Title II Grant Program Tribal proposal are public documents and may be subject to a request pursuant to the California Public Records Act. The BSCC cannot ensure the confidentiality of any information submitted in or with this proposal. (Gov. Code, §§ 6250 et seq.)

PART I: GRANT INFORMATION

Grant Program Background

The Juvenile Justice and Delinquency Prevention Act¹ (JJDP) is the federal statute that establishes the Title II Grant Program. The U.S. Office of Juvenile Justice and Delinquency Prevention (OJJDP) administers the grant, in part, by awarding grants to states to support delinquency prevention and juvenile justice system improvement. The Board of State and Community Correction (BSCC) is the state agency that receives and administers California's Title II award. The BSCC must competitively award funds to units of local government, nonprofit, nongovernmental organizations (NGOs) (referred to as local private agencies in the JJDP), or Indian tribes consistent with the purpose and intent of the JJDP and California's Title II State Plan.

OJJDP requires states that receive Title II awards to establish a State Advisory Group to advise on Title II activities. In California, this State Advisory Group is the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP). The SACJJDP is a governor-appointed committee serving as a standing BSCC Executive Steering Committee (ESC) that works on behalf of the Governor to support policy and programs that improve outcomes for young people in the justice system. The SACJJDP developed California's 2021-2023 State Plan, which was then approved by the Board and accepted by OJJDP. This grant program will fulfill the goals and objectives of this State Plan and JJDP requirements.

For more information about SACJJDP and the Title II State Plan click here: https://www.bscc.ca.gov/s_titleiigrant/

This Title II grant will fund:

1. Aftercare/Reentry
2. Alternatives to Detention and Placement
3. Community-Based Programs & Services
4. Diversion
5. Mentoring, Counseling & Training Programs
6. Job Training

This grant will target the reduction of the overrepresentation of Tribal youth in contact with the juvenile justice system.

Funds from the Title II Grant program have been set aside for federally recognized tribal governments that serve tribal youth, which will be awarded through this Request for Proposal (RFP) process.

This Title II Grant cycle will be funded from Federal Fiscal Year (FFY) 2021, 2022, and 2023 awards contingent upon OJJDP funding. OJJDP has not disclosed the amount of

¹ Pub. L No. 93-415 (1974), reauthorized and amended as the Juvenile Justice Reform Act (JJRA) of 2018 Pub. L. No. 115-385 (2018).

2023 funding California will receive as of February 2023. BSCC awards to grantees are contingent upon federal appropriations in FFY 2021, 2022, and 2023.

Contact Information

This RFP provides the necessary information to submit a proposal to the BSCC. The BSCC staff cannot assist the applicant or its partners with the actual preparation of the proposal. Any technical questions concerning the RFP, the proposal process, or programmatic issues must be submitted by email to: jj_grants@bscc.ca.gov.

The BSCC will accept and respond to questions about this RFP until June 9, 2023. A frequently asked questions and answers (FAQs) document will be posted to the BSCC website and periodically updated through June 9, 2023.

Proposal Due Date and Submission Instructions

Proposals must be received by **5:00 p.m. on Friday, June 9, 2023**. Applicants must ensure the proposal package is signed with a digital signature **OR** a wet blue ink signature that is then scanned with the completed proposal package. Please submit one (1) completed proposal package via email to: jj_grants@bscc.ca.gov.

A complete proposal package will include:

- One (1) Portable Document Format (PDF) file that contains the signed Proposal Narrative and all required attachments as described on the Proposal Checklist.
- An Excel version of the Budget Attachment (Budget Tables and Budget Narrative). Do not submit the Budget Attachment in a PDF version.

Note: If the BSCC does not receive an email containing the complete proposal package by 5:00 p.m. (PST) on June 9, 2023, the proposal **will not** be considered for funding.

Bidder's Conference

Prospective applicants are invited – but not required – to attend a Bidders' Conference. The purpose of the Title II Grant Program Tribal Bidders' Conference is to answer technical questions from prospective bidders (applicants) and provide clarity on RFP instructions. Topics may include but are not limited to proposal submission instructions, eligibility, program purpose areas, funding, and an overview of the evaluation requirements.

Prospective bidders may join via Zoom, or call in. Public access options for the Bidders' Conference are listed below:

Title II Grant Program Tribal Bidder's Conference

Tuesday, May 2, 2023 | 10:00 a.m.

Join by Zoom

- <https://us02web.zoom.us/j/88913309859?pwd=QzRZZE8xOFFGbXJNTTMvZ3BWU3hmZz09>
- Meeting ID: 889 1330 9859 | Passcode: 339366

Call In

- Phone: 1-669-900-9128
- Meeting ID: 889 1330 9859 | Passcode: 339366

Letter of Intent to Apply

Applicants interested in applying for the Title II Grant Program Tribal are asked, but not required, to submit a non-binding letter indicating their intent to apply. These letters will aid the BSCC in planning for the proposal review process. Please submit the letter in Microsoft Word or as a PDF.

There is no formal template for the letter, but it should be submitted via email and include the following information:

- Name of the Applicant (Nonprofit Nongovernmental Organization, or eligible Tribe);
- A brief statement indicating the Applicant's intent to submit a Proposal;
- Applicant representative's name and contact information

Failure to submit a Letter of Intent to Apply is not grounds for disqualification. Prospective Applicants that submit a Letter of Intent and decide later not to apply will not be penalized. Please email your non-binding Letter of Intent to Apply by **May 5, 2023**. Please identify the email subject line as "Title II Letter of Intent to Apply" and email the letter to: jj_grants@bscc.ca.gov

Title II 2021-2023 State Plan

This Title II Grant Program Tribal provides alternatives to detention, promotes youth safety and well-being while in custody, and identifies and supports successful and emerging reentry models. It intends that in-custody programs focus on rehabilitation and building individual strengths instead of punishment for past mistakes and deficits. It intends that California's disproportionate representation of youth of color in the juvenile justice system be addressed. In support of these efforts, funded programs should:

- Align with the recommendations, as applicable, identified in the Title II 2021-2023 State Plan;
- Use promising, data-driven, and innovative practices;
- As applicable, use individualized case plans;
- Be culturally responsive;
- Be locally relevant; and
- Offer measurable outcomes.

Target Population

Services and programs proposed in response to this RFP must be designed to serve Tribal Youth who are at-risk and/or have been under the jurisdiction of the juvenile justice system and are under the age of 26.

Grant Program Description

Eligibility to Apply ²

Applicants for Title II Grant Program - Tribal funding must be a:

1. A federally recognized Indian tribe, as described by the Juvenile Justice Reauthorization Act³; **Or**
2. A Private nonprofit agency, organization, or institution designated by a federally recognized Indian tribe to implement the Title II grant program.

Applicants that do not meet the above criteria will not be considered for funding.

Definition of Lead Agency

Two or more applicants may partner to submit a joint proposal, but one must be designated as Lead Agency for contracting purposes. An applicant may not apply as Lead Agency for more than one proposal.

Non-lead agencies (including NGOs) may serve as a partner on more than one proposal. All NGOs must meet the eligibility criteria in Appendix C, "Criteria for Non-governmental Organizations Receiving Title II Grant Program Tribal Funds".

Eligible Activities – Program Purpose Areas

² See Appendix A.

³ See 34 U.S.C. 11103(18).

To support targeted delinquency prevention and intervention efforts, OJJDP developed a comprehensive list of Program Purpose Areas (PPAs) that are permissible uses of Title II funds. The SACJJDP further refined the PPAs that California would fund in the 2021-2023 Title II State Plan.

Applicants for Title II Grant Program Tribal must identify at least one PPA that the program will address. Applicants may address more than one PPA or a combination of PPAs. There are six (6) PPAs an applicant may select from as shown below:

- Aftercare/Reentry
- Alternatives to Detention and Placement
- Community Based Programs
- Diversion
- Mentoring, Counseling, and Training Programs
- Job Training

The Goals and Objectives for each PPA are provided below as context for the specific proposal requirements.

Aftercare/Reentry

Community-based programs that prepare targeted youth to successfully return to their homes and communities after confinement in a training school, youth correctional facility, or other secure institution. These programs focus on preparing youth for release and providing a continuum of follow-up, post-placement services to promote successful reintegration into the community.

Goal: Ensure that youth, upon entering a secure detention facility, are informed about and engaged in developing a robust reentry plan. This should be part of a comprehensive case planning process that addresses the most critical needs of the individual and provides a broad array of services.

Objectives:

- Increase the number of youth in custodial settings with individual case plans in place that incorporates robust reentry models/plans;
- Identify and support successful and emerging aftercare/reentry models;
- Examine strategies to incentivize successful reentry programs that also address basic needs such as housing, employment and mental health care.
- Increase the number of case plans, including reentry components, that consider the youth's environment and rely on collaboration with families and local support systems; and
- Educate the public about the importance of affording youth a second chance.

Alternatives to Detention and Placement

These are community and home-based alternatives to incarceration and institutionalization, including for youth who need temporary placement such as crisis intervention, shelter, and aftercare, and for youth who need residential placement such as a continuum of foster care or group home alternatives that provide access to a comprehensive array of services.

Goal: Reduce the number of youth arrested and held in secure juvenile facilities.

Objectives:

- Expand the use of and increase the options for holistic alternatives to arrest, detention and out of home placement;
- Increase awareness regarding the detrimental effect of arrest and incarceration on youth;
- Build strategic local partnerships that will serve to increase the awareness and use of effective alternatives to arrest, detention and placement; and
- Create a vehicle for community-based, self-esteem-building and healing-centered alternatives to arrest, detention and placement.

Community Based Programs

Designed to include Parents and other family members to strengthen families and to help keep youth in the home; programs support youth and their families during and after confinement to ensure the youth's safe return to the home and to strengthen the families; and can be designed for parents with limited English-speaking ability.

Goal: Increase the availability of, and access to, community-based and community-run programs and services that help youth, and their families, who are at risk of entering the juvenile justice system or have already entered the system.

Objectives:

- Increase access to community-based and community-run support programs and services for youth, parents and families;
- Promote community-defined success through effective, culturally relevant and gender responsive evaluation strategies and policies; Expand cultural and linguistic services for youth, parents and families; and Foster collaboration between community-based and community-run providers and justice system agencies including law enforcement, probation, and the courts.

Diversion

Programs to divert youth from entering the juvenile justice system, including restorative justice programs such as youth or teen courts, victim-youth mediation, and restorative circles.

Goal: Increase the number of youth diverted from the juvenile justice system.

Objectives:

- Increase the availability and use of diversion practices and programs;
- Use evidence-based assessments that increase objectivity and reduce implicit bias in decision making; and
- Expand awareness and resources for effective non-arrest alternatives, including restorative justice programs, that teach youth to accept responsibility for their actions.

Mentoring, Counseling, and Training Programs

Programs to develop and sustain a one-to-one supportive relationship between a responsible adult age 18 or older (a mentor) and an at-risk youth, a youth who has offended, or a youth who has contact with a parent or legal guardian who is or was incarcerated and contact is on a regular basis (a mentee). These programs may support academic tutoring, vocational and technical training, and drug and violence prevention counseling.

Goal: Promote culturally relevant mentoring, counseling, and training programs that enhance resilience and empower youth.

Objectives:

- Increase mentor recruitment and development to foster more mentor-mentee matches;
- Expand opportunities for youth to participate in drug and violence prevention counseling; and
- Increase vocational and technical training opportunities.

Job Training

Providing job training services is an effective strategy to dissuade delinquency and system involvement for at-risk youth, particularly those out of school and in high-risk situations. The SACJJDP intends to support employment training programs for at-risk youth that prepare participants for employment, provide mentorship and other support services, provide job placements, and make resources available to assist participants retain employment. This comprehensive approach requires collaboration among community-based organizations and employment service agencies. SACJJDP will support projects that enhance the employability of youth or prepare them for future employment by supporting the collaboration between these community-based organizations that provide mentorship and agencies that provide job training and job placement services such as: advocacy centers, educational institutions, and workforce investment boards.

Goal: Incorporate projects that enhance the employability of youth and prepare them for future employment and provide job training and placement services.

Objectives:

- Enhance collaboration between community-based organizations and service providers to provide job training services for youth and job placement services.

Project Cycle and Funding Information

Grant Period

Successful applicants will be funded for a three-year grant project service period commencing on October 1, 2023, and ending on September 30, 2026, and a final evaluation period commencing on October 1, 2026, ending December 31, 2026.

An additional three (3) months (October 1, 2026 through December 31, 2026) will be included in the grant agreement for the sole purposes of:

- Finalizing and submitting a required Local Evaluation Report, and
- Finalizing and submitting any required financial audit.

Funding Availability

Successful applicants will be funded subject to California receiving federal Title II funding for the next (3) three years. In addition to this funding contingency, funding is contingent upon adherence to federal guidelines, Title II Tribal RFP and BSCC grant agreement requirements and applicable statutes, and the grantee's ability to demonstrate that annual successful progress is being made towards its proposal goals and objectives.

\$350,000 will be available for the first year of the grant cycle (October 1, 2023 – September 30, 2023). Funding amounts for the second year (October 1, 2024 - September 30, 2024), third year (October 1, 2025 – September 30, 2025), and final evaluation period (October 1, 2026 – December 31, 2026) are contingent on OJJDP Title II awards and amounts not yet known.

The maximum amount of funding available is \$350,000 annually.

Applicants must apply for the same amount of funding for all three years (e.g., first year: \$350,000, second year: \$350,000, and third year: \$350,000; totaling \$1,050,000 for a three-year period). Grantees may be able to carry unspent funds into the next calendar year, with prior BSCC approval. It is extremely important applicants plan and budget carefully and apply only for funding they can justify by services offered and the target population served each year of the three-year grant period.

Applicants are required to request only the amount of funds needed to support their proposal and not base the request solely on the maximum allowed annually (\$350,000).

Funding Distribution & Funding Thresholds

Applicants must receive at least 66% of the total points available to be considered for funding. These eligible applicants will compete in one category. The highest scoring proposal that meets the minimum scoring threshold submitted by a California tribal applicant or applicant Lead agency partnering with a California tribe will be funded.

Match Requirement

The Title II Grant Program Tribal does not require a match.

Pass-Through Requirement for Tribes

Indian Tribes are required to pass through a minimum of 70% of grant funding to at least one direct service provider. A direct service provider must be a non-governmental

organization. An Indian Tribe can satisfy the pass-through requirement if the Indian Tribe provides direct services.

For purposes of the pass-through requirement, pass-through NGOs include community-based organizations (CBOs), faith-based organizations (FBOs), non-profit organizations/501(c)(3)s, evaluators (except government institutions such as universities), grant management companies and any other non-governmental agency or individual. Note: The NGO criteria does not apply to government organizations (e.g., counties, cities, school districts, or federally recognized Indian tribes).

Project Evaluation Requirements

Local Evaluation Plan and Final Local Evaluation Report

In addition to quarterly progress reports, projects selected for funding will be required to submit to the BSCC: (1) a Local Evaluation Plan (LEP), three months post-award, and, (2) a Local Evaluation Report (LER), after the conclusion of the grant. Evaluation planning, oversight, and reporting activities may be funded by up to 5% of the total Title II Grant Program award and can be included within the applicant's proposed budget. See Appendix E Glossary of Terms, for key definitions related to project evaluation.

- **Local Evaluation Plan** - The purpose of the LEP is to ensure that projects funded by the BSCC can be evaluated. Applicants will be expected to include a detailed description of how they plan to assess the effectiveness of the proposed program in relationship to each of its goals and objectives identified in the Proposal. LEP should describe the evaluation design or model that will be used to evaluate the effectiveness of the project component(s), with the project goals and the objectives clearly stated. Applicants should include criteria for both process and outcome evaluations. Once submitted, any modifications to the LEP must be approved in advance by the BSCC. More detailed instructions on the LEP will be made available to successful applicants. See Appendix E for a sample of the evaluation components.
- **Local Evaluation Report** - Following project completion, grantees are required to complete a final LER which must be in a format prescribed by the BSCC. The purpose of the final LER is to determine whether the overall project was effective in meeting the goals laid out in the LEP. To do this, the grantee must assess and document the effectiveness of the activities that were implemented. These activities should have been identified in the previously submitted LEP. More detailed instructions on the LER will be made available to successful applicants.

Applicants are strongly encouraged to identify research partners early on and include them in the development of the proposal, to better ensure that the goals and objectives listed in the proposal are realistic and measurable. Applicants are also strongly encouraged (but not required) to use outside evaluators to ensure objective and impartial evaluations. Applicants are encouraged to partner with state universities or community colleges for evaluations. Evaluation planning, oversight, and reporting activities may be funded by the Title II Grant Program Tribal grant funds and should be identified within the applicant's proposed budget.

Note: To the extent the local evaluation plan involves research in which either: (1) data is obtained through intervention or interaction with an individual or (2) identifiable private information is obtained from program participants, the local evaluation plan must comply with the requirements of 28 C.F.R. Part 46. This includes compliance with all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent. For additional information on whether 28 C.F.R. Part 46 applies to your local evaluation plan, please see:

<https://ojp.gov/funding/Apply/Resources/ResearchDecisionTree.pdf>

Title II Grant Program Executive Steering Committee

To ensure successful program design and implementation, the BSCC uses Executive Steering Committees (ESCs) to inform decision making related to the Board's programs. The BSCC's ESCs are composed of subject matter experts, community partners, and interested parties representing both the public and private sectors. The BSCC makes every attempt to include a diverse representation on its ESCs, in breadth of experience, geography and demographics.

ESCs are convened and approved by the BSCC Board, as the need arises, to carry out specified tasks including the development of RFPs for grant funds. Not only do the ESCs develop RFPs, but members of the ESC also read and rate the proposals submitted by prospective grantees. Once the proposal evaluation process is complete, ESCs submit grant award recommendations to the BSCC Board and the Board then approves, rejects, or revises those recommendations. Members of ESCs are not paid for their time but are reimbursed for travel expenses incurred to attend meetings.

The SACJJDP established a Title II ESC for the purpose of this grant cycle. This Title II Grant Program ESC includes subject matter experts on community engagement, prevention and intervention programs, mental/behavioral health, social services, law enforcement, including individuals who have been impacted by the justice and/or child welfare systems. A list of ESC members can be found in Appendix G.

Conflicts of Interest

Existing law prohibits any grantee, subgrantee, partner or like party who participated on the Title II ESC or who is a member of the SACJJDP that participated in the development of the RFP or approving awards from receiving funds awarded under this RFP. Applicants who are awarded grants under this RFP are responsible for reviewing the Title II ESC membership and the SACJJDP rosters and ensuring that no grant dollars are passed through to any entity represented by the Title II ESC or participating member of the SACJJDP.

See Appendix F for the State Advisory Committee for Juvenile Justice and Delinquency Prevention Membership Roster and Appendix G for the Title II Grant ESC Roster or visit the website at: http://www.bscc.ca.gov/s_titleiigrant

Overview of the RFP Process

Confirmation of Receipt of Proposal

Upon submission of a proposal, applicants will receive a confirmation email from the BSCC stating the proposal has been received. The email will be sent to the individual who signed the application and the person listed as the Project Director.

Disqualification - PLEASE REVIEW CAREFULLY

Disqualification means the proposal will not advance to the Proposal Rating Process and, therefore, will NOT be considered for funding under this grant.

The following will result in a disqualification:

- An electronic version of the complete proposal package is not received by 5:00 p.m. PST on Friday, June 9, 2023.
- The applicant does not meet the following criteria: (1) a Nonprofit Nongovernmental Organization, or (2) a Federally recognized Indian Tribe (See Appendix B for list of eligible Indian Tribes).
- The Proposal does not address one of the required Program Purpose Areas
- Applicant's funding request exceeds allowable amounts
- Budget Attachment (Excel document) is incomplete, or the total amount included in the budget table does not match the requested amount included elsewhere in the application.
- Proposal Package does not contain items #1-10 listed in the Proposal Checklist. (Note: all of the items on the Proposal Checklist should be submitted and are required prior to grant agreement executed.)

Proposal Rating Process

Unless disqualified, proposals will advance to the Proposal Rating Process. The Title II Grant Program ESC will then read and rate each proposal in accordance with the prescribed rating factors listed in the table below. During the ESC rating period, the SACJJDP will also have a 30-day review period of each eligible proposal.

The ESC members will base their ratings on how well an applicant addresses the items listed under each rating factor within the Proposal Narrative and Budget Sections. ESC member ratings, once submitted to the BSCC, will be final.

At the conclusion of this process, applicants will be notified of the ESC's funding recommendations. It is anticipated that SACJJDP will act on those recommendations at its August 24, 2023, meeting and the BSCC Board will act on the recommendations at its

meeting on September 14, 2023. Applicant agencies and partners are not to contact members of the ESC, SACJJDP or the BSCC Board to discuss proposals.

Rating Factors

The Rating Factors to be used and the maximum points assigned to each factor are shown in the table below. Applicants are asked to address each of these factors as a part of their proposal. The Title II Grant Program ESC assigned a percent value to each of the Rating Factors, correlating to its importance (see Percent of Total Value column).

Title II Grant Program Tribal Rating Factors and Scoring System

Rating Factors	Point Range	Percent of Total Value	Weighted Rating Factor Score
Project Need	0 - 5	25%	37.5
Project Description	0 - 5	30%	45
Project Organizational Capacity and Coordination	0 - 5	20%	30
Project Evaluation and Monitoring	0 - 5	10%	15
Project Budget	0 - 5	15%	22.5
Maximum Proposal Score		100%	150

*****PLEASE NOTE: TO BE CONSIDERED FOR FUNDING, A PROPOSAL MUST MEET A MINIMUM WEIGHTED SCORE OF 99 (66% OF THE 150 MAXIMUM PROPOSAL SCORE)*****

Raters will score an applicant’s response in each of the Rating Factor categories on a scale of 0-5, according to the Six-Point Rating Scale shown below. For each rating factor, the rating point received is then weighted according to the “Percent of Total Value” column (determined by the ESC) associated with the Rating Factor to arrive at the Weighted Rating Factor Score. The Weighted Rating Factor Scores are then added together for a final overall proposal score.

Six-Point Rating Scale

Not Responsive 0	Poor 1	Fair 2	Satisfactory 3	Good 4	Excellent 5
The response fails to address the criteria.	The response addresses the criteria in a very inadequate way.	The response addresses the criteria in a non-specific or unsatisfactory way.	The response addresses the criteria in an adequate way.	The response addresses the criteria in a substantial way.	The response addresses the criteria in an outstanding way.

Scoring Threshold/Minimum Score

To be considered for funding, a proposal must meet a threshold of **66 percent (66%)**, or minimum proposal score of **99** total points, to be considered for funding.

General BSCC Grant Requirements

Grant Agreement

Applicants approved for funding by the BSCC are required to enter into a Grant Agreement with the BSCC. Grantees must agree to comply with all terms and conditions of the Grant Agreement. See Appendix H for a Sample Grant Agreement.

The Grant Agreement start date is expected to be October 1, 2023. Grant Agreements are considered fully executed only after they are signed by both the Grantee and the BSCC. Work, services, and encumbrances cannot begin prior to the Grant Agreement start date. Work, services, and encumbrances which occur after the start date but prior to grant agreement execution have the potentiality of being disallowed or not being reimbursed. Grantees are responsible for maintaining their Grant Agreement, all invoices, records, and relevant documentation for at least three (3) years after the final payment under the contract.

Governing Board/Tribal Council Resolution

Before the grant award can be finalized and funds awarded, a successful applicant must submit either a resolution from its Governing Board or tribal council that delegates authority to the individual authorized to execute the grant agreement or sufficient documentation indicating that the individual who signs the grant agreement has been vested with plenary authority to execute grant agreements (e.g., a municipal ordinance or county ordinance/charter delegating such authority to a city manager or county executive officer or other governing board resolution delegating authority).

Non-profit/501(c)(3) applicants or business entities with boards of directors must provide evidence that the person signing the grant agreement has signing authority, which may include articles of incorporation, bylaws, or a board resolution conferring authority to the signatory.

This documentation is not required at the time of proposal submittal, but applicants are advised that the grant agreement will not be fully executed, nor will any financial invoices be processed for reimbursement until the required documentation has been received by the BSCC.

A sample Resolution can be found in *Appendix I*.

Audit Requirements

An organization that expends \$750,000 or more during the fiscal year in federal awards must have a single or program-specific audit conducted for that year in accordance with the federal provisions.

Organizations expending less than \$750,000 during their fiscal year are not required to have an annual audit for the year but must ensure that their grant related records are made available to the BSCC.

The BSCC reserves the right to call for a program or financial audit at any time between the execution of the contract and three years following the end of the grant period.

Supplanting

BSCC grant funds shall be used to support new program activities or to augment existing funds that expand current program activities. BSCC grant funds shall not be used to replace existing funds.

Supplanting is strictly prohibited for all BSCC grants. When using outside funds as match, applicants must be careful not to supplant. Supplanting is the deliberate reduction in the amount of federal, state, or local funds being appropriated to an existing program or activity because grant funds have been awarded for the same purposes.

It is the responsibility of the Grantee to ensure that supplanting does not occur. The Grantee must keep clear and detailed financial records to show that grant funds are used only for allowable costs and activities.

Grantee Orientation Process

Following the start of the grant period, BSCC staff will conduct a Grantee Orientation in Sacramento (at a date to be determined later). The purpose of this mandatory session is to review the program requirements, invoicing and budget modification processes, data collection and reporting requirements, as well as other grant management and monitoring activities. Typically, the Project Director, Financial Officer, Day-to-Day Contact, and the Evaluator must attend. Grant recipients may use Title II Grant Program Tribal funds for travel-related expenditures such as airfare, mileage, meals, lodging, and other per diem costs. Applicants should include anticipated costs in the budget section of the proposal under the "Other" category.

Disbursements

Disbursement of grant funds occurs on a reimbursement basis for costs incurred during a reporting period. The State Controller's Office (SCO) will issue the warrant (check) to the individual designated on the application form as the Financial Officer for the grant. Grantees must submit invoices to the BSCC on a quarterly basis through the online process no later than 45 days following the end of each quarter. Grantees must maintain adequate supporting documentation for all costs claimed on invoices. BSCC staff will conduct on-site monitoring visits that will include a review of documentation maintained as substantiation for project expenditures.

Quarterly Progress Reports

Grant award recipients are required to submit quarterly progress reports to the BSCC. Progress reports are a critical element in BSCC's monitoring and oversight process. Grantees who are unable to demonstrate that they are making sufficient progress toward project goals and objectives and that funds are being spent down in accordance with the Grant Award Agreement could be subject to the withholding of funds. Once grants are awarded, BSCC will work with grantees to create custom progress reports. Applicable forms and instructions will be available to grantees on the BSCC's website. See Appendix J for a sample progress report.

Travel

Travel is usually warranted when personal contact by project staff is the most appropriate method of conducting project-related business. Travel to and from training conferences may also be allowed. The most economical method of transportation, in terms of direct

expenses to the project and the employee's time away from the project, must be used. Projects are required to include sufficient per diem and travel allocations for project-related personnel, as outlined in the Grant Award, to attend any mandated BSCC training conferences or workshops outlined in the terms of the program.

Tribes

Tribes must use the California State travel and per diem policy, unless the Grantee's written travel policy is more restrictive than the State's, in which case it must be used. Reimbursement is allowed for the cost of commercial carrier fares, parking, bridge, and road tolls, as well as necessary taxi, bus, and streetcar fares.

Non-Governmental Organizations (NGOs)

A NGO receiving BSCC funds must use the State travel and per diem policy, unless the grantee's written travel policy is more restrictive than the State's, in which case it must be used. Reimbursement is allowed for the cost of commercial carrier fares, parking, bridge, and road tolls, as well as necessary taxi, bus, and streetcar fares. This policy applies equally to NGOs that receive grant funds directly from the BSCC and those that receive grant funds indirectly through a subcontract with another NGO that received a BSCC grant award.

Out-of-State Travel

Out-of-state travel is restricted and only allowed in exceptional situations. Grantees must receive written BSCC approval prior to incurring expenses for out-of-state travel. Even if previously authorized in the Grant Award, Grantees must submit to the BSCC a separate formal request (on Grantee letterhead) for approval. Out-of-state travel requests must include a detailed justification and budget information.

In addition, California prohibits travel, except under specified circumstances, to states that have been found by the California Attorney General to have discriminatory laws. The BSCC will not reimburse for travel to these states unless the travel meets a specific exception under Government Code section 11139.8, subdivision (c). For additional information, please see: <https://oag.ca.gov/ab1887>.

Debarment, Fraud, Theft, or Embezzlement

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to applicants that have been:

1. debarred by any federal, state, or local government entities during the period of debarment; or
2. convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three (3) years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the grant contract.

The BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

All applicants must complete Appendix K certifying they are in compliance with the BSCC's policies on debarment, fraud, theft, and embezzlement.

Compliance Monitoring Visits

BSCC staff will monitor each project to assess whether the project is in compliance with grant requirements and making progress toward grant objectives. As needed, monitoring visits may also occur to provide technical assistance on fiscal, programmatic, evaluative, and administrative requirements.

For your reference, the Comprehensive Monitoring Visit checklist can be found on our [website](#).

Federal Requirements

If selected for funding, in addition to implementing the funded project consistent with the approved application, grantees must comply with all grant award requirements, which include all applicable federal statutes, regulations, policies, guidelines and requirements, including all Title II Award Federal Conditions.

Refer to Exhibit E of the Sample Grant Agreement (Appendix H) to review the 2020 and 2021 Title II Award Federal Conditions. Please note that federal award conditions are subject to change in subsequent funding years and grantees will be required to comply with any future changes to remain eligible for federal funding

Promising, Data-Driven, and Innovative Approaches

The BSCC is committed to supporting a focus on better outcomes in the criminal justice system and for those involved in it. Applicants seeking funding through this grant process are required to use data and research to drive decision-making in the development, implementation, and evaluation of their overall projects.

Applicants are therefore required to use data to drive conscientious decision-making in the development, implementation, and appraisal of their overall projects. Applicants should be able to demonstrate that their proposal is linked to the implementation of practices and strategies supported by data.

The SACJJDP also encourages grantees to employ the core principles of evidence-based practice (EBP) or community defined evidence practices (CDEP), which places an emphasis on achieving measurable outcomes, and making sure the services provided and the resources utilized are effective.

While grantees are encouraged to develop projects that incorporate the principles of evidence-based practice, the SACJJDP also recognizes that services must be tailored to fit the needs of the communities they serve. Innovation and creativity are permitted but should be founded upon existing data and research on best practices in this field.

Applicants seeking funding through this grant process are required to demonstrate that they will adhere to the basic principles of evidence-based practice (e.g., using data and research to drive decision-making) in the development, implementation, and evaluation of their overall projects.

The concept of evidence-based practice was developed outside of criminal justice and is commonly used in other applied fields such as medicine, nursing, and social work. In criminal justice, this term marks a significant shift by emphasizing measurable outcomes and ensuring that services and resources are effective in achieving the desired outcomes. The BSCC is committed to supporting this focus on better outcomes for the entire criminal justice system and for those involved in it.

For this RFP, applicants should focus on the following three basic principles:

1. Is there evidence or data to suggest that the intervention or strategy is likely to work, i.e., produce a desired benefit?

For example, was the intervention or strategy selected used by another jurisdiction with documented positive results? Is there published research on the intervention chosen to implement showing its effectiveness? Is the intervention or strategy being used by another jurisdiction with a similar problem and similar target population?

2. Once an intervention or strategy is selected, will you be able to demonstrate that it is being carried out as intended?

For example, does this intervention or strategy provide for a way to monitor quality control or continuous quality improvement? If this intervention or strategy was implemented in another jurisdiction, are there procedures in place to ensure that the model is followed closely (so the project is more likely to achieve similar desired outcomes)?

3. Is there a plan to collect evidence or data that will allow for an evaluation of whether the intervention or strategy worked?

For example, will the intervention or strategy selected allow for the collection of data or other evidence so that outcomes can be measured at the conclusion of the project? Are there processes in place to identify, collect and analyze that data/evidence?

Applicants are encouraged to develop an overall project that incorporates these principles and is tailored to fit the needs of the communities they will serve. Plans to measure the effectiveness of a project should include the use of both qualitative and quantitative data/information. While quantitative data/information is based on numbers and mathematical calculations, qualitative data/information is based on written or spoken narratives. The purpose of quantitative data/information is to explain, predict and/or control events through focused collection of numerical data, while the purpose of

qualitative data/information is to explain and gain insight and understanding of events through the collection of narrative data/information.

Additional resources on evidence-based programs and promising programs and practices are provided in Appendix N.

Summary of Key Dates

The following table shows a timeline of key dates related to the Title II Grant Program Tribal.

Activity	Tentative Date
Release Request for Proposals Solicitation	April 13, 2023
Bidders' Conference	May 2, 2023
Letter of Intent Due to the BSCC	May 5, 2023
Grant Proposal/Application Due to the BSCC No later than 5:00 p.m.	June 9, 2023
Proposal Rating Process and Development of Funding Recommendations	June 2023
SACJJDP Meeting for approval of Funding Recommendation to BSCC Board.	August 24, 2023
BSCC Board Meeting for Funding Approval	September 14, 2023
Grants Begin/Contracts Expected to Commence	October 1, 2023
Mandatory Grantee Orientation	To Be Determined (November 2023)

PART II: PROPOSAL INSTRUCTIONS AND RATING FACTORS

The following section contains pertinent information on how to complete the Request for Proposal package to the BSCC. Submittal information is contained in Part I, page 1.

- Proposal Abstract
- Program Proposal Narrative and Program Budget
 1. Project Need
 2. Project Description and Work Plan
 3. Project Organizational Capacity and Coordination
 4. Project Evaluation and Monitoring
 5. Project Budget

*****THE ENTIRE REQUEST FOR PROPOSALS PACKAGE FOR SUBMITTAL TO THE BSCC IS CONTAINED AT THE END OF THIS ENTIRE DOCUMENT.*****

Proposal Abstract

Instructions: Provide a brief summary of the proposed project. The Proposal Abstract must be submitted in Arial 12-point font with one-inch margins on all four sides. Narrative must be 1.5-line spaced and cannot exceed **1 page** in length. This section will not be included in the rating of the Proposal

Instructions for Program Proposal Narrative and Program Budget

Instructions: The Proposal Narrative section must be submitted in Arial 12-point font with one-inch margins on all four sides. The narrative must be 1.5-line spaced and cannot exceed **15 numbered pages** in length.

Note: Proposals exceeding the page limit shall not automatically be disqualified. However, BSCC staff shall remove ALL pages in excess of the page limit before forwarding the proposal to the ESC for rating, which may negatively impact a proposal's score. If line spacing, formatting, or font size results in the inclusion of additional content in excess of prescribed page limits, excess pages shall be removed, or the proposal may be disqualified. Illegible or unreadable proposals shall be disqualified.

For the Proposal Narrative, address each of the five (5) sections below. Each section should be titled according to its section header as provided (e.g., Project Need, Project Description, Project Organizational Capacity and Collaboration, and Project Evaluation and Monitoring). Within each section, address the bulleted items in a cohesive, comprehensive narrative format. Do not include website links.

The 15-page limitation for this section does not include the mandatory Cover Sheet, Proposal Checklist, Applicant Information Form, Project Abstract, Budget Table, Budget Narrative, Project Work Plan, endnotes, letters of commitment, or other required attachments.

It is up to the applicant to determine how to best use the total 15-page limit in addressing each section; however, as a guide, the percent of total point value for each section is listed within each header.

Address the following in narrative form:

Rating Criteria for Project Need Weighted at 25%	
1.1	Describe the need to be addressed including how the need relates to one or more of the Title II program purpose areas.
1.2	Describe current racial and ethnic disparities which demonstrate need in the proposed project.

1.3	Identify service gaps that contribute to the need (e.g., programs, accessibility, service area, geographic location).
1.4	Identify the target population (e.g., gender, age, system involved, criminogenic factors, or other risk factors) to be served by the grant. Selection of the target population includes, when appropriate: <ul style="list-style-type: none"> • needs of underserved populations (e.g., disparities based on race, ethnicity, gender, LGBTQIA+, immigration status, socioeconomic status, abilities). • relationship of the identified target population to the purpose of the grant.
1.5	Relevant local qualitative and/or quantitative data with endnote citations in support of the need are provided.
1.6	Describe the process used to receive input to determine the need of the community or impacted populations.

Address the following in narrative form:

Rating Criteria for Project Description Weighted at 30%	
2.1	Describe the proposed project goals, objectives and impact that include the relationship to the need and intent of the Title II Grant Program and the identified program purpose areas.
2.2	Provide a completed Work Plan (Attachment A of the Title II proposal) which is appropriate for the proposed project and aligns with the need and intent of the Title II Grant Program. The plan identifies the top three goals and objectives and how these will be achieved in terms of the activities, responsible staff/partner agencies, outcome measures, data sources and start and end dates.
2.3	Describe the proposed services/interventions of the project. Description should include: <ul style="list-style-type: none"> • how the services will be delivered, including length and duration. • how trauma-aware approaches will be implemented. • how the program includes key elements of one or more of the Title II program purpose areas. • how the services/interventions will address the racial and ethnic disparities identified in Program Need.
2.4	Provide a rationale for the proposed project which includes: <ul style="list-style-type: none"> • The selection of evidence-based, promising, informed, data-driven, community/culturally defined or innovative practices, interventions, and services.

	<ul style="list-style-type: none"> • A description of relevant evidence, findings, or research to support the selection of the proposed project for the target population and the community.
2.5	<p>For project participants, describe:</p> <ul style="list-style-type: none"> • The total number of individuals projected to be served in relation to the target population. • The plan for selecting individuals for the program who are representative of the target population (e.g., enrollment process). • The plan for selecting the types and kinds of services that will be received by participants (e.g., screening, assessment tools).

Address the following in narrative form:

Rating Criteria Project Organizational Capacity and Coordination Weighted at 20%	
3.1	Describe the readiness for development and implementation of the proposed project.
3.2	<p>If collaborating with other partner agencies, describe:</p> <ul style="list-style-type: none"> • The process to select project partners or potential partners (agencies, contractors, stakeholders, private and/or public). • Suitability of the services provided by the project partners or potential partners. • Include key partners' letters of commitment describing involvement aligned with the proposed strategy.
3.3	Describe the applicant agencies and partner's (if known) history and experience with providing similar programming or working with the target population. (If the applicant's partners are unknown, describe the criteria that partners will need to meet.)
3.4	Describe a plan for continued engagement with the larger community throughout the grant cycle.

Address the following in narrative form:

Rating Criteria for Project Evaluation and Monitoring Weighted at 10%	
4.1	Describe the plan to determine the staff and/or entity that will conduct the project evaluation (process and outcome) and how monitoring activities will be incorporated in the various phases of the project (e.g. start-up, implementation, service delivery period).

4.2	Identify the process and outcome measures that are quantifiable and in line with the intent of the proposal and the objectives listed in the Work Plan.
4.3	Describe the preliminary plan for how to collect and evaluate baseline and outcome data related to the process and outcome measures identified in 4.2. Describe a plan for entering into data sharing agreements, if necessary.

As part of the application process, applicants are required to submit the 2023 Title II Grant Tribal RFP Budget Attachment (Budget Attachment). Upon submission, the Budget Attachment will become Section 5: Project Budget of the official proposal package and will be rated as such based on the criteria listed below. Applicants are solely responsible for the accuracy and completeness of the information entered in the Budget Attachment.

Detailed instructions for completing the Budget Attachment are listed on the Instructions tab of the workbook. Applicants must complete the Project Budget worksheet in the Budget Attachment and submit it to the BSCC in excel format.

All project costs must be directly related to the objectives and activities of the project. The Budget Attachment covers the entire three-year grant period.

The following items will be rated as a part of this section, and must be addressed by the applicant in the 2023 Title II Grant Tribal RFP Budget Attachment:

Rating Criteria for Project Budget Applied to both Program Budget Table and Program Budget Narrative Weighted at 15%	
5.1	Provide complete and detailed budget information in each section of the Budget Attachment (link below) which includes: <ul style="list-style-type: none"> • Expenses that are appropriate for the project’s goals and planned activities. • A brief explanation justifying each expense tied to the services offered and target population served. • Describe within each budget section how the expenditures are being applied to the benefit of project participants.

To access the Budget Attachment, click [here](#). Do not modify the Budget Attachment. The Budget Attachment must be submitted in Excel format.

For additional guidance related to grant budgets, refer to the *BSCC Grant Administration Guide*, found under Grantee Resources on the Corrections Planning and Grant Programs page:

https://www.bscc.ca.gov/s_correctionsplanningandprograms/

APPENDICES

Appendix A: Juvenile Justice Delinquency and Prevention Act of Reauthorization 2018

The Juvenile Justice and Delinquency Prevention Act of 1974 (as Amended Through P.L. 115-385, enacted December 21, 2018):

<https://ojjdp.ojp.gov/publications/JJRA-2018>

Appendix B: Federally Recognized California Tribes
U.S. Department of Interior, Bureau of Indian Affairs as of January 12, 2023

No.	TRIBE
1	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
2	Alturas Indian Rancheria, California
3	Augustine Band of Cahuilla Indians, California
4	Bear River Band of the Rohnerville Rancheria, California
5	Berry Creek Rancheria of Maidu Indians of California
6	Big Lagoon Rancheria, California
7	Big Pine Paiute Tribe of the Owens Valley
8	Big Sandy Rancheria of Western Mono Indians of California
9	Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
10	Bishop Paiute Tribe
11	Blue Lake Rancheria, California
12	Bridgeport Indian Colony
13	Buena Vista Rancheria of Me-Wuk Indians of California
14	Cabazon Band of Mission Indians, California
15	Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
16	Cahto Tribe of the Laytonville Rancheria
17	Cahuilla Band of Indians
18	Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
19	California Valley Miwok Tribe, California

No.	TRIBE
20	Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California)
21	Capitan Grande Band of Diegueno Mission Indians of California: Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California
22	Cedarville Rancheria, California
23	Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
24	Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
25	Chicken Ranch Rancheria of Me-Wuk Indians of California
26	Cloverdale Rancheria of Pomo Indians of California
27	Cold Springs Rancheria of Mono Indians of California
28	Coyote Valley Band of Pomo Indians of California
29	Dry Creek Rancheria Band of Pomo Indians, California
30	Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
31	Elk Valley Rancheria, California
32	Enterprise Rancheria of Maidu Indians of California
33	Ewiiapaayp Band of Kumeyaay Indians, California
34	Federated Indians of Graton Rancheria, California
35	Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
36	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
37	Fort Mojave Indian Tribe of Arizona, California & Nevada
38	Greenville Rancheria
39	Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
40	Guidiville Rancheria of California

No.	TRIBE
41	Habematolel Pomo of Upper Lake, California
42	Hoopa Valley Tribe, California
43	Hopland Band of Pomo Indians, California
44	Iipay Nation of Santa Ysabel, California
45	Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
46	Ione Band of Miwok Indians of California
47	Jackson Band of Miwok Indians
48	Jamul Indian Village of California
49	Karuk Tribe
50	Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
51	Kletsel Dehe Band of Wintun Indians
52	Koi nation of Northern California
53	La Jolla Band of Luiseno Indians, California
54	La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
55	Lone Pine Paiute-Shoshone Tribe
56	Los Coyotes Band of Cahuilla and Cupeno Indians, California
57	Lytton Rancheria of California
58	Manchester Band of Pomo Indians of the Manchester Rancheria, California
59	Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
60	Mechoopda Indian Tribe of Chico Rancheria, California
61	Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California

No.	TRIBE
62	Middletown Rancheria of Pomo Indians of California
63	Mooretown Rancheria of Maidu Indians of California
64	Morongo Band of Mission Indians, California
65	Northfork Rancheria of Mono Indians of California
66	Pala Band of Mission Indians
67	Paskenta Band of Nomlaki Indians of California
68	Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
69	Pechanga Band of Indians
70	Picayune Rancheria of Chukchansi Indians of California
71	Pinoleville Pomo Nation, California
72	Pit River Tribe, California
73	Potter Valley Tribe, California
74	Quartz Valley Indian Community of the Quartz Valley Reservation of California
75	Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
76	Ramona Band of Cahuilla, California
77	Redding Rancheria, California
78	Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California
79	Resighini Rancheria, California
80	Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California
81	Robinson Rancheria
82	Round Valley Indian Tribes, Round Valley Reservation, California
83	San Pasqual Band of Diegueno Mission Indians of California

No.	TRIBE
84	Santa Rosa Band of Cahuilla Indians, California
85	Santa Rosa Indian Community of the Santa Rosa Rancheria, California
86	Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
87	Scotts Valley Band of Pomo Indians of California
88	Sherwood Valley Rancheria of Pomo Indians of California
89	Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
90	Soboba Band of Luiseno Indians, California
91	Susanville Indian Rancheria, California
92	Sycuan Band of the Kumeyaay Nation
93	Table Mountain Rancheria
94	Tejon Indian Tribe
95	Timbisha Shoshone Tribe
96	Tolowa Dee-ni' Nation
97	Torres Martinez Desert Cahuilla Indians, California
98	Tule River Indian Tribe of the Tule River Reservation, California
99	Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
100	Twenty-Nine Palms Band of Mission Indians of California
101	United Auburn Indian Community of the Auburn Rancheria of California
102	Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California
103	Wilton Rancheria, California
104	Wiyot Tribe, California
105	Yocha Dehe Wintun Nation, California

No.	TRIBE
106	Yuhaaviatam of San Manuel Nation
107	Yurok Tribe of the Yurok Reservation, California

Appendix C: Criteria for Non-Governmental Organizations Receiving Title II Grant Tribal Program Funds

The Title II Grant Program Tribal Request for Proposals (RFP) includes requirements that apply to non-governmental, community-based organizations providing service with grant funds.⁴ Grantees are responsible for ensuring that all contracted third parties continually meet these requirements as a condition of receiving any Title II Grant Program Tribal funds.

Any non-governmental organization that receives Title II grant funds (as either a direct grantee, subgrantee, or subcontractor) must:

- Have been duly organized, in existence, and in good standing at least six (6) months prior to the effective date of its fiscal agreement with the BSCC or with the Title II grantee;
 - Non-governmental entities that have recently reorganized or have merged with other qualified non-governmental entities that were in existence prior to the six-month date are also eligible, provided all necessary agreements have been executed and filed with the California Secretary of State prior to the start date of the grantee-subcontractor fiscal agreement.
- Be registered with the California Secretary of State's Office, if applicable;
- Have a valid business license, if required by the applicable local jurisdiction;
- Have a valid Employer Identification Number (EIN) or Taxpayer ID (if sole proprietorship);
- Have any other state or local licenses or certifications necessary to provide the services requested (e.g., facility licensing by the Department of Health Care Services), if applicable; and,
- Have a physical address in the State of California. (An agent for service of process with a California address is insufficient.)

In the table below, provide the name of the Grantee and list all contracted parties.

Grantee:

Name of Contracted Party	Address	Email / Phone	Meets All Requirements
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

⁴ Non-Governmental Organizations (NGOs) include community-based organizations, faith-based organizations, non-profit organizations/501(c)(3)s, for profit service providers, evaluators (except government institutions such as universities), grant management companies and any other non-governmental agency or individual.

NOTE: These criteria do not apply to government organizations (e.g., counties, cities, school districts, etc.).

Grantees are required to update this list and submit it to BSCC any time a new third-party contract is executed after the initial assurance date. Grantees shall retain (on-site) applicable source documentation for each contracted party that verifies compliance with the requirements listed in the Title II RFP. These records will be subject to all records and retention language in the Standard Agreement.

Unless prior approval is obtained, the BSCC prohibits disbursement or reimbursement to any NGO that does not meet the requirements listed above and for which the BSCC does not have a signed grantee assurance on file.

A signature below is an assurance that all requirements listed above have been met.

AUTHORIZED SIGNATURE			
(This document must be signed by the person who is authorized to sign the Grant Agreement.)			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	EMAIL ADDRESS
STREET ADDRESS	CITY	STATE	ZIP CODE
APPLICANT'S SIGNATURE (Blue Ink or E-Signature Only)			DATE
X			

SAMPLE

Community Defined Evidence Practice

Community Defined Evidence Practice (CDEP) is a set of practices that communities have used and found to yield positive results as determined by community consensus over time, these practices may or may not have been measured empirically but have reached a level of acceptance by the community. The central goal is to develop an evidence-base using cultural and/or community indicators that identify community-defined and community-based practices that work for, and matter to, these communities.

Cultural Competence

Cultural competence⁵ is a set of congruent behaviors, attitudes, and policies that come together in a system, agency or among professionals and enable that system, agency or those professions to work effectively in cross-cultural situations.

The word **culture** is used because it implies the integrated pattern of human behavior that includes thoughts, communications, actions, customs, beliefs, values and institutions of a racial, ethnic, religious or social group. The word **competence** is used because it implies having the capacity to function effectively. Five essential elements contribute to a system's institution's, or agency's ability to become more culturally competent which include:

1. Valuing diversity
2. Having the capacity for cultural self-assessment
3. Being conscious of the dynamics inherent when cultures interact
4. Having institutionalized culture knowledge
5. Having developed adaptations to service delivery reflecting an understanding of cultural diversity

These five elements should be manifested at every level of an organization including policy making, administrative, and practice. Further these elements should be reflected in the attitudes, structures, policies and services of the organization.

Evidence-based

Evidence-based practices are programs and strategies that have been found effective at improving positive or preventing negative health outcomes, using rigorous scientific research methods. Programs and strategies may be evidence-based across all populations, or only for particular cultures and identities.

Promising Practices

Promising practices are programs and strategies that have shown some positive results and potential for improving desired health outcomes. They may have evidence from use in real-world settings, a strong theoretical framework, and/or expert opinion, but have not been fully replicated in scientific studies. Depending on the level of scientific evidence, these are sometimes referred to as "evidence-informed," "research-supported," or "emerging" practices.

⁵ Cross, T., Bazron, B., Dennis, K., & Isaacs, M., (1989). *Towards A Culturally Competent System of Care, Volume I*. Washington, DC: Georgetown University Child Development Center, CASSP Technical Assistance Center.

Applicants may find it helpful to review the information on evidence-based practices in Appendix L of this RFP as well as in the Substance Abuse and Mental Health Services Administration's (SAMHSA) Guide to Evidence-Based Practices available at: <https://www.samhsa.gov/ebp-resource-center>.

Financial Audit

A financial audit provides assurances that an organization's financial statements are free of material misstatement based upon the application of generally accepted accounting principles.

Non-Governmental Organization

A non-governmental organization (NGO) is a local public organization that provides services to a community consisting of individuals, groups, or other organizations that constitute the local or community service population. In the context of the Proud Parenting Grant Program, an NGO is generally considered to be a non-government, non-law enforcement organization that provides services individuals that are at risk of involvement or already involved with the justice system. In this RFP, NGOs and nonprofit organizations are also referred to as CBOs or Community-Based Organizations (CBOs).

Trauma

Trauma is an experience(s) that causes intense physical and psychological stress reactions. It can refer to a single event, multiple events, or a set of circumstances that is experienced by an individual as physically and emotionally harmful or threatening and that has lasting adverse effects on the individual's physical, social, emotional, cognitive, or spiritual well-being.

Trauma-Informed Approach

A trauma-informed approach is one in which all parties involved recognize and respond appropriately to the impact of traumatic stress designed to the youth's individual needs and ensure the physical and psychological safety of all youth, family members, and staff. A trauma-informed approach realizes the prevalence of trauma and why a trauma-informed approach is important; recognize how trauma affects all individuals in an organization, program, system, and/or workforce; responds effectively and with compassion; and actively works to resist re-traumatization.

Trauma-Informed Care

Trauma-informed care is a strengths-based service delivery approach "that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both providers and survivors, and that creates opportunities for survivors to rebuild a sense of control and empowerment" (Hopper, Bassuk, & Olivet, 2010, p. 82). It also involves vigilance in anticipating and avoiding institutional processes and individual practices that are likely to retraumatize individuals who already have histories of trauma, and it upholds the importance of consumer participation in the development, delivery, and evaluation of services.

Examples of program objectives⁶:

- By the end of the program, young, drug-addicted juveniles will recognize the long-term consequences of drug use.

⁶ Hopper, E. K., Bassuk, E. L., & Olivet, J. (2010). *Shelter from the storm: Trauma-informed care in homelessness services settings*. The Open Health Services and Policy Journal, 3, 80–100. As cited in the SAMSHA TIP 57 *A treatment Improvement Protocol: Trauma-Informed Care in Behavioral Services*. .

- To place eligible juveniles in an intensive supervision program within two weeks of adjudication to ensure offender accountability and community safety.
- To ensure that juvenile offenders carry out all of the terms of the mediation agreements they have worked out with their victims by program completion.

EVALUATIVE TERMS

Local Evaluation Plan and Local Evaluation Report⁷

The purpose of the Local Evaluation Plan and the Local Evaluation Report is to identify whether the program achieved its goals and objectives. Outcome measures are designed to answer the question: “What results did the program produce?” Examples of outcome measures could include:

- Results of pre/post surveys (e.g., improvements in the number of high school graduates or reductions in law enforcement contacts).
- Implementation of programs aimed at increasing the number of youth enrolled in mentoring programs.
- Changes in policies that improve access to alcohol and substance use prevention services for youth.

Goal versus Objective

Goals and objectives are necessary components of the Local Evaluation Plan and the Project Work Plan. These common terms are sometimes used interchangeably because both refer to the intended results of program activities. Goals are longer-term than objectives, more broadly stated and govern the specific objectives to which program activities are directed.

In proposals, goals are defined by broad statements of what the program intends to accomplish, representing the long-term intended outcome of the program⁸.

Examples of goal statements⁹:

- To reduce the number of serious and chronic juvenile offenders.
- To reduce the number of youths who exhibit a pattern of chronic offending.
- To divert youth who commit nonviolent offenses from state juvenile correctional institutions.
- To restore the losses suffered by the victims of crimes.
- To make improvements in academic behavior and/or achievement.
- To reduce rates of youth substance use in the target area.

Objectives are statements of specific, measurable aims of program activities. Objectives detail the tasks that must be completed to achieve goals. Descriptions of objectives in the proposals should include three (3) elements:¹⁰

⁷ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)* p. 7. Retrieved from <https://ojjdp.ojp.gov/library/publications/juvenile-justice-program-evaluation-overview>

⁸ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)*. Retrieved <https://ojjdp.ojp.gov/library/publications/juvenile-justice-program-evaluation-overview>. See also New York State Division of Criminal Justice Services. *A Guide to Developing Goals and Objectives for Your Program*. Retrieved from <https://www.criminaljustice.ny.gov/ofpa/goalwrite.htm>

⁹ *Id.* At p. 4.

¹⁰ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)* p. 5. Retrieved from <https://ojjdp.ojp.gov/library/publications/juvenile-justice-program-evaluation-overview>

- 1) Direction – the expected change or accomplishment (e.g., improve, maintain);
- 2) Timeframe – when the objective will be achieved; and
- 3) Target Population – who is affected by the objective.

Examples of program objectives:¹¹

- By the end of the program, drug-addicted youth will recognize the long-term consequences of drug use.
- To place eligible youth in an intensive supervision program within two weeks of adjudication to ensure their accountability and the community's safety.
- To ensure the youth in this program carry out all the terms of the mediation agreements they have worked out with their victims by program completion.
- To improve the self-discipline and study habits of youth enrolled.

Process Evaluation versus Outcome Evaluation

Process Evaluation¹²

The purpose of the process evaluation is to assess how program activities are being carried out in accordance with goals and objectives. Process measures are designed to answer the question: "What is the program actually doing and is this what we planned it to do?" Examples of process measures could include:

- Project staff have been recruited, hired and trained according to the proposal.
- Activities/strategies have been implemented on time according to the proposal.
- Number of interagency agreements entered into by the program compared to the number planned.
- Number of trainings conducted.
- Number of neighborhood meetings conducted.

Outcome Evaluation¹³

The purpose of the outcome evaluation is to identify whether the program "worked" in terms of achieving its goals and objectives. Outcome measures are designed to answer the question: "What results did the program produce?" Examples of outcome measures include:

- Results of pre/post surveys (e.g., changes in the reported confidence/trust in law enforcement among community members).
- Implementation of regular, ongoing community forums where law enforcement/community dialogue takes place.
- Changes in policies at the Lead Agency level to reflect procedural justice principles.

In an evidence-based practice approach, outcome evaluations must include not only the measures but also analysis of the extent to which the measured results can be attributed to the program rather than to coincidence or alternative explanations.

Principles of Effective Intervention

During the past two decades, there has been renewed interest in examining correctional research. These efforts have been led by researchers such as Gendreau, Andrews,

¹¹ *Id.*

¹² *Id.* at pp. 7.

¹³ *Id.* at pp. 7-8.

Cullen, Lipsey and others.¹² Much evidence has been generated, leading to the conclusion that many rehabilitation programs have, in fact, produced significant reductions in recidivism. The next critical issue became the identification of those characteristics most commonly associated with effective programs. Through the work of numerous scholars (Andrews et al., 1990¹³; Cullen and Gendreau, 2000¹⁴; Lipsey 1999¹⁵), several “principles of effective intervention” have been identified. These principles can be briefly categorized as the following:

- Assess Actuarial Risk/Needs
- Enhance Intrinsic Motivation
- Target Interventions
 - Risk Principle
 - Need Principle
 - Responsivity Principle
 - Dosage
 - Treatment Principle
- Skill Train with Directed Practice
- Increase Positive Reinforcement
- Engage Ongoing Support in Natural Communities
- Measure Relevant Processes/Practices
- Provide Measurement Feedback

Qualitative Data

Qualitative data (information) is based on written or spoken narratives. The purpose of qualitative data (information) is to explain and gain insight and understanding of events through collection of narrative data/information.

Quantitative Data

Quantitative data is based on numbers and mathematical calculations. The purpose of quantitative data is to explain, predict, and/or control events through focused collection of numerical data

¹² For a thorough review of this research, see Cullen, F.T. and B.K. Applegate. 1998. *Offender rehabilitation: Effective correctional intervention*. Brookfield, Vt.: Ashgate Dartmouth.

¹³ Andrews, D.A., I. Zinger, R.D. Hoge, J. Bonta, P. Gendreau and F.T. Cullen. 1990. Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis. *Criminology* 28(3):369-404.

¹⁴ Cullen, F.T. and P. Gendreau. 2000. Assessing correctional rehabilitation: Policy, practice, and prospects. In *Criminal justice 2000: Volume 3 – Policies, processes, and decisions of the criminal justice system*, ed. J. Horney, 109-175. Washington, D.C.: U.S. Department of Justice, National Institute of Justice.

¹⁵ Lipsey, M.W. 1999. Can intervention rehabilitate serious delinquents? *The Annals of the American Academy of Political and Social Science*, 564(2):142-166.

Appendix E: Sample Local Evaluation Plan Components

The Title II Grant Program Tribal Local Evaluation Plan (LEP) should, at a minimum, address the following:

Project Description as it pertains to the Title II Grant Program Tribal Project-

- Describe the intervention(s)/services/activities to be used in the project
- Define the target population (for example: gender age, system-involvement history, criminogenic factors, etc.)
- Define the criteria for participant eligibility
- Estimate the number of participants to receive an intervention(s)
- Describe the process for determining which interventions(s) a participant will receive
- Describe a plan to document the services within the intervention(s) provided to each participant
- Describe a plan for tracking participants in terms of progress in the project (for example start dates, attendance logs, dropouts, successful completions, etc.)

Project Evaluation Design-

- Define project goals
- Define project objectives
- Define variables and measures that will be used to demonstrate whether each goal, and their corresponding objectives, were achieved
- Indicate who will be conducting the outcome evaluation (i.e., external contractor/agency, internal team/individual, etc.)
- Identify data sources
- Define criteria for determining participant success/failure in the project
- Describe the research design that will be used to complete the evaluation
 - o Identify and define all outcome measures
 - o How will the results be used to determine whether your project was effective?
 - o Include any comparisons made

Project Oversight-

- Describe the project-oversight structure and overall decision-making process for the project
 - o Describe the research design for the process evaluation
 - o Identify and define all process evaluation measures
 - o Describe how the process measure data will be used to monitor the effectiveness of the project

Appendix F: SACJJD Membership Roster

State Advisory Committee on Juvenile Justice and Delinquency Prevention Membership Roster

	Name	Title	Organization/Agency	County
1	Rachel Rios (Chair)	Director	La Familia Counseling Center, Inc.	Sacramento
2	Carol Biondi (Vice-Chair)	Commissioner	Los Angeles County Commission for Children and Families	Los Angeles
3	Hon. Brian Back	Superior Court Judge	Ventura County Juvenile Court	Ventura
4	Dr. B.J. Davis	Adjunct Professor	Alliant International University	Sacramento
5	Dr. Carly Dierkhising	Assistant Professor	CSU Los Angeles	Los Angeles
6	Juan Gomez	Director	Motivating Individual Leadership for Public Advancement	Los Angeles
7	Susan Harbert	Staff Attorney	Loyola Law School	Los Angeles
8	Gordon Jackson	National Director of Protect	3Strands Global Foundation	Sacramento
9	Ramon Leija	Advocate	Anti-Recidivism Coalition	Los Angeles
10	Kent Mendoza	Policy Coordinator	Anti-Recidivism Coalition	Los Angeles
11	Amika Mota	Prison Reentry Director	Young Women's Freedom Center	San Francisco
12	Winston Peters	Assistant Public Defender	Los Angeles County Public Defender's Office	Los Angeles

13	Dr. Mimi Silbert	Chief Executive Officer	Delancey Street Foundation	San Francisco
14	Dante Williams	Volunteer Juvenile Justice Chaplain	Sacramento County Probation Department	Sacramento
15	Elliott Housman-Turrubiate	Youth & Family Advocate Manager	Sacramento Native American Health Center	Sacramento
16	Michelle Guymon	Director	Child Trafficking Unit, Los Angeles County Sheriff's Department	Los Angeles

Appendix G: 2022 Title II Grant Executive Steering Committee

Title II Grant Program ESC Membership Roster

	Name	Title	Organization/Agency	County
1	Rachel Rios (Chair)	Executive Director	La Familia Counseling Center, Inc.	Sacramento
2	Hon. Brian Back	Judge	SACJJDP member, Ventura Juvenile Court	Ventura
3	Denise Villamil	Program Director Chair of the Board	ALMA Family Services Girls Today Women Tomorrow	Los Angeles
4	Hailey Jures	Consultant	Hailey Jures Consulting, LLC.	Los Angeles
5	Elliott Housman-Turrubiate	Youth & Family Advocate Manager	Sacramento Native American Health Center	Sacramento
6	Dr. B.J. Davis	Senior Manager of Training and Clinical Quality	WellSpace Health	Sacramento
7	Amanda Ayala	Project Manager II	Santa Clara County	Santa Clara
8	Gordon Jackson	National Director	3Strands Global Foundation	Sacramento

Appendix H: Sample Grant Agreement

STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES

SCO ID: 5227-BSCCXXX23

STANDARD AGREEMENT

STD 213 (Rev 03/2019)

AGREEMENT NUMBER

BSCC XXX-23

PURCHASING AUTHORITY NUMBER (If Applicable)

BSCC-5227

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

BOARD OF STATE AND COMMUNITY CORRECTIONS

CONTRACTOR NAME

XXX

2. The term of this Agreement is:

START DATE

October 1, 2023

THROUGH END DATE

December 31, 2026

3. The maximum amount of this Agreement is:

\$000,000.00

4. The parties agree to comply with the terms and conditions of the following exhibits, attachments, and appendices which are by this reference made a part of the Agreement.

EXHIBITS	TITLE	PAGES
Exhibit A	Scope of Work	X
Exhibit B	Budget Detail and Payment Provisions	X
Exhibit C	General Terms and Conditions (04/2017)	4
Exhibit D	Special Terms and Conditions	X
Exhibit E	2020 Title II Award Federal Conditions	X
Exhibit F	2021 Title II Award Federal Conditions	X
Attachment 1*	2023 Title II Grant Program Tribal Request for Proposals	*
Attachment 2	2023 Title II Grant Program Tribal Application for Funding	XX

* This item is hereby incorporated by reference and can be viewed at: xxxxxxxxx

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

CONTRACTOR

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

GRANTEE NAME

CONTRACTOR BUSINESS ADDRESS

XXX

CITY

XXX

STATE

XX

ZIP

XXX

PRINTED NAME OF PERSON SIGNING

XXX

TITLE

XXX

CONTRACTOR AUTHORIZED SIGNATURE



DATE SIGNED

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME

BOARD OF STATE AND COMMUNITY CORRECTIONS

CONTRACTING AGENCY ADDRESS

2590 Venture Oaks Way, Suite 200

CITY

Sacramento

STATE

CA

ZIP

95833

PRINTED NAME OF PERSON SIGNING

RICARDO GOODRIDGE

TITLE

Deputy Director

CONTRACTING AGENCY AUTHORIZED SIGNATURE



DATE SIGNED

EXHIBIT A: SCOPE OF WORK

1. GRANT AGREEMENT – TITLE II TRIBAL GRANT PROGRAM

This Grant Agreement is between the State of California, Board of State and Community Corrections (hereafter referred to as BSCC) and XXX (hereafter referred to as the Grantee).

2. PROJECT SUMMARY AND ADMINISTRATION

- A. Project Summary here....
- B. Grantee agrees to administer the project in accordance with Attachment 1: Title II Grant Program Tribal Request for Proposals (incorporated by reference) and Attachment 2: 2022 Title II Grant Program Tribal Application for Funding, which are attached and hereto made part of this agreement.

3. PROJECT OFFICIALS

- A. The BSCC's Executive Director or designee shall be the BSCC's representative for administration of the Grant Agreement and shall have authority to make determinations relating to any controversies that may arise under or regarding the interpretation, performance, or payment for work performed under this Grant Agreement.

- B. The Grantee's project officials shall be those identified as follows:

Authorized Officer with legal authority to sign:

Name:

Title:

Address:

Phone:

Email:

Designated Financial Officer authorized to receive warrants:

Name:

Title:

Address:

Phone:

Fax:

Email:

Project Director authorized to administer the project:

Name:

Title:

Address:

Phone:

Fax:

Email:

EXHIBIT A: SCOPE OF WORK

- C. Either party may change its project representatives upon written notice to the other party.
- D. By signing this Grant Agreement, the Authorized Officer listed above warrants that he or she has full legal authority to bind the entity for which he or she signs.

4. DATA COLLECTION

Grantees will be required to comply with all data collection and reporting requirements as described in the Title II Grant Program Tribal Request for Proposals.

5. REPORTING REQUIREMENTS

A. Quarterly Progress Reports

Grantee will submit quarterly progress reports in a format prescribed by the BSCC. These reports, which will describe progress made on program objectives and include required data, shall be submitted according to the following schedule:

Progress Report Periods	Due no later than:
1. October 1, 2023 to December 31, 2023	January 15, 2024
2. January 1, 2023 to March 31, 2024	April 15, 2024
3. April 1, 2024, to June 30, 2024	July 15, 2024
4. July 1, 2024 to September 30, 2024	October 15, 2024
5. October 1, 2024 to December 31, 2024	January 15, 2025
6. January 1, 2025 to March 31, 2025	April 15, 2025
7. April 1, 2025 to June 30, 2025	July 15, 2025
8. July 1, 2025 to September 30, 2025	October 15, 2025
9. October 1, 2025 to December 31, 2025	January 15, 2026
10. January 1, 2026 to March 31, 2026	April 15, 2026
11. April 1, 2026 to June 30, 2025	July 15, 2026
12. July 1, 2026 to September 30, 2026	October 15, 2026

Note: Project service activity period ends September 30, 2026. The period of October 1, 2026 to December 31, 2026 is for completion of Final Local Evaluation Report and the financial audit only.

B. Evaluation Documents: Local Evaluation Plan and Final Evaluation Report

As described in the RFP, Grantee is required to submit to the BSCC: (1) a Local Evaluation Plan (three [3] months post-award) and, (2) a Local Evaluation Report (three [3] months after the conclusion of the grant).

	Due no later than:
1. Local Evaluation Plan	December 31, 2023
2. Final Local Evaluation Report	December 31, 2026

EXHIBIT A: SCOPE OF WORK

C. Other: Grantees shall submit all other reports and data as required by the BSCC.

Due no later than:

Financial Audit (if applicable)

December 31, 2026

6. PROJECT RECORDS

- A. The Grantee shall establish an official file for the project. The file shall contain adequate documentation of all actions taken with respect to the project, including copies of this Grant Agreement, approved program/budget modifications, financial records, and required reports.
- B. The Grantee shall establish separate accounting records and maintain documents and other evidence sufficient to properly reflect the amount, receipt, and disposition of all project funds, including grant funds and any matching funds by the Grantee and the total cost of the project. Source documentation includes copies of all awards, applications, approved modifications, financial records, and narrative reports.
- C. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under the grant, whether they are employed full-time or part-time. Time and effort reports are also required for all subcontractors and consultants.
- D. The grantee shall maintain documentation of donated goods and/or services, including the basis for valuation.
- E. Grantee agrees to protect records adequately from fire or other damage. When records are stored away from the Grantee's principal office, a written index of the location of records stored must be on hand and ready access must be assured.
- F. All Grantee records relevant to the project must be preserved a minimum of three (3) years after closeout of the grant project and shall be subject at all reasonable times to inspection, examination, monitoring, copying, excerpting, transcribing, and auditing by the BSCC or designees. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three (3) year period, the records must be retained until the completion of the action and resolution of all issues which arise from it or until the end of the regular three (3) year period, whichever is later.

7. CONFLICT OF INTEREST

- A. Existing law prohibits any grantee, subgrantee, partner, or like party who participated on the Title II Grant Program Executive Steering Committee (see Contract Appendix A) from receiving funds from the Title II Grant Program awarded under this RFP. Applicants who are awarded grants under this RFP are responsible for reviewing the Title II Grant Program ESC membership roster and ensuring no

EXHIBIT A: SCOPE OF WORK

grant dollars are passed through to any entity represented by the members of the Title II Grant Program ESC.

- B. In cases of an actual conflict of interest with an ESC member, the Board may revoke the grant award and legal consequences could exist for the parties involved, including, but not limited to, repayment of the grant award.

8. AUDIT

Grantee is required to complete an audit annually for each fiscal year/audit period, or fraction thereof, for the entire three-year grant cycle. Grantees may choose either a program-specific audit or a single federal audit. Federal guidelines allow grantees receiving \$750,000 or more in federal funds in a fiscal year to use their federal justice assistance grant funds to pay for the cost of the audit. Grantees falling below the \$750,000 threshold must use non-federal funds (i.e., match funds) to pay for audit costs. For purposes of this grant award, please check one of the boxes below to indicate the grantee's choice for meeting the audit requirement.

- In conformance with Federal Office of Management and Budget (OMB) CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and the California State Controller's Accounting Standards and Procedures, Chapter 23, Grant Accounting Index, the identified grant will be included in the City/County Single Federal Audit Report, which will be submitted to the BSCC within 30 days of the Grantee's receipt of the report or within nine months following the end of the audit period, whichever is earlier.

OR

- In conformance with Federal Office of Management and Budget (OMB) CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and the California State Controller's Accounting Standards and Procedures Chapter 23, Grant Accounting Index, the grantee will provide a Program-Specific Final Audit Report to the BSCC within 30 days of the Grantee's receipt of the report or within nine months following the end of the audit period, whichever is earlier.

OR

- In conformance with Federal Office of Management and Budget (OMB) CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, the non-governmental entity grantee **does not expend \$750,000 or more** in total federal awards during the fiscal year and is therefore, exempt from Federal audit requirements for this grant contract period. However, the entity understands that it must keep and maintain the grant records and make them available for review or audit by appropriate officials of the Federal agency, pass-through agency (i.e., the Board of State and Community Corrections) and Governmental Accountability Office.

EXHIBIT A: SCOPE OF WORK

9. DATA UNIVERSAL NUMBERS SYSTEM (DUNS)

The Contractor/grantee (entity entering into contract with the BSCC) must maintain active registration of their Data Universal Numbers System (DUNS) number, used for this Grant Agreement, throughout the term of the contract. An active DUNS number is also required to remain in compliance with the Federal Funding Accountability and Transparency Act (FFATA), a reporting tool Federal prime awardees (i.e. prime contractors and prime grants recipients) use to capture and report subaward and executive compensation.

SAMPLE
GRANT
AGREEMENT

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

1. INVOICING AND PAYMENTS (Grantee Selects Frequency After Award)

- A. The Grantee shall be paid in monthly in arrears by submitting an invoice (Form 201) to the BSCC that outlines actual expenditures claimed for the invoicing period.

Monthly Invoicing Periods

Due No Later Than:

- | | |
|---|--------------------|
| 1. October 1, 2023 to October 31, 2023 | December 15, 2023 |
| 2. November 1, 2023 to November 30, 2023 | January 15, 2024 |
| 3. December 1, 2023 to December 31, 2023 | February 15, 2024 |
| 4. January 1, 2024 to January 31, 2024 | March 15, 2024 |
| 5. February 1, 2024 to February 29, 2024 | April 15, 2024 |
| 6. March 1, 2024 to March 31, 2024 | May 15, 2024 |
| 7. April 1, 2024 to April 30, 2024 | June 15, 2024 |
| 8. May 1, 2024 to May 31, 2024 | July 15, 2024 |
| 9. June 1, 2024 to June 30, 2024 | August 15, 2024 |
| 10. July 1, 2024 to July 31, 2024 | September 15, 2024 |
| 11. August 1, 2024 to August 31, 2024 | October 15, 2024 |
| 12. September 1, 2024 to September 30, 2024 | November 15, 2024 |
| 13. October 1, 2024 to October 31, 2024 | December 15, 2024 |
| 14. November 1, 2024 to November 30, 2024 | January 15, 2025 |
| 15. December 1, 2024 to December 31, 2024 | February 15, 2025 |
| 16. January 1, 2025 to January 31, 2025 | March 15, 2025 |
| 17. February 1, 2025 to February 29, 2025 | April 15, 2025 |
| 18. March 1, 2025 to March 31, 2025 | May 15, 2025 |
| 19. April 1, 2025 to April 30, 2025 | June 15, 2025 |
| 20. May 1, 2025 to May 31, 2025 | July 15, 2025 |
| 21. June 1, 2025 to June 30, 2025 | August 15, 2025 |
| 22. July 1, 2025 to July 31, 2025 | September 15, 2025 |
| 23. August 1, 2025 to August 31, 2025 | October 15, 2025 |
| 24. September 1, 2025 to September 30, 2025 | November 15, 2025 |
| 25. October 1, 2025 to October 31, 2025 | December 15, 2025 |
| 26. November 1, 2025 to November 30, 2025 | January 15, 2026 |
| 27. December 1, 2025 to December 31, 2025 | February 15, 2026 |
| 28. January 1, 2026 to January 31, 2026 | March 15, 2026 |
| 29. February 1, 2026 to February 28, 2026 | April 15, 2026 |
| 30. March 1, 2026 to March 31, 2026 | May 15, 2026 |
| 31. April 1, 2026 to April 30, 2026 | June 15, 2026 |
| 32. May 1, 2026 to May 31, 2026 | July 15, 2026 |
| 33. June 1, 2026 to June 30, 2026 | August 15, 2026 |
| 34. July 1, 2026 to July 31, 2026 | September 15, 2026 |
| 35. August 1, 2026 to August 31, 2026 | October 15, 2026 |
| 36. September 1, 2026 to September 30, 2026 | November 15, 2026 |

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

A. The Grantee shall be paid in quarterly in arrears by submitting an invoice (Form 201) to the BSCC that outlines actual expenditures claimed for the invoicing period.

Quarterly Invoice Periods:

Quarterly Invoice Periods:	Due No Later Than:
1. October 1, 2023 to December 31, 2023	February 15, 2024
2. January 1, 2024 to March 31, 2024	May 15, 2024
3. April 1, 2024 to June 30, 2024	August 15, 2024
4. July 1, 2024 to September 30, 2024	November 15, 2024
5. October 1, 2024 to December 31, 2024	February 15, 2025
6. January 1, 2025 to March 31, 2025	May 15, 2025
7. April 1, 2025 to June 30, 2025	August 15, 2025
8. July 1, 2025 to September 30, 2025	November 15, 2025
9. October 1, 2025 to December 31, 2025	February 15, 2026
10. January 1, 2026 to March 31, 2026	May 15, 2026
11. April 1, 2026 to June 30, 2026	August 15, 2026
12. July 1, 2026 to September 30, 2026	November 15, 2026

Final Local Evaluation Report Period

13. October 1, 2026 through December 31, 2026 Due no later than February 15, 2027

**Note: Only expenditures associated with completion of the Final Local Evaluation Report may be included on this last invoice*

B. All project expenditures (excluding costs associated with the completion of the Final Local Evaluation Report) and all obligated match contributions must be incurred by the end of the grant project period, September 30, 2026, and included on the invoice due November 15, 2026. Project expenditures incurred after October 1, 2026 will not be reimbursed.

C. The Final Local Evaluation Report is due to BSCC by December 31, 2026. Expenditures incurred solely for the completion of the Final Local Evaluation Report will be reimbursed for the close-out period of October 1, 2026 through December 31, 2026 and must be submitted on the last invoice, due February 15, 2027. All fiscal supporting documentation for the Final Local Evaluation Report expenditures must be submitted to the BSCC with this final invoice

D. The Grantee shall submit an invoice to the BSCC each invoicing period, even if grant funds are not expended or requested during the invoicing period.

E. Supporting documentation must be submitted for expenditures upon BSCC's request. All supporting documentation must be maintained by the grantee on site and be readily available for review during BSCC site visits.

2. GRANT AMOUNT AND LIMITATION

A. In no event shall the BSCC be obligated to pay any amount in excess of the grant award. Grantee waives any and all claims against the BSCC and the State of California on account of project costs that may exceed the sum of the grant award.

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

- B. Under no circumstance will a budget item change be authorized that would cause the project to exceed the amount of the grant award identified in this Grant Agreement.

3. BUDGET CONTINGENCY CLAUSE

- A. Grantee agrees that the BSCC's obligation to pay any sum to the grantee under any provision of this agreement is contingent upon the availability of sufficient federal appropriations as part of the federal budget process and made available through the authorization in the California Budget Act. It is mutually agreed that if Congress does not appropriate sufficient funds in subsequent years and/or the California Legislature does not provide sufficient appropriation authority during the term of years covered under this Grant Agreement, this Grant Agreement shall be of no further force and effect. In this event, the BSCC shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this Agreement and Grantee shall not be obligated to perform any provisions of this Grant Agreement.
- A. If Title II Tribal Grant Program funding is reduced or falls below estimates contained within the Title II Tribal Grant Program Request for Proposals, the BSCC shall have the option to either cancel this Grant Agreement with no liability occurring to the BSCC or offer an amendment to this agreement to the Grantee to reflect a reduced amount.
- B. If BSCC cancels the agreement pursuant to Paragraph 3(B) or Grantee does not agree to an amendment in accordance with the option provided by Paragraph 3(B), it is mutually agreed that the Grant Agreement shall have no further force and effect. In this event, the BSCC shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this Agreement and Grantee shall not be obligated to perform any provisions of this Grant Agreement except that Grantee shall be required to maintain all project records required by Paragraph 6 of Exhibit A for a period of three (3) years following the termination of this agreement.

4. PROJECT COSTS

- A. Grantee is responsible for ensuring that actual expenditures are for eligible project costs. "Eligible" and "ineligible" project costs are set forth in the July 2020 BSCC Grant Administration Guide, which can be found under Quick Links here: https://www.bscc.ca.gov/s_correctionsplanningandprograms/
The provisions of the BSCC Grant Administration Guide are incorporated by reference into this agreement and Grantee shall be responsible for adhering to the requirements set forth therein. To the extent any of the provisions of the BSCC Grant Administration Guide and this agreement conflict, the language in this agreement shall prevail.

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

- B. Grantee is responsible for ensuring that invoices submitted to the BSCC claim actual expenditures for eligible project costs.
- C. Grantee shall, upon demand, remit to the BSCC any grant funds not expended for eligible project costs or an amount equal to any grant funds expended by the Grantee in violation of the terms, provisions, conditions or commitments of this Grant Agreement.
- D. Grant funds must be used to support new program activities or to augment existing funds that expand current program activities. Grant funds shall not replace (supplant) any federal, state and/or local funds that have been appropriated for the same purpose. Violations can result in recoupment of monies provided under this grantor suspension of future program funding through BSCC grants.

5. PROMPT PAYMENT CLAUSE

Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

6. WITHHOLDING OF GRANT DISBURSEMENTS

- A. The BSCC may withhold all or any portion of the grant funds provided by this Grant Agreement in the event the Grantee has materially and substantially breached the terms and conditions of this Grant Agreement.
- B. At such time as the balance of state funds allocated to the Grantee reaches five percent (5%), the BSCC may withhold that amount as security, to be released to the Grantee upon compliance with all grant provisions, including:
 - 1) submittal and approval of the final invoice;
 - 2) submittal and approval of the final progress report; and
 - 3) submittal and approval of any additional required reports.
- C. The BSCC will not reimburse Grantee for costs identified as ineligible for grant funding. If grant funds have been provided for costs subsequently deemed ineligible, the BSCC may either withhold an equal amount from future payments to the Grantee or require repayment of an equal amount to the State by the Grantee.
- D. In the event that grant funds are withheld from the Grantee, the BSCC's Executive Director or designee shall notify the Grantee of the reasons for withholding and advise the Grantee of the time within which the Grantee may remedy the failure or violation leading to the withholding.

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

7. EXECUTIVE ORDER N-6-22 – RUSSIA SANCTIONS

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and individuals. “Economic Sanctions” refers to sanctions imposed by the U.S. government in response to Russia’s actions in Ukraine, as well as any sanctions imposed under state law. The EO directs state agencies to terminate contracts with, and to refrain from entering any new contracts with, individuals or entities that are determined to be a target of Economic Sanctions. Accordingly, should the State determine Contractor is a target of Economic Sanctions or is conducting prohibited transactions with sanctioned individuals or entities, that shall be grounds for termination of this agreement. The State shall provide Contractor advance written notice of such termination, allowing Contractor at least 30 calendar days to provide a written response. Termination shall be at the sole discretion of the State.

8. PROJECT BUDGET

Program Budget (October 1, 2023 – December 31, 2026)	Total
1. Salaries and Benefits	\$0
2. Services and Supplies	\$0
3. Professional Services	\$0
4. Direct Service Provider Subcontracts (NGO & Government)	\$0
5. Equipment/Fixed Assets	\$0
6. Project Evaluation and Data Collection	\$0
7. Other (Travel, Training, etc.)	\$0
8. Indirect Costs	\$0
TOTAL	\$0

EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

1. **APPROVAL:** This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
2. **AMENDMENT:** No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. **ASSIGNMENT:** This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
4. **AUDIT:** Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
5. **INDEMNIFICATION:** Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement.
6. **DISPUTES:** Contractor shall continue with the responsibilities under this Agreement during any dispute.
7. **TERMINATION FOR CAUSE:** The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State

EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.

- 8. INDEPENDENT CONTRACTOR:** Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.
- 9. RECYCLING CERTIFICATION:** The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post-consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).
- 10. NON-DISCRIMINATION CLAUSE:** During the performance of this Agreement, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require ascertaining compliance with this clause. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

11. CERTIFICATION CLAUSES: The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 04/2017 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

(<https://www.dgs.ca.gov/OLS/Resources>)

12. TIMELINESS: Time is of the essence in this Agreement.

13. COMPENSATION: The consideration to be a paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.

14. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.

15. ANTITRUST CLAIMS: The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.

A. The Government Code Chapter on Antitrust claims contains the following definitions:

- 1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.
- 2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.

B. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

C. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.

EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

D. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

16. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:

- A. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
- B. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

17. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

18. PRIORITY HIRING CONSIDERATIONS: If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

19. SMALL BUSINESS PARTICIPATION AND DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION REPORTING REQUIREMENTS:

- A. If for this Contract the Contractor made a commitment to achieve small business participation, then the Contractor must, within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract), report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)
- B. If for this Contract the Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then the Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the

EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

20. LOSS LEADER: If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

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EXHIBIT D: SPECIAL TERMS AND CONDITIONS

1. GRANTEE'S GENERAL RESPONSIBILITY

- A. Grantee agrees to comply with all terms and conditions of this Grant Agreement. Review and approval by the BSCC is solely for the purpose of proper administration of grant funds and shall not be deemed to relieve or restrict the Grantee's responsibility.
- B. Grantee is responsible for the performance of all project activities identified in Attachment 1: Title II Grant Program Tribal Request for Proposals and Attachment 2: 2023 Title II Tribal Application for Funding.
- C. Grantee shall immediately advise the BSCC of any significant problems or changes that arise during the course of the project.

2. GRANTEE ASSURANCES AND COMMITMENTS

- A. Compliance with Laws and Regulations
This Grant Agreement is governed by and shall be interpreted in accordance with the laws of the State of California. Grantee shall at all times comply with all applicable State laws, rules and regulations, and all applicable local ordinances.
- B. Compliance with Federal Laws and Regulations
The Grantee hereby assures and certifies compliance with all applicable federal statutes, regulations, policies, guidelines and requirements, including all Title II Federal Award Conditions. The 2020 and 2021 Title II Federal Award Conditions are included in this Grant Agreement as Exhibit E. Please note that federal award conditions are subject to change in subsequent funding years and grantees will be required to comply with any future changes to remain eligible for federal funding.
- C. Fulfillment of Assurances and Declarations
Grantee shall fulfill all assurances, declarations, representations, and statements made by the Grantee in Attachment 1: Title II Tribal Grant Program Request for Proposals and Attachment 2: Title II Application for Funding, documents, amendments, approved modifications, and communications filed in support of its request for grant funds.
- D. Permits and Licenses
Grantee agrees to procure all permits and licenses necessary to complete the project, pay all charges and fees, and give all notices necessary or incidental to the due and lawful proceeding of the project work.

3. POTENTIAL SUBCONTRACTORS

- A. In accordance with the provisions of this Grant Agreement, the Grantee may subcontract for services needed to implement and/or support program activities. Grantee agrees that in the event of any inconsistency between this Grant Agreement and Grantee's agreement with a subcontractor, the language of this Grant Agreement will prevail.

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

- B. Nothing contained in this Grant Agreement or otherwise, shall create any contractual relation between the BSCC and any subcontractors, and no subcontract shall relieve the Grantee of his responsibilities and obligations hereunder. The Grantee agrees to be as fully responsible to the BSCC for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Grantee. The Grantee's obligation to pay its subcontractors is an independent obligation from the BSCC's obligation to make payments to the Grantee. As a result, the BSCC shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor.
- C. Grantee shall ensure that all subcontractors comply with the eligibility requirements stated in the Title II Tribal Grant Program RFP and described in Appendix A: Juvenile Justice Delinquency and Prevention Act of Reauthorization 2018
- D. Grantee assures that for any subcontract awarded by the Grantee, such insurance and fidelity bonds, as is customary and appropriate, will be obtained.
- E. Grantee agrees to place appropriate language in all subcontracts for work on the project requiring the Grantee's subcontractors to:
- 1) Books and Records
Maintain adequate fiscal and project books, records, documents, and other evidence pertinent to the subcontractor's work on the project in accordance with generally accepted accounting principles. Adequate supporting documentation shall be maintained in such detail so as to permit tracing transactions from the invoices, to the accounting records, to the supporting documentation. These records shall be maintained for a minimum of three (3) years after the acceptance of the final grant project audit under the Grant Agreement and shall be subject to examination and/or audit by the BSCC or designees, state government auditors or designees, or by federal government auditors or designees.
 - 2) Access to Books and Records
Make such books, records, supporting documentations, and other evidence available to the BSCC or designee, the State Controller's Office, the Department of General Services, the Department of Finance, California State Auditor, and their designated representatives during the course of the project and for a minimum of three (3) years after acceptance of the final grant project audit. The Subcontractor shall provide suitable facilities for access, monitoring, inspection, and copying of books and records related to the grant-funded project.

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

4. PROJECT ACCESS

Grantee shall ensure that the BSCC, or any authorized representative, will have suitable access to project activities, sites, staff and documents at all reasonable times during the grant period including those maintained by subcontractors. Access to program records will be made available by both the grantee and the subcontractors for a period of three (3) years following the end of the grant period.

5. ACCOUNTING AND AUDIT REQUIREMENTS

- A. All funds received by the Grantee shall be deposited into separate fund accounts which identify the funds and clearly show the manner of their disposition. Grantee agrees that accounting procedures for grant funds received pursuant to this Grant Agreement shall be in accordance with generally accepted government accounting principles and practices, and adequate supporting documentation shall be maintained in such detail as to provide an audit trail, which will permit the tracing of transactions from such documents to relevant accounting records, financial reports and invoices.
- B. The BSCC reserves the right to call for a program or financial audit at any time between the execution of this Grant Agreement and three years following the end of the grant period. At any time, the BSCC may disallow all or part of the cost of the activity or action determined to not be in compliance with the terms and conditions of this Grant Agreement or take other remedies legally available.

6. MODIFICATIONS

No change or modification in the project will be permitted without prior written approval from the BSCC. Changes may include modification to project scope, changes to performance measures, compliance with collection of data elements, and other significant changes in the budget or program components contained in the Application for Funding. Changes shall not be implemented by the project until authorized by the BSCC.

7. TERMINATION

- A. This Grant Agreement may be terminated by the BSCC at any time after grant award and prior to completion of project upon action or inaction by the Grantee that constitutes a material and substantial breach of this Grant Agreement. Such action or inaction includes but is not limited to:
 - 1) substantial alteration of the scope of the grant project without prior written approval of the BSCC;
 - 2) refusal or inability to complete the grant project in a manner consistent with Attachment 1: Title II Grant Program Tribal Request for Proposal and Attachment 2: 2023 Title II Tribal Application for Funding, or approved modifications;

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

- 3) failure to provide the required local match share of the total project costs; and
 - 4) failure to meet prescribed assurances, commitments, recording, accounting, auditing, and reporting requirements of the Grant Agreement.
- B. Prior to terminating the Grant Agreement under this provision, the BSCC shall provide the Grantee at least 30 calendar days written notice stating the reasons for termination and effective date thereof. The Grantee may appeal the termination decision in accordance with the instructions listed in Exhibit D: Special Terms and Conditions, Number 8. Settlement of Disputes.

8. SETTLEMENT OF DISPUTES

- A. The parties shall deal in good faith and attempt to resolve potential disputes informally. If the dispute persists, the Grantee shall submit to the BSCC Corrections Planning and Grant Programs Division Deputy Director a written demand for a final decision regarding the disposition of any dispute between the parties arising under, related to, or involving this Grant Agreement. Grantee's written demand shall be fully supported by factual information. The BSCC Corrections Planning and Grant Programs Division Deputy Director shall have 30 days after receipt of Grantee's written demand invoking this Section "Disputes" to render a written decision. If a written decision is not rendered within 30 days after receipt of the Grantee's demand, it shall be deemed a decision adverse to the Grantee's contention. If the Grantee is not satisfied with the decision of the BSCC Corrections Planning and Grant Programs Division Deputy Director, the Grantee may appeal the decision, in writing, within 15 days of its issuance (or the expiration of the 30-day period in the event no decision is rendered), to the BSCC Executive Director, who shall have 45 days to render a final decision. If the Grantee does not appeal the decision of the BSCC Corrections Planning and Grant Programs Division Deputy Director, the decision shall be conclusive and binding regarding the dispute and the Contractor shall be barred from commencing an action in court, or with the Victims Compensation Government Claims Board, for failure to exhaust Grantee's administrative remedies.
- B. Pending the final resolution of any dispute arising under, related to or involving this Grant Agreement, Grantee agrees to diligently proceed with the performance of this Grant Agreement, including the providing of services in accordance with the Grant Agreement. Grantee's failure to diligently proceed in accordance with the State's instructions regarding this Grant Agreement shall be considered a material breach of this Grant Agreement.
- C. Any final decision of the State shall be expressly identified as such, shall be in writing, and shall be signed by the Executive Director, if an appeal was made. If the Executive Director fails to render a final decision within 45 days after receipt of the Grantee's appeal for a final decision, it shall be deemed a final decision adverse to

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

the Grantee's contentions. The State's final decision shall be conclusive and binding regarding the dispute unless the Grantee commences an action in a court of competent jurisdiction to contest such decision within 90 days following the date of the final decision or one (1) year following the accrual of the cause of action, whichever is later.

- D. The dates of decision and appeal in this section may be modified by mutual consent, as applicable, excepting the time to commence an action in a court of competent jurisdiction.

9. WAIVER

The parties hereto may waive any of their rights under this Grant Agreement unless such waiver is contrary to law, provided that any such waiver shall be in writing and signed by the party making such waiver.

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EXHIBIT E 2020 TITLE II AWARD FEDERAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2020 award from OJP.

EXHIBIT E 2020 TITLE II AWARD FEDERAL CONDITIONS

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2020 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2020 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material

EXHIBIT E 2020 TITLE II AWARD FEDERAL CONDITIONS

incorporated by reference through award conditions, and references set out in other award requirements.

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek

EXHIBIT E 2020 TITLE II AWARD FEDERAL CONDITIONS

a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

9. Employment eligibility verification for hiring under the award¹⁴

1. The recipient (and any subrecipient at any tier) must—

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both—

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

¹⁴ Please note: this award condition is subject to a stipulated agreement between the State of California and DOJ in California v. Barr, No. 3:19-cv-6189-WHO, ECF No. 41 (N.D. Cal. June 3, 2020).

EXHIBIT E 2020 TITLE II AWARD FEDERAL CONDITIONS

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

EXHIBIT E 2020 TITLE II AWARD FEDERAL CONDITIONS

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

10. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

11. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

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The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

13. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") – no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

EXHIBIT E 2020 TITLE II AWARD FEDERAL CONDITIONS

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or -subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Post award Requirements" in the "DOJ Grants Financial Guide").

16. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner

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(including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

17. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

18. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

19. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "highrisk" for purposes of the DOJ high-risk grantee list.

20. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

21. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

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The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

23. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

24. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY20AppropriationsRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an

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appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

26. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

EXHIBIT E 2020 TITLE II AWARD FEDERAL CONDITIONS

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both—

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

27. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

EXHIBIT E 2020 TITLE II AWARD FEDERAL CONDITIONS

28. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

29. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

30. The recipient agrees that, consistent with applicable State law, staff directly associated with administration of the OJJDP Formula Grants Program will attend and participate in conferences, workshops, training sessions and other national or regional meetings deemed by OJJDP to be critical to the administration of this Program. OJJDP will determine which staff and the number of staff that should attend each meeting, consistent with the scope and subject matter of the meeting. Cost of attendance will be borne by the recipient as an administrative cost to the grant or paid from State Advisory Group set aside funds under Section 222(d), as appropriate.

31. The recipient agrees that, as required by federal law (31 U.S.C. 1301(a)), the funds allocated to support its State Advisory Group (SAG) pursuant to 34 U.S.C. 11132(d) must be expended in a manner consistent with the purposes set forth at 34 U.S.C. 11133(a)(3)(B), (C), and (D). If the recipient's SAG chooses to use a portion of its limited formula grant set-aside for organizational membership fees, such costs are only allowable if those costs meet the requirements of 2 C.F.R. 200.454. The use of federal funds for 1) cash or in-kind contributions, 2) donations, or 3) payment of membership fees in organizations substantially engaged in lobbying, is specifically prohibited by 2 C.F.R. 434 and 454.

32. Pursuant to Section 223(a)(3)(A)(iii) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (34 U.S.C. § 11101, et seq.), the chairperson of the State Advisory Group cannot be a full-time employee of the Federal, State, or local government.

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This prohibition applies also to an Acting Chair, or other person assuming the duties and responsibilities of the Chair, whether permanently or on a temporary basis.

33. The recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form (available for viewing at <https://www.gsa.gov/forms-library/federal-financial-report>), not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the award period.
34. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

[Intentionally Omitted: award conditions 35 through 38, as originally set out in the award document, per [OJP Notice 42.](#)]

39. The award recipient agrees, as a condition of award approval, to comply with the requirements of 28 CFR Part 22, including the requirement to submit a properly executed Privacy Certificate that is in compliance with 28 CFR § 22.23 to OJJDP for approval.
40. The award recipient agrees to comply with the requirements of 28 CFR Part 46 and all other Department of Justice/ Office of Justice Programs policies and procedures regarding the protection of human research subjects, including informed consent procedures and obtainment of Institutional Review Board (IRB) approval, if appropriate.
41. The grantee agrees that not later than 60 days after the date on which the award is made (or, if applicable, 60 days after OJJDP releases a grant condition requiring a revised state plan), the grantee shall make the state plan or amended plan required under 34 U.S.C. § 11133(a), and submitted as part of the application for this award, publicly available, by posting it on the state's publicly available website.
42. The recipient may not obligate, expend, or draw down funds until the recipient has submitted a revised budget and budget narrative reflecting the total amount of this award, and a Grant Adjustment Notice has been issued to remove this special condition.

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43. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

EXHIBIT F 2021 TITLE II AWARD FEDERAL CONDITIONS

1. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2022) The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2022, are set out at <https://www.ojp.gov/funding/Explore/FY22AppropriationsRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2022 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2022 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2022 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an

EXHIBIT F 2021 TITLE II AWARD FEDERAL CONDITIONS

OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

4. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>.

5. Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after January 1, 2020, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

EXHIBIT F 2021 TITLE II AWARD FEDERAL CONDITIONS

7. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

8. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

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Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

9. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

10. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

11. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

12. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds

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for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

13. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

14. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

15. Determination of suitability to interact with participating minors.

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the

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recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

17. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

18. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

19. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

20. Employment eligibility verification for hiring under the award¹⁵

1. The recipient (and any subrecipient at any tier) must--
 - A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C.
 - B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--
 - (1) this award requirement for verification of employment eligibility, and
 - (2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

¹⁵ Please note: this award condition is subject to a stipulated agreement between the State of California and DOJ in California v. Barr, No. 3:19-cv-6189-WHO, ECF No. 41 (N.D. Cal. June 3, 2020).

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C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

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- E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

21. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or

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contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

22. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

23. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that - for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

24. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable

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requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

25. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

26. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants

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administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

27. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

28. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

29. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at

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<https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

30. "Methods of Administration" - monitoring compliance with civil rights laws and nondiscrimination provisions

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with applicable federal civil rights laws and nondiscrimination provisions. Within 90 days of the date of award acceptance, the recipient must submit to OJP's Office for Civil Rights (at CivilRightsMOA@usdoj.gov) written Methods of Administration ("MOA") for subrecipient monitoring with respect to civil rights requirements. In addition, upon request by OJP (or by another authorized federal agency), the recipient must make associated documentation available for review.

The details of the recipient's obligations related to Methods of Administration are posted on the OJP web site at <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm> (Award condition: "Methods of Administration" - Requirements applicable to States (FY 2017 Update)), and are incorporated by reference here.

31. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

32. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

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33. Pursuant to Section 223(a)(3)(A)(iii) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (34 U.S.C. 11101, et seq.), the chairperson of the State Advisory Group cannot be a full-time employee of the Federal, State, or local government. This prohibition applies also to an Acting Chair, or other person assuming the duties and responsibilities of the Chair, whether permanently or on a temporary basis.

34. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

35. The recipient agrees that, as required by federal law (31 U.S.C. 1301(a)), the funds allocated to support its State Advisory Group (SAG) pursuant to 34 U.S.C. 11132(d) must be expended in a manner consistent with the purposes set forth at 34 U.S.C. 11133(a)(3)(B), (C), and (D). If the recipient's SAG chooses to use a portion of its limited formula grant set-aside for organizational membership fees, such costs are only allowable if those costs meet the requirements of 2 C.F.R. 200.454. The use of federal funds for 1) cash or in-kind contributions, 2) donations, or 3) payment of membership fees in organizations substantially engaged in lobbying, is specifically prohibited by 2 C.F.R. 434 and 454.

36. Required monitoring of subawards. The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

37. The recipient agrees that, consistent with applicable State law, staff directly associated with administration of the OJJDP Formula Grants Program will attend and participate in conferences, workshops, training sessions and other national or regional meetings deemed by OJJDP to be critical to the administration of this Program. OJJDP will determine which staff and the number of staff that should attend each meeting, consistent with the scope and subject matter of the meeting. Cost of attendance will be borne by the recipient as an

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administrative cost to the grant or paid from State Advisory Group set aside funds under Section 222(d), as appropriate.

38. The grantee agrees that not later than 60 days after the date on which the award is made (or, if applicable, 60 days after OJJDP releases a grant condition requiring a revised state plan), the grantee shall make the state plan or amended plan required under 34 U.S.C. 11133(a), and submitted as part of the application for this award, publicly available, by posting it on the state's publicly available website.
39. The recipient may not obligate, expend, or draw down funds until the recipient has submitted a revised budget and budget narrative reflecting the total amount of this award, and an Award Condition Modification (ACM) has been issued to remove this award condition.

SAMPLE
GRANT
AGREEMENT

Appendix I: Sample Governing Board or Tribal Council Resolution

Before grant funds can be reimbursed, a prospective grantee must either (1) submit a resolution from its Governing Board that delegates authority to the individual authorized to execute the grant agreement or (2) provide sufficient documentation indicating that the prospective grantee has been vested with plenary authority to execute grant agreements (e.g., a municipal ordinance or county ordinance/charter delegating such authority to a city manager or county executive officer or other governing board resolution delegating authority).

Below is sample language for a resolution. Applicants are encouraged to submit the resolution with their application.

WHEREAS the **(insert name of Applicant Agency)** desires to participate in the Title II Tribal Grant Program funded through the US Office of Juvenile Justice and Delinquency Prevention and administered by the Board of State and Community Corrections (hereafter referred to as BSCC).

NOW, THEREFORE, BE IT RESOLVED that the **(insert title of designated official)** be authorized on behalf of the **(insert name of Governing Board or Tribal Council)** to submit the grant proposal for this funding and sign the Grant Agreement with the BSCC, including any amendments thereof.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

BE IT FURTHER RESOLVED that the **(insert name of Lead Agency)** agrees to abide by the terms and conditions of the Grant Agreement as set forth by the BSCC.

Passed, approved, and adopted by the **(insert name of Governing Board or Tribal Council)** in a meeting thereof held on **(insert date)** by the following:

Ayes:
Nos:
Absent:
Signature: _____ Date: _____

Typed Name and Title: _____

ATTEST: Signature: _____ Date: _____

Typed Name and Title: _____

Appendix J: Sample Title II Tribal Grant Program Progress Report

County, City, School District or Tribe:	BSCC Grant Award Number:
Project Title:	Date:
Prepared by:	Phone:
Title:	Email:

Year 1 Reporting Quarters			
<input type="checkbox"/> Quarter 1	<input type="checkbox"/> Quarter 2	<input type="checkbox"/> Quarter 3	<input type="checkbox"/> Quarter 4

SECTION 1

Please provide an update on your efforts with respect to administering the project as outlined in the grant proposal by addressing the following questions.

Expenditure Status:

Title II Award Amount - \$	
Amount Invoiced-to-Date (Sum of Quarterly Invoices)	\$
Percent of Award Invoiced to Date (Amount above ÷ Award Amount)	%

In relation to the overall grant budget, are state Title II Tribal grant funds being expended as planned and on schedule? Yes No

If not, please explain why, and describe what expenditure plan(s) exist for the grant period.

Overall Activities Implemented: Describe project activities this reporting period (hiring of staff, process development/improvement, service delivery, collaboration efforts, evaluation planning/implementation).

Overall Project Challenges: Identification and Resolution- Describe any challenges/issues the project has encountered during the reporting period. Consider what may be affecting project effectiveness or may have the potential of affecting program outcomes and stated goals. Examples of areas where problems may exist are program administration, service delivery, rate of referrals, and participant enrollment or participation, county processes, among others. Describe the plan to resolve identified challenges.

Overall Accomplishments and Highlights: What successes (other than participant-specific) has the project achieved (e.g., reaching participant enrollment for the period, reaching other stated project goals, recognition from public officials and/or other jurisdictions/agencies, receiving media coverage)? Please include any training project staff and/or local partnering agencies have received this reporting period.

Other Comments, Observations, and/or Project Notables:

Case Study/Anecdotal Information: Case studies are often the most compelling evidence of the value of a program. With this in mind, please provide a brief description of a client enrolled in your project (e.g., age, gender, race, criminal history, etc.), challenges with engaging and/or serving the client, and how the project is positively impacting him/her and their family.

Do not identify participant by name.

SECTION 2: County Identified Goals and Objectives

Section 2 lists the goals and objectives developed by the grantee and provided to the BSCC. There are three questions for each goal/objective listed. Provide responses specific to this reporting quarter below.

- **Goal:** Goal 1 from Proposal

Objectives:

- Objective 1a from Proposal
- Objective 1b from Proposal
- Objective 1c from Proposal

1. Describe progress towards the stated goal and objectives during the reporting period.
2. Describe any challenges towards the stated goal and objectives during the reporting period.
3. If applicable, what steps were implemented to address challenges.

- **Goal:** Goal 2 from Proposal

Objectives:

- Objective 2a from Proposal
- Objective 2b from Proposal
- Objective 2c from Proposal

1. Describe progress towards the stated goal and objectives during the reporting period.
2. Describe any challenges towards the stated goal and objectives during the reporting period.
3. If applicable, what steps were implemented to address challenges.

- **Goal:** Goal 3 from Proposal

- Objectives:**
- Objective 3a from Proposal
 - Objective 3b from Proposal
 - Objective 3c from Proposal

1. Describe progress towards the stated goal and objectives during the reporting period.
2. Describe any challenges towards the stated goal and objectives during the reporting period.
3. If applicable, what steps were implemented to address challenges.

SECTION 3: Technical Assistance/Other

Section 3 asks questions related to technical assistance and provides space for any additional information the grantee would like to report. Provide responses specific to this reporting quarter below.

1. What modifications, if any, have been made to programs/services funded with Title II Program Grant dollars?
2. What quality assurance methods are in place to ensure programs/services are being delivered as intended and with fidelity to the evidence-based model(s)?
3. Would you like technical assistance? If so, describe the nature of the request.
4. Other - Provide any additional information on the grant, its implementation, programming, etc. below.

SECTION 4: (SAMPLE) Data Collection

The Federal Government and the BSCC are dedicated to assessing the impact of local projects on the youth directly served by the OJJDP Title II Formula Grant funding. Request for Proposal (RFP) applicants will need to have the capacity, and be prepared, to collect and provide specific outcome measures by race/ethnicity and gender on a quarterly basis via BSCC Progress Reports, if awarded grant dollars.

Data measures will be collected on a short term (measured quarterly- prior to the time youth leave or complete the project) and long term (measured within 6-12 months after a youth leaves or completes the project). The following list contains sample data measures for the six Title II Program Purpose Areas:

Project Youth Demographics:

- Gender (male; female)
- Offender Status (at-risk population- no prior offense; first-time offenders; repeat offenders; sex offenders; status offenders; violent offenders)
- Age (Under 11; 12-13; 14-15; 16-17; 18 and over)
- Other factors (mental health; pregnant; substance abuse; truant/dropout)
- Project cost per youth

Project Assessment:

- Number of project youth served.
- Number and percent of program youth who offend or reoffend.
- Number and percent of program youth completing program requirements.
- Number and percent of program youth exhibiting a desired change in targeted behaviors: substance abuse; school attendance; gangs; employment status.
- Number and percent of program youth charged with formal probation violations.
- Number and percent of program youth committed to a detention facility.
- Average length of time between intake and referral for program youth.
- Number and percent of program youth who are re-victimized.
- Number and percent of families/youth/victims/staff satisfied with the project.

If applicable, data measures may also be collected that are mandated by the Office of Juvenile Justice and Delinquency Prevention under the Native American/Tribal program purpose area.

**Appendix K: Certification of Compliance with BSCC Policies
Regarding Debarment, Fraud, Theft, and Embezzlement**

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to applicants that have been:

1. debarred by any federal, state, or local government entities during the period of debarment; or
2. convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

By checking the following boxes and signing below, applicant affirms that:

I/We are not currently debarred by any federal, state, or local entity from applying for or receiving federal, state, or local grant funds.

I/We have not been convicted of any crime involving theft, fraud, or embezzlement of federal, state, or local grant funds within the last three (3) years. We will notify the BSCC as soon as possible, should such debarment or conviction occur during the term of the Grant contract.

I/We will hold subgrantees and subcontractors to these same requirements.

A grantee may make a request in writing to the Executive Director of the BSCC for an exception to the debarment policy. Any determination made by the Executive Director shall be made in writing.

AUTHORIZED SIGNATURE (This document must be signed by the person who is authorized to sign the Grant Agreement.)			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	EMAIL ADDRESS
STREET ADDRESS	CITY	STATE	ZIP CODE
APPLICANT'S SIGNATURE (Blue Ink or e-signature Only) X			DATE

Appendix L: Evidence-Based Resources

The websites provided below may be useful to applicants in the proposal development process. This list is not exhaustive, and it is offered as a suggested starting point for applicants to use in researching evidence-based programs, practices, and strategies.

Blueprints for Violence Prevention

<http://www.colorado.edu/cspv/blueprints/index.html>

Board of State and Community Corrections

https://www.bscc.ca.gov/s_ebp/

Coalition for Evidence-Based Policy

<http://evidencebasedprograms.org/>

Community Defined Evidence Project (CDEP) – Addressing Disparities in Behavioral Health for Communities of Color: The Community Defined Evidence Project

<http://www.nlbha.org/index.php/projects/other-projects/cdep>

Community-Defined Evidence (CDE) Practices and Strategies

<https://mhttcnetwork.org/centers/pacific-southwest-mhttc/product/community-defined-evidence-cde-practices-and-strategies>

CrimeSolutions.gov

<http://www.crimesolutions.gov/>

Find Youth Information

<https://youth.gov/>

Justice Research and Statistic Association

<http://www.jrsa.org/>

National Criminal Justice Reference Service (NCJRS)

“Preventing and Reducing Youth Crime and Violence: Using Evidence-Based Practice.”

A report prepared by Peter Greenwood, Ph.D., for the California Governor’s Office of Gang and Youth Violence Policy, 2010.

<https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=255934>

National Institute of Corrections

<http://nicic.gov/Library/>

National Institute of Justice, “Five Things Series”

<http://nij.gov/five-things/>

National Reentry Resource Center

<http://nationalreentryresourcecenter.org/>

Office of Justice Programs – Crime Solutions.gov

<http://www.CrimeSolutions.gov>

Office of Juvenile Justice and Delinquency Prevention Model Program Guide
<http://www.ojjdp.gov/mpg/>

Peabody Research Institute, Vanderbilt University, Director Mark Lipsey
<https://peabody.vanderbilt.edu/search/?q=evidence+based+practices&submit=>

Promising Practices Network
<http://www.promisingpractices.net/>

Reducing Recidivism to Increase Public Safety: A Cooperative Effort by Courts and Probation Hon, J. Richard Couzens, Placer County Superior Court (Ret.)
<http://www.courts.ca.gov/documents/EVIDENCE-BASED-PRACTICES-Summary-6-27-11.pdf>

Substance Abuse and Mental Health Services Administration, Evidence-Based Practices Resource Center
<https://www.samhsa.gov/resource-search/ebp>

University of Cincinnati, Effective Programs/Curricula Recommendations
<https://cech.uc.edu/schools/education/grad-programs/curriculuminstructiononsite0/curriculuminstructiononsite.html>

Washington State Institute for Public Policy
<http://www.wsipp.wa.gov/>

**2023 Title II Tribal Grant
Application Packet**

Title II Tribal Grant Program

PROPOSAL PACKAGE COVER SHEET

Submitted by:

<INSERT NAME OF APPLICANT>

Date submitted:

<INSERT DATE>

Title II Grant Program Tribal Proposal Checklist

A complete Title II Grant Program Tribal proposal package must contain the following (to be submitted in the order listed):

Required Items:		✓
1	Cover Sheet (Previous Page)	
2	Title II Tribal Grant Program Proposal Checklist <ul style="list-style-type: none"> Originally signed in blue ink by the authorized signatory or E-signature (no stamped signatures) 	
3	Applicant Information Form <ul style="list-style-type: none"> Originally signed in blue ink by the authorized signatory or E-signature (no stamped signatures) 	
4	Proposal Abstract <ul style="list-style-type: none"> 1 page 	
5	Proposal Narrative <ul style="list-style-type: none"> 15 numbered pages in length or fewer 	
6	2023 Title II Tribal RFP Budget Attachment <ul style="list-style-type: none"> Use the provided Excel attachment provided. Do not alter the Budget Attachment. 	
7	Project Work Plan <ul style="list-style-type: none"> Use attachment provided. Do not alter the Project Work Plan 	
Required Attachment for <u>All Applicants</u>:		
8	Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft and Embezzlement (Appendix K) <ul style="list-style-type: none"> Originally signed in blue ink by the authorized signatory or E-signature (no stamped signatures) 	
9	Letters of commitment from partnering organizations.	
Required Attachment for <u>All Non-Governmental Organization Applicants</u>:		
10	Criteria for Non-Governmental Organizations Receiving Title II Grant Program Tribal Funds (Appendix C) <ul style="list-style-type: none"> Originally signed in blue ink by the authorized signatory or E-signature (no stamped signatures) 	
Optional with Proposal Package; Required prior to Grant Award Agreement		
11	Governing Board or Tribal Council Resolution (Appendix I) <ul style="list-style-type: none"> Note: The Governing Board Resolution is due prior to Grant Award Agreement, not required at time of proposal submission. 	

I have reviewed this checklist and verified that all required items are included in this proposal packet. *Originally signed in blue ink by the authorized signatory or E-signature (no stamped signatures)*

X

Applicant Authorized Signature (see Applicant Information Form, Part K, next page)

”Attachments other than those listed above will be removed from the proposal and not considered during the proposal evaluation process.”

Applicant Information Form: Instructions

- A. Applicant:** Complete the required information for the entity submitting the proposal. This entity will be the lead agency responsible for the overall development, implementation, and oversight of the project.
- B. Tax Identification Number:** Provide tax identification number of the Applicant. Not applicable to Indian Tribes.
- C. Location of Services:** List the name(s) of the city/cities and the county where the Title II Grant Program Tribal will provide funded services and activities.
- D. Project Title:** Provide the title of the proposed project.
- E. Project Summary:** Provide a summary (100-150 words) of the proposed project. Note: this information will be posted to the BSCC's website for informational purposes.
- F. Grant Funds Requested:** Identify the total amount of grant funds requested for the entire proposed project.
- G. Project Director:** Provide the name, title, and contact information for the individual responsible for oversight and management of the proposed project. This person must be an employee of the Grantee.
- H. Financial Officer:** Provide the name, title, and contact information for the individual responsible for fiscal oversight and management of the project. Typically, this is the individual that will certify and submit invoices.
- I. Day-to-Day Project Contact:** Provide the name, title, and contact information for the individual who serves as the primary contact person for the grant. Typically, this individual has day-to-day oversight for the project.
- J. Day-to-Day Fiscal Contact:** Provide the name, title and contact information for the individual who serves as the primary contact person for fiscal matters related to the grant. This may be the individual who prepares the invoices for approval by the Financial Officer.
- K. Authorized Signature:** Complete the required information for the person authorized to sign for the Applicant. This individual must read the assurances under this section, then sign and date in the appropriate fields.

Title II Grant Program Tribal Applicant Information Form

A. APPLICANT:		B. TAX IDENTIFICATION NUMBER*:	
NAME OF APPLICANT		Tax Identification #	
		*Not applicable for Indian Tribes	
STREET ADDRESS	CITY	STATE	ZIP CODE
MAILING ADDRESS (if different)	CITY	STATE	ZIP CODE
C. LOCATION OF SERVICES:			
D. PROJECT TITLE:			
E. PROJECT SUMMARY (100-150 words):		F. TOTAL GRANT FUNDS REQUESTED (October 1, 2023 – September 30, 2026):	\$

G. PROGRAM PURPOSE AREA (Check all that apply – Applicants MUST select at least one)	
<input type="checkbox"/> Aftercare / Reentry	<input type="checkbox"/> Diversion
<input type="checkbox"/> Alternatives to Diversion	<input type="checkbox"/> Job Programs
<input type="checkbox"/> Community-Based Programs and Services	<input type="checkbox"/> Mentoring, Counseling, and Training Programs

H. PROJECT DIRECTOR:		
NAME	TITLE	TELEPHONE NUMBER
STREET ADDRESS	CITY	
STATE	ZIP CODE	EMAIL ADDRESS
I. FINANCIAL OFFICER:		
NAME	TITLE	TELEPHONE NUMBER
STREET ADDRESS	CITY	
STATE	ZIP CODE	EMAIL ADDRESS

PAYMENT MAILING ADDRESS (if different)	CITY	STATE	ZIP CODE
J. DAY-TO-DAY PROGRAM CONTACT:			
NAME	TITLE	TELEPHONE NUMBER	
STREET ADDRESS		CITY	
STATE	ZIP CODE	EMAIL ADDRESS	

K. DAY-TO-DAY FISCAL CONTACT:			
NAME	TITLE	TELEPHONE NUMBER	
STREET ADDRESS		CITY	
STATE	ZIP CODE	EMAIL ADDRESS	

L. AUTHORIZED SIGNATURE*:			
By signing this application, I hereby certify I am vested by the Applicant with the authority to enter into contract with the BSCC, and the grantee and any subcontractors will abide by the laws, policies, and procedures governing this funding. In addition, I certify that the applicant entity meets the eligibility criteria set forth in the Grant Program Description section, which defines "eligible applicants."			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	
STREET ADDRESS	CITY	STATE	ZIP CODE
EMAIL ADDRESS			
SIGNATURE			DATE

CONFIDENTIALITY NOTICE:

All documents submitted as a part of the Title II Grant Program Tribal proposal are public documents and may be subject to a request pursuant to the California Public Records Act. The BSCC cannot ensure the confidentiality of any information submitted in or with this proposal. (Gov. Code, § 6250 et seq.)

Proposal Narrative

1. Project Need (Percent of Total Value: 25%)

2. Project Description (Percent of Total Value: 30%)

3. Project Organizational Capacity and Coordination (Percent of Total Value: 20%)

4. Project Evaluation and Monitoring (Percent of Total Value: 10%)

5. Project Budget (Percent of Total Value: 15%)

To access the 2023 Title II Tribal RFP Budget Attachment, click [here](#).
Do not alter the Budget Attachment. The Budget Attachment must be submitted in Excel format.

The Program Budget does not count toward the Program Narrative 15-page limit.

Title II Tribal Grant Program Work Plan

Each applicant must address the goals and objectives for each chosen Program Purpose Area (PPA). Applicants for Title II Tribal Grant funds must complete a Project Work Plan for each PPA. The work plan for each PPA may not exceed two pages.

Note: Work Plans exceeding the page limit shall not automatically be disqualified. However, BSCC staff shall remove ALL pages in excess of the page limit before forwarding the proposal to the ESC for rating, which may negatively impact a proposal's score. If line spacing, formatting, or font size results in the inclusion of additional content in excess of prescribed page limits, excess pages shall be removed, or the proposal may be disqualified. Illegible or unreadable proposals shall be disqualified.

Completed Project Work Plans should (1) identify the top three project goal(s) and objectives; (2) identify how the goal(s) will be achieved in terms of the activities, responsible staff/partners, start and end dates, and outcome measures; and (3) provide goal(s), objectives, and measures with a clear relationship to the need and intent of the grant.

To build the Title II Grant Program Tribal Project Work Plan, please use the form provided below. This form does NOT count toward the 15-page limit for the Proposal Narrative.

Program Purpose Area:

(1) Goal:			
Objectives (A., B., etc.)			
Process & Outcome Measures:			
Project activities that support the identified goal and objectives:	Responsible staff/ partners	Timeline	
		Start Date	End Date
List data and sources to be used to measure outcomes:			
(2) Goal:			
Objectives (A., B., etc.)			
Process & Outcome Measures:			
Project activities that support the identified goal and objectives:	Responsible staff/ partners	Timeline	
		Start Date	End Date
List data and sources to be used to measure outcomes:			
(3) Goal:			
Objectives (A., B., etc.)			
Process & Outcome Measures:			
Project activities that support the identified goal and objectives:	Responsible staff/ partners	Timeline	
		Start Date	End Date
List data and sources to be used to measure outcomes:			

Program Purpose Area:

(1) Goal:			
Objectives (A., B., etc.)			
Process & Outcome Measures:			
Project activities that support the identified goal and objectives:	Responsible staff/ partners	Timeline	
		Start Date	End Date
List data and sources to be used to measure outcomes:			
(2) Goal:			
Objectives (A., B., etc.)			
Process & Outcome Measures:			
Project activities that support the identified goal and objectives:	Responsible staff/ partners	Timeline	
		Start Date	End Date
List data and sources to be used to measure outcomes:			
(3) Goal:			
Objectives (A., B., etc.)			
Process & Outcome Measures:			
Project activities that support the identified goal and objectives:	Responsible staff/ partners	Timeline	
		Start Date	End Date
List data and sources to be used to measure outcomes:			

Agenda Item C

MEETING DATE: April 13, 2023

AGENDA ITEM: C

TO: BSCC Chair and Members

FROM: Dameion Renault, Field Representative, dameion.renault@bscc.ca.gov

SUBJECT: Proposition 47 Grant Program Cohort II, Twelve-Month, No-Cost Extension: **Requesting Approval**

Summary

This agenda item requests Board approval of a 12-month, no-cost extension for one Proposition 47 Cohort II grantee. Santa Ana Unified School District experienced implementation delays and service interruption due to the coronavirus (COVID-19) and was unable to deliver services as planned. An extension until May 15, 2024, would allow for additional time to operate programs and spend down grant funds in accordance with the grant agreement.

Background

Proposition 47 enacted Government Code sections 7599-7599.2 in a 2014 voter-approved initiative that reduced sentencing penalties for some lower-level crimes (Attachment C-1). Its purpose, as stated in the ballot initiative, is as follows:

Proposition 47, Government Code sections 7599-7599.2, known as the Safe Neighborhoods and Schools Act, was enacted to ensure that prison spending is focused on violent and serious offenses, to maximize alternatives for nonserious, nonviolent crime, and to invest the savings generated from this act into prevention and support programs in K–12 schools, victim services, and mental health and drug treatment.

As stated in the proposition, the BSCC's responsibilities are to:

Administer a grant program to public agencies aimed at supporting mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system, with an emphasis on programs that reduce recidivism of people convicted of less serious crimes, such as those covered by this measure, and those who have substance abuse and mental health problems. (Gov. Code, § 7599.2, subd. (a)(3).)

Assembly Bill 1056 (Chapter 438, Statutes of 2015) added related legislative priorities for this grant program, including housing-related assistance and other community-based supportive services, such as job-skills training, case management, and civil legal services. Grants may fund programs that serve both adults and juveniles (Attachment C-2).

For the August 2019 – May 2023 Proposition 47 Cohort II grant period, the Board awarded the Santa Ana Unified School District with \$2.75 million to provide comprehensive mental

health, substance use disorder, and diversion programs to eight school sites in the City of Santa Ana. However, Santa Ana Unified School District has experienced staffing shortages, service delays, and significant reductions in program referrals while complying with COVID-19 health and safety protocols (Attachment C-3). To maximize the number of clients that can be served, deliver services as intended, and to meet grant obligations, a 12-month extension from May 15, 2023, to May 15, 2024 has been requested.

On November 17, 2022, the Board approved a 12-month extension for the City of Corning, Nevada County Behavioral Health, Orange County Behavioral Health, and the Pasadena Unified School District. Santa Ana Unified School District alerted the BSCC staff to the need for an extension after the November Board. No additional funding is requested to complete the programs and no additional extension requests are anticipated.

Recommendation/Action Needed

Staff recommends that the Board approve a 12-month, no-cost grant extension for the Santa Ana Unified School District Proposition 47 Cohort II program through May 15, 2024.

Recommendation/Action Needed

C-1: Proposition 47 Summary

C-2: Assembly Bill 1056 Summary

C-3: Santa Ana Unified School District Proposal Summary

Attachment C-1

Proposition 47

Proposition 47

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution. This initiative measure adds sections to the Government Code, amends and adds sections to the Penal Code, and amends sections of the Health and Safety Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

Proposed Law

THE SAFE NEIGHBORHOODS AND SCHOOLS ACT

SECTION 1. Title.

This act shall be known as “the Safe Neighborhoods and Schools Act.”

SEC. 2. Findings and Declarations.

The people of the State of California find and declare as follows:

The people enact the Safe Neighborhoods and Schools Act to ensure that prison spending is focused on violent and serious offenses, to maximize alternatives for nonserious, nonviolent crime, and to invest the savings generated from this act into prevention and support programs in K–12 schools, victim services, and mental health and drug treatment. This act ensures that sentences for people convicted of dangerous crimes like rape, murder, and child molestation are not changed.

SEC. 3. Purpose and Intent.

In enacting this act, it is the purpose and intent of the people of the State of California to:

- (1) Ensure that people convicted of murder, rape, and child molestation will not benefit from this act.
- (2) Create the Safe Neighborhoods and Schools Fund, with 25 percent of the funds to be provided to the State Department of Education for crime prevention and support programs in K–12 schools, 10 percent of the funds for trauma recovery services for crime victims, and 65 percent of the funds for mental health and substance abuse treatment programs to reduce recidivism of people in the justice system.
- (3) Require misdemeanors instead of felonies for nonserious, nonviolent crimes like petty theft and drug possession, unless the defendant has prior convictions for specified violent or serious crimes.

(4) Authorize consideration of resentencing for anyone who is currently serving a sentence for any of the offenses listed herein that are now misdemeanors.

(5) Require a thorough review of criminal history and risk assessment of any individuals before resentencing to ensure that they do not pose a risk to public safety.

(6) This measure will save significant state corrections dollars on an annual basis. Preliminary estimates range from \$150 million to \$250 million per year. This measure will increase investments in programs that reduce crime and improve public safety, such as prevention programs in K–12 schools, victim services, and mental health and drug treatment, which will reduce future expenditures for corrections.

SEC. 4. Chapter 33 (commencing with Section 7599) is added to Division 7 of Title 1 of the Government Code, to read:

Chapter 33. Creation of Safe Neighborhoods and Schools Fund

7599. (a) A fund to be known as the "Safe Neighborhoods and Schools Fund" is hereby created within the State Treasury and, notwithstanding Section 13340 of the Government Code, is continuously appropriated without regard to fiscal year for carrying out the purposes of this chapter.

(b) For purposes of the calculations required by Section 8 of Article XVI of the California Constitution, funds transferred to the Safe Neighborhoods and Schools Fund shall be considered General Fund revenues which may be appropriated pursuant to Article XIII B.

7599.1. Funding Appropriation.

(a) On or before July 31, 2016, and on or before July 31 of each fiscal year thereafter, the Director of Finance shall calculate the savings that accrued to the state from the implementation of the act adding this chapter ("this act") during the fiscal year ending June 30, as compared to the fiscal year preceding the enactment of this act. In making the calculation required by this subdivision, the Director of Finance shall use actual data or best available estimates where actual data is not available. The calculation shall be final and shall not be adjusted for any subsequent changes in the underlying data. The Director of Finance shall certify the results of the calculation to the Controller no later than August 1 of each fiscal year.

(b) Before August 15, 2016, and before August 15 of each fiscal year thereafter, the Controller shall transfer from the General Fund to the Safe Neighborhoods and Schools Fund the total amount calculated pursuant to subdivision (a).

(c) Moneys in the Safe Neighborhoods and Schools Fund shall be continuously appropriated for the purposes of this act. Funds transferred to the Safe Neighborhoods and Schools Fund shall be used exclusively for the purposes of this act and shall not be subject to appropriation or transfer by the Legislature for any other purpose. The funds in the Safe Neighborhoods and Schools Fund may be used without regard to fiscal year.

7599.2. Distribution of Moneys from the Safe Neighborhoods and Schools Fund.

(a) By August 15 of each fiscal year beginning in 2016, the Controller shall disburse moneys deposited in the Safe Neighborhoods and Schools Fund as follows:

(1) *Twenty-five percent to the State Department of Education, to administer a grant program to public agencies aimed at improving outcomes for public school pupils in kindergarten and grades 1 to 12, inclusive, by reducing truancy and supporting students who are at risk of dropping out of school or are victims of crime.*

(2) *Ten percent to the California Victim Compensation and Government Claims Board, to make grants to trauma recovery centers to provide services to victims of crime pursuant to Section 13963.1 of the Government Code.*

(3) *Sixty-five percent to the Board of State and Community Corrections, to administer a grant program to public agencies aimed at supporting mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system, with an emphasis on programs that reduce recidivism of people convicted of less serious crimes, such as those covered by this measure, and those who have substance abuse and mental health problems.*

(b) *For each program set forth in paragraphs (1) to (3), inclusive, of subdivision (a), the agency responsible for administering the programs shall not spend more than 5 percent of the total funds it receives from the Safe Neighborhoods and Schools Fund on an annual basis for administrative costs.*

(c) *Every two years, the Controller shall conduct an audit of the grant programs operated by the agencies specified in paragraphs (1) to (3), inclusive, of subdivision (a) to ensure the funds are disbursed and expended solely according to this chapter and shall report his or her findings to the Legislature and the public.*

(d) *Any costs incurred by the Controller and the Director of Finance in connection with the administration of the Safe Neighborhoods and Schools Fund, including the costs of the calculation required by Section 7599.1 and the audit required by subdivision (c), as determined by the Director of Finance, shall be deducted from the Safe Neighborhoods and Schools Fund before the funds are disbursed pursuant to subdivision (a).*

(e) *The funding established pursuant to this act shall be used to expand programs for public school pupils in kindergarten and grades 1 to 12, inclusive, victims of crime, and mental health and substance abuse treatment and diversion programs for people in the criminal justice system. These funds shall not be used to supplant existing state or local funds utilized for these purposes.*

(f) *Local agencies shall not be obligated to provide programs or levels of service described in this chapter above the level for which funding has been provided.*

SEC. 5. Section 459.5 is added to the Penal Code, to read:

459.5. (a) Notwithstanding Section 459, shoplifting is defined as entering a commercial establishment with intent to commit larceny while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed nine hundred fifty dollars (\$950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting shall be punished as a misdemeanor, except that a person with one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290 may be punished pursuant to subdivision (h) of Section 1170.

(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property.

SEC. 6. Section 473 of the Penal Code is amended to read:

473. (a) Forgery is punishable by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(b) Notwithstanding subdivision (a), any person who is guilty of forgery relating to a check, bond, bank bill, note, cashier's check, traveler's check, or money order, where the value of the check, bond, bank bill, note, cashier's check, traveler's check, or money order does not exceed nine hundred fifty dollars (\$950), shall be punishable by imprisonment in a county jail for not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290. This subdivision shall not be applicable to any person who is convicted both of forgery and of identity theft, as defined in Section 530.5.

SEC. 7. Section 476a of the Penal Code is amended to read:

476a. (a) Any person who, for himself or herself, as the agent or representative of another, or as an officer of a corporation, willfully, with intent to defraud, makes or draws or utters or delivers a check, draft, or order upon a bank or depository, a person, a firm, or a corporation, for the payment of money, knowing at the time of that making, drawing, uttering, or delivering that the maker or drawer or the corporation has not sufficient funds in, or credit with the bank or depository, person, firm, or corporation, for the payment of that check, draft, or order and all other checks, drafts, or orders upon funds then outstanding, in full upon its presentation, although no express representation is made with reference thereto, is punishable by imprisonment in a county jail for not more than one year, or pursuant to subdivision (h) of Section 1170.

(b) However, if the total amount of all checks, drafts, or orders that the defendant is charged with and convicted of making, drawing, or uttering does not exceed ~~four hundred fifty dollars (\$450)~~ nine hundred fifty dollars (\$950), the offense is punishable only by imprisonment in the county jail for not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290. This subdivision shall not be applicable if the defendant has previously been convicted of a ~~three or more violation~~ violations of Section 470, 475, or 476, or of this section, or of the crime of petty theft in a case in which defendant's offense was a violation also of Section 470, 475, or 476 or of this section or if the defendant has previously been convicted of any offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a violation of Section 470, 475 or 476 or of this section or if he has been so convicted of the crime of petty theft in a case in which, if defendant's offense had been committed in this state, it would have been a violation also of Section 470, 475, or 476, or of this section.

(c) Where the check, draft, or order is protested on the ground of insufficiency of funds or credit, the notice of protest shall be admissible as proof of presentation, nonpayment, and protest and shall be presumptive evidence of knowledge of insufficiency of funds or credit with the bank or depository, person, firm, or corporation.

(d) In any prosecution under this section involving two or more checks, drafts, or orders, it shall constitute prima facie evidence of the identity of the drawer of a check, draft, or order if both of the following occur:

(1) When the payee accepts the check, draft, or order from the drawer, he or she obtains from the drawer the following information: name and residence of the drawer, business or mailing address, either a valid driver's license number or Department of Motor Vehicles identification card number, and the drawer's home or work phone number or place of employment. That information may be recorded on the check, draft, or order itself or may be retained on file by the payee and referred to on the check, draft, or order by identifying number or other similar means.

(2) The person receiving the check, draft, or order witnesses the drawer's signature or endorsement, and, as evidence of that, initials the check, draft, or order at the time of receipt.

(e) The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depository, person, firm, or corporation for the payment of a check, draft, or order.

(f) If any of the preceding paragraphs, or parts thereof, shall be found unconstitutional or invalid, the remainder of this section shall not thereby be invalidated, but shall remain in full force and effect.

(g) A sheriff's department, police department, or other law enforcement agency may collect a fee from the defendant for investigation, collection, and processing of checks referred to their agency for investigation of alleged violations of this section or Section 476.

(h) The amount of the fee shall not exceed twenty-five dollars (\$25) for each bad check, in addition to the amount of any bank charges incurred by the victim as a result of the alleged offense. If the sheriff's department, police department, or other law enforcement agency collects a fee for bank charges incurred by the victim pursuant to this section, that fee shall be paid to the victim for any bank fees the victim may have been assessed. In no event shall reimbursement of the bank charge to the victim pursuant to this section exceed ten dollars (\$10) per check.

SEC. 8. Section 490.2 is added to the Penal Code, to read:

490.2. (a) Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars (\$950) shall be considered petty theft and shall be punished as a misdemeanor, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(b) This section shall not be applicable to any theft that may be charged as an infraction pursuant to any other provision of law.

SEC. 9. Section 496 of the Penal Code is amended to read:

496. (a) Every person who buys or receives any property that has been stolen or that has been obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or who conceals, sells, withholds, or aids in concealing, selling, or withholding any property from the owner, knowing the property to be so stolen or obtained, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to subdivision (h) of Section 1170. However, ~~if the district attorney or the grand jury determines that this action would be in the interests of justice, the district attorney or the grand jury, as the case may be, may,~~ if the value of the property does not exceed nine hundred fifty dollars (\$950), ~~specify in the accusatory pleading that the offense shall be a misdemeanor, punishable only by imprisonment in a county jail not exceeding one year, if such person has no prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.~~ A principal in the actual theft of the property may be convicted pursuant to this section. However, no person may be convicted both pursuant to this section and of the theft of the same property.

(b) Every swap meet vendor, as defined in Section 21661 of the Business and Professions Code, and every person whose principal business is dealing in, or collecting, merchandise or personal property, and every agent, employee, or representative of that person, who buys or receives any property of a value in excess of nine hundred fifty dollars (\$950) that has been stolen or obtained in any manner constituting theft or extortion, under circumstances that should cause the person, agent, employee, or representative to make reasonable inquiry to ascertain that the person from whom the property was bought or received had the legal right to sell or deliver it, without making a reasonable inquiry, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to subdivision (h) of Section 1170. Every swap meet vendor, as defined in Section 21661 of the Business and Professions Code, and every person whose principal business is dealing in, or collecting, merchandise or personal property, and every agent, employee, or representative of that person, who buys or receives any property of a value of nine hundred fifty dollars (\$950) or less that has been stolen or obtained in any manner constituting theft or extortion, under circumstances that should cause the person, agent, employee, or representative to make reasonable inquiry to ascertain that the person from whom the property was bought or received had the legal right to sell or deliver it, without making a reasonable inquiry, shall be guilty of a misdemeanor.

(c) Any person who has been injured by a violation of subdivision (a) or (b) may bring an action for three times the amount of actual damages, if any, sustained by the plaintiff, costs of suit, and reasonable attorney's fees.

(d) Notwithstanding Section 664, any attempt to commit any act prohibited by this section, except an offense specified in the accusatory pleading as a misdemeanor, is punishable by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

SEC. 10. Section 666 of the Penal Code is amended to read:

666. ~~(a) Notwithstanding Section 490, every person who, having been convicted three or more times of petty theft, grand theft, a conviction pursuant to subdivision (d) or (e) of Section 368, auto theft under Section 10851 of the Vehicle Code, burglary, carjacking, robbery, or a felony violation of Section 496 and having served a term therefor in any penal institution or having been imprisoned therein as a condition of probation for that offense, and who is subsequently convicted of petty theft, is punishable by imprisonment in a county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.~~

~~(b) (a) Notwithstanding Section 490, any person described in subdivision (b) paragraph (1) who, having been convicted of petty theft, grand theft, a conviction pursuant to subdivision (d) or (e) of Section 368, auto theft under Section 10851 of the Vehicle Code, burglary, carjacking, robbery, or a felony violation of Section 496, and having served a term of imprisonment therefor in any penal institution or having been imprisoned therein as a condition of probation for that offense, and who is subsequently convicted of petty theft, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison.~~

~~(1) (b) This subdivision Subdivision (a) shall apply to any person who is required to register pursuant to the Sex Offender Registration Act, or who has a prior violent or serious felony conviction, as specified in subdivision (e) of Section 667.5 or subdivision (e) of Section 1192.7 clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667, or has a conviction pursuant to subdivision (d) or (e) of Section 368.~~

~~(2) (c) This subdivision section shall not be construed to preclude prosecution or punishment pursuant to subdivisions (b) to (i), inclusive, of Section 667, or Section 1170.12.~~

SEC. 11. Section 11350 of the Health and Safety Code is amended to read:

11350. (a) Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b), ~~or~~ (c), (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment *in a county jail for not more than one year, except that such person shall instead be punished* pursuant to subdivision (h) of Section 1170 of the Penal Code *if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.*

~~(b) Except as otherwise provided in this division, every person who possesses any controlled substance specified in subdivision (e) of Section 11054 shall be punished by imprisonment in a county jail for not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal Code.~~

~~(e) (b) Except as otherwise provided in this division, whenever a person who possesses any of the controlled substances specified in subdivision (a) ~~or~~ (b), the judge may, in addition to any punishment provided for pursuant to subdivision (a) ~~or~~ (b), assess~~

against that person a fine not to exceed seventy dollars (\$70) with proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

~~(d)~~ (c) Except in unusual cases in which it would not serve the interest of justice to do so, whenever a court grants probation pursuant to a felony conviction under this section, in addition to any other conditions of probation which may be imposed, the following conditions of probation shall be ordered:

(1) For a first offense under this section, a fine of at least one thousand dollars (\$1,000) or community service.

(2) For a second or subsequent offense under this section, a fine of at least two thousand dollars (\$2,000) or community service.

(3) If a defendant does not have the ability to pay the minimum fines specified in paragraphs (1) and (2), community service shall be ordered in lieu of the fine.

SEC. 12. Section 11357 of the Health and Safety Code is amended to read:

11357. (a) Except as authorized by law, every person who possesses any concentrated cannabis shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment, ~~or shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code~~ *except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.*

(b) Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100).

(c) Except as authorized by law, every person who possesses more than 28.5 grams of marijuana, other than concentrated cannabis, shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.

(d) Except as authorized by law, every person 18 years of age or over who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment in a county jail for a period of not more than 10 days, or both.

(e) Except as authorized by law, every person under the age of 18 who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be subject to the following dispositions:

(1) A fine of not more than two hundred fifty dollars (\$250), upon a finding that a first offense has been committed.

(2) A fine of not more than five hundred dollars (\$500), or commitment to a juvenile hall, ranch, camp, forestry camp, or secure juvenile home for a period of not more than 10 days, or both, upon a finding that a second or subsequent offense has been committed.

SEC. 13. Section 11377 of the Health and Safety Code is amended to read:

11377. (a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year ~~or pursuant to subdivision (h) of Section 1170 of the Penal Code, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.~~

~~(b) (1) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in subdivision (f) of Section 11056, and who has not previously been convicted of a violation involving a controlled substance specified in subdivision (f) of Section 11056, is guilty of a misdemeanor.~~

~~(2) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in subdivision (g) of Section 11056 is guilty of a misdemeanor.~~

~~(3) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in paragraph (7) or (8) of subdivision (d) of Section 11055 is guilty of a misdemeanor.~~

~~(4) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in paragraph (8) of subdivision (f) of Section 11057 is guilty of a misdemeanor.~~

~~(c) (b) In addition to any fine assessed under subdivision (b), the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates subdivision (a), with the proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.~~

SEC. 14. Section 1170.18 is added to the Penal Code, to read:

1170.18. (a) A person currently serving a sentence for a conviction, whether by trial or plea, of a felony or felonies who would have been guilty of a misdemeanor under the act that added this section ("this act") had this act been in effect at the time of the offense

may petition for a recall of sentence before the trial court that entered the judgment of conviction in his or her case to request resentencing in accordance with Sections 11350, 11357, or 11377 of the Health and Safety Code, or Section 459.5, 473, 476a, 490.2, 496, or 666 of the Penal Code, as those sections have been amended or added by this act.

(b) Upon receiving a petition under subdivision (a), the court shall determine whether the petitioner satisfies the criteria in subdivision (a). If the petitioner satisfies the criteria in subdivision (a), the petitioner's felony sentence shall be recalled and the petitioner resentenced to a misdemeanor pursuant to Sections 11350, 11357, or 11377 of the Health and Safety Code, or Section 459.5, 473, 476a, 490.2, 496, or 666 of the Penal Code, those sections have been amended or added by this act, unless the court, in its discretion, determines that resentencing the petitioner would pose an unreasonable risk of danger to public safety. In exercising its discretion, the court may consider all of the following:

(1) The petitioner's criminal conviction history, including the type of crimes committed, the extent of injury to victims, the length of prior prison commitments, and the remoteness of the crimes.

(2) The petitioner's disciplinary record and record of rehabilitation while incarcerated.

(3) Any other evidence the court, within its discretion, determines to be relevant in deciding whether a new sentence would result in an unreasonable risk of danger to public safety.

(c) As used throughout this Code, "unreasonable risk of danger to public safety" means an unreasonable risk that the petitioner will commit a new violent felony within the meaning of clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667.

(d) A person who is resentenced pursuant to subdivision (b) shall be given credit for time served and shall be subject to parole for one year following completion of his or her sentence, unless the court, in its discretion, as part of its resentencing order, releases the person from parole. Such person is subject to Section 3000.08 parole supervision by the Department of Corrections and Rehabilitation and the jurisdiction of the court in the county in which the parolee is released or resides, or in which an alleged violation of supervision has occurred, for the purpose of hearing petitions to revoke parole and impose a term of custody.

(e) Under no circumstances may resentencing under this section result in the imposition of a term longer than the original sentence.

(f) A person who has completed his or her sentence for a conviction, whether by trial or plea, of a felony or felonies who would have been guilty of a misdemeanor under this act had this act been in effect at the time of the offense, may file an application before the trial court that entered the judgment of conviction in his or her case to have the felony conviction or convictions designated as misdemeanors.

(g) If the application satisfies the criteria in subdivision (f), the court shall designate the felony offense or offenses as a misdemeanor.

(h) Unless requested by the applicant, no hearing is necessary to grant or deny an application filed under subsection (f).

(i) The provisions of this section shall not apply to persons who have one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph

(2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(j) Any petition or application under this section shall be filed within three years after the effective date of the act that added this section or at a later date upon a showing of good cause.

(k) Any felony conviction that is recalled and resentenced under subdivision (b) or designated as a misdemeanor under subdivision (g) shall be considered a misdemeanor for all purposes, except that such resentencing shall not permit that person to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.

(l) If the court that originally sentenced the petitioner is not available, the presiding judge shall designate another judge to rule on the petition or application.

(m) Nothing in this section is intended to diminish or abrogate any rights or remedies otherwise available to the petitioner or applicant.

(n) Nothing in this and related sections is intended to diminish or abrogate the finality of judgments in any case not falling within the purview of this act.

(o) A resentencing hearing ordered under this act shall constitute a "post-conviction release proceeding" under paragraph (7) of subdivision (b) of Section 28 of Article I of the California Constitution (Marsy's Law).

SEC. 15. Amendment.

This act shall be broadly construed to accomplish its purposes. The provisions of this measure may be amended by a two-thirds vote of the members of each house of the Legislature and signed by the Governor so long as the amendments are consistent with and further the intent of this act. The Legislature may by majority vote amend, add, or repeal provisions to further reduce the penalties for any of the offenses addressed by this act.

SEC. 16. Severability.

If any provision of this measure, or part of this measure, or the application of any provision or part to any person or circumstances, is for any reason held to be invalid, the remaining provisions, or applications of provisions, shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable.

SEC. 17. Conflicting Initiatives.

(a) This act changes the penalties associated with certain nonserious, nonviolent crimes. In the event that this measure and another initiative measure or measures relating to the same subject appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure shall be null and void. However, in the event that this measure and another measure or measures containing provisions that eliminate penalties for the possession of

concentrated cannabis are approved at the same election, the voters intend such provisions relating to concentrated cannabis in the other measure or measures to prevail, regardless of which measure receives a greater number of affirmative votes. The voters also intend to give full force and effect to all other applications and provisions of this measure, and the other measure or measures, but only to the extent the other measure or measures are not inconsistent with the provisions of this act.

(b) If this measure is approved by the voters but superseded by law by any other conflicting measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

SEC. 18. Liberal Construction.

This act shall be liberally construed to effectuate its purposes.

Attachment C-2

Assembly Bill 1056**Assembly Bill No. 1056**

[Approved by Governor October 02, 2015. Filed with Secretary of State
October 02, 2015.]

AB 1056, Atkins. Second Chance Program.

(1) Existing law, until January 1, 2020, establishes the Social Innovation Financing Program, and requires the Board of State and Community Corrections to administer the program. Existing law, among other things, authorizes the board, upon appropriation of funds by the Legislature for deposit into the Recidivism Reduction Fund, to award grants in amounts of not less than \$500,000 and not more than \$2,000,000 to each of 3 counties, selected as specified, for the purpose of entering into a pay for success or social innovation financing contract, pursuant to which private investors agree to provide financing to service providers to achieve social outcomes agreed upon in advance and the government agency that is a party to the contractual agreement agrees to pay a return on the investment to the investors if successful programmatic outcomes are achieved by the service provider. Existing law limits the total amount of the grants awarded to \$5,000,000. Existing law requires each county receiving an award to report annually to the Governor and Legislature on the status of its program. Existing law requires the board to compile the county reports and submit a summary report to the Governor and the Legislature annually.

This bill would extend the operation of that program and the reporting requirements until January 1, 2022.

This bill would also require the board to administer a competitive grant program that focuses on community-based solutions for reducing recidivism. The bill would establish minimum criteria for the grant program and would require the board to establish an executive steering committee, as specified, to make recommendations regarding the design, efficacy, and viability of proposals and to make recommendations on guidelines for the submission of proposals for the grant program, including threshold or scoring criteria, or both. Among other things, the bill would require those guidelines to prioritize proposals that advance principles of restorative justice while demonstrating a capacity to reduce recidivism, and that leverage certain other federal, state, and local funds or social investments. The bill would define recidivism, for the purposes of these provisions, as a conviction of a new felony or misdemeanor committed within 3 years of release from custody or committed within 3 years of placement on supervision for a previous criminal conviction.

(2) The Safe Neighborhoods and Schools Act establishes within the State Treasury the Safe Neighborhoods and Schools Fund to receive moneys transferred from the General Fund in an amount equal to the savings resulting from the implementation of the act, as specified. The act requires that 65% of the moneys in the Safe Neighborhoods and Schools Fund be allocated the Board of State and Community Corrections to

administer a grant program to public agencies aimed at supporting specified types of programs, including diversion programs, for people in the criminal justice system with an emphasis on programs that reduce recidivism, as specified.

This bill would create the Second Chance Fund in the State Treasury for the purpose of funding the above-described recidivism reduction program. The bill would require the Controller, upon order of the Director of Finance, to transfer the moneys available to the Board of State and Community Corrections from the Safe Neighborhoods and Schools Fund into the Second Chance Fund. The bill would also authorize the Second Chance Fund to receive moneys from any other federal, state, or local grant, or from any private donation. The bill would prohibit the board from using the moneys in the fund to supplant existing programs and from spending more than 5% per year of the total moneys in the fund for administrative purposes.

The bill would require the board to administer these provisions, and moneys in the fund would be continuously appropriated to the board for expenditure for these purposes. By creating a continuously appropriated fund, this bill would make an appropriation.

(3) The Safe Neighborhoods and Schools Act provides that its provisions may be amended by a statute, passed by a $\frac{2}{3}$ vote of each house of the Legislature and signed by the Governor, that is consistent with and furthers the intent of the act.

This bill would declare that its provisions further the intent of the Safe Neighborhoods and Schools Act.

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

The Legislature finds and declares all of the following:

(a) California voters approved Proposition 47, known as the Safe Neighborhoods and Schools Act of 2014. The measure was enacted to ensure that prison spending is focused on violent and serious offenses, to maximize alternatives for nonviolent and nonserious crime, and to invest the resulting savings into prevention and support programs.

(b) Research has shown that people in the criminal justice system disproportionately suffer from mental health issues and substance use disorders. Nationally, over one-half of all people in prisons or jails have experienced a mental health issue within the last year, and over one-half of women and 44 percent of men in jail have a drug or alcohol dependency.

(c) People in the criminal justice system and formerly incarcerated individuals have difficulty securing housing and employment following their incarceration. These challenges are compounded for people living with mental health issues or substance use disorders. As a result, many formerly incarcerated people, especially those with mental health issues or substance abuse disorders experience homelessness. Experiencing homelessness greatly increases the likelihood that a formerly incarcerated person will recidivate.

(d) Offering people in the criminal justice system and formerly incarcerated individuals meaningful access to mental health services, substance use treatment services, housing, housing-related job assistance, job skills training, and other community-based supportive services has been shown to decrease the likelihood of future contact with law enforcement and the criminal justice system.

(e) Prioritizing the state savings realized by the implementation of the Safe Neighborhoods and Schools Act of 2014 for projects that combine mental health services, substance use treatment services, housing, housing-related job assistance, job skills training, and other community-based supportive services will help the state meaningfully reduce recidivism.

(f) By prioritizing projects that offer comprehensive interventions, the Legislature intends for public agencies, nonprofits, and other community-based providers of services to people in the criminal justice system and formerly incarcerated individuals to leverage additional federal, state, and local funds for social investment resources.

(g) The Legislature intends to promote the use of restorative justice principles in addressing recidivism.

SEC. 2.

Section 97013 of the Government Code is amended to read:

97013.

(a) Each county receiving an award shall report annually to the board on the status of its ongoing social innovation financing program. The report shall also contain an accounting of the moneys awarded.

(b) The board shall compile the county reports and submit a summary report to the Governor and Legislature annually.

(c) A report made pursuant to this section shall be made in accordance with the requirements of Section 9795.

(d) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.

SEC. 3.

Section 97015 of the Government Code is amended to read:

97015.

This title shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.

SEC. 4.

Article 5 (commencing with Section 6046) is added to Chapter 5 of Title 7 of Part 3 of the Penal Code, to read:

Article 5. Second Chance Program

6046.

(a) The purpose of this article is to build safer communities by investing in community-based programs, services, and initiatives for formerly incarcerated individuals in need of mental health and substance use treatment services.

(b) The program established pursuant to this article shall be restricted to supporting mental health treatment, substance use treatment, and diversion programs for persons in the criminal justice system, with an emphasis on programs that reduce recidivism of persons convicted of less serious crimes, such as those covered by the Safe Neighborhoods and Schools Act of 2014, and those who have substance use and mental health problems.

(c) The Board of State and Community Corrections shall administer a grant program established pursuant to this article.

6046.1.

For the purposes of this article, the following definitions shall apply:

(a) "Board" means the Board of State and Community Corrections.

(b) "Fund" means the Second Chance Fund established pursuant to Section

6046.2.

(c) "Public agency" means a county, city, whether a general law city or a chartered city, or city and county, the duly constituted governing body of an Indian reservation or rancheria, a school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, entities that are legislative bodies of a local agency pursuant to subdivision (c) or (d) of Section 54952 of the Government Code, a housing authority organized pursuant to Part 2 (commencing with Section 34200) of Division 24 of the Health and Safety Code, a state agency, public district, or other political subdivision of the state, or any instrumentality thereof, which is authorized to engage in or assist in the development or operation of housing for persons and families of low or moderate income.

(d) "Recidivism" means a conviction of a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction.

6046.2.

(a) The Second Chance Fund is hereby created in the State Treasury. The board shall be responsible for administering the fund. Moneys in the fund are hereby continuously appropriated without regard to fiscal year for the purposes of this article.

(b) (1) The Controller, upon order of the Director of Finance, shall transfer moneys available to the Board of State and Community Corrections pursuant to paragraph (3) of subdivision (a) of Section 7599.2 of the Government Code into the Second Chance Fund.

(2) The Second Chance Fund may receive moneys from any other federal, state, or local grant, or from any private donation or grant, for the purposes of this article.

(c) The board shall not spend more than 5 percent annually of the moneys in the fund for administrative costs.

6046.3.

(a) The board shall administer a competitive grant program to carry out the purposes of this article that focuses on community-based solutions for reducing recidivism. The grant program shall, at minimum, do all of the following:

(1) Restrict eligibility to proposals designed to serve people who have been arrested, charged with, or convicted of a criminal offense and have a history of mental health or substance use disorders.

(2) Restrict eligibility to proposals that offer mental health services, substance use disorder treatment services, misdemeanor diversion programs, or some combination thereof.

(3) Restrict eligibility to proposals that have a public agency as the lead applicant.

(b) The board shall form an executive steering committee that includes, but is not limited to, a balanced and diverse membership from relevant state and local government entities, community-based treatment and service providers, and the formerly incarcerated community. The committee shall have expertise in homelessness and housing, behavioral health and substance abuse treatment, and effective rehabilitative treatment for adults and juveniles. The committee shall make recommendations regarding the design, efficacy, and viability of proposals, and make recommendations on guidelines for the submission of proposals, including threshold or scoring criteria, or both, that do all of the following:

(1) Prioritize proposals that advance principles of restorative justice while demonstrating a capacity to reduce recidivism.

(2) Prioritize proposals that leverage other federal, state, and local funds or other social investments, such as the following sources of funding:

(A) The Drug Medi-Cal Treatment Program (22 Cal. Code Regs. 51341.1, 51490.1, and 51516.1).

(B) The Mental Health Services Act, enacted by Proposition 63 at the November 2, 2004, general election, as amended.

(C) Funds provided for in connection with the implementation of Chapter 15 of the Statutes of 2011.

(D) The Community Corrections Performance Incentives Act (Stats. 2009, Ch. 608; Chapter 3 (commencing with Section 1228) of Title 8 of Part 2).

(E) The tax credits established pursuant to Sections 12209, 17053.57, and 23657 of the Revenue and Taxation Code.

(F) The federal Department of Housing and Urban Development funds, such as the Emergency Solutions Grant program (42 U.S.C. Sec. 11371 et seq.).

(G) The federal Department of Veterans Affairs Supportive Services for Veteran Families program (38 U.S.C. Sec. 2044).

(H) Social Innovation Funds established by the Corporation for National and Community Service pursuant to Section 12653k of Title 42 of the United States Code.

(I) The Edward Byrne Memorial Justice Assistance Grant Program (42 U.S.C. Sec. 3750 et seq.).

(3) Prioritize proposals that provide for all of the following:

(A) Mental health services, substance use disorder treatment services, misdemeanor diversion programs, or some combination thereof.

(B) Housing-related assistance that utilizes evidence-based models, including, but not limited to, those recommended by the federal Department of Housing and Urban Development. Housing-related assistance may include, but is not limited to, the following:

(i) Financial assistance, including security deposits, utility payments, moving-cost assistance, and up to 24 months of rental assistance.

(ii) Housing stabilization assistance, including case management, relocation assistance, outreach and engagement, landlord recruitment, housing navigation and placement, and credit repair.

(C) Other community-based supportive services, such as job skills training, case management, and civil legal services.

(4) Prioritize proposals that leverage existing contracts, partnerships, memoranda of understanding, or other formal relationships to provide one or more of the services prioritized in paragraph (3).

(5) Prioritize proposals put forth by a public agency in partnership with a philanthropic or nonprofit organization.

(6) Prioritize proposals that promote interagency and regional collaborations.

(7) Consider ways to promote services for people with offenses identical or similar to those addressed by the Safe Neighborhoods and Schools Act of 2014, without precluding assistance to a person with other offenses in his or her criminal history.

(8) Consider geographic diversity.

(9) Consider appropriate limits for administrative costs and overhead.

(10) Consider proposals that provide services to juveniles.

(11) Permit proposals to expand the capacity of an existing program and prohibit proposals from using the fund to supplant funding for an existing program.

SEC. 5.

The Legislature finds and declares that this act furthers the intent of the Safe Neighborhoods and Schools Act enacted by Proposition 47 at the November 4, 2014, general election.

Attachment C-3

**Proposition 47 Grant Program: Cohort II Original
Original Grant Term: August 2019 - May 2023**

Project Description

Santa Ana Unified School District

Project Title: Conexiones (translates to Connections)

Grant Award: \$2,756,857

Through Conexiones, the Santa Ana Unified School District and its partners will establish a comprehensive, wraparound program that includes mental health, substance use disorder treatment, and diversion services at eight target school sites in the City of Santa Ana. In addition, Conexiones will offer supplemental supports including housing assistance in the form of enrollment fees for substance use disorder housing placements for students (i.e., detox, residential treatment, emergency shelters); rental or utility payment assistance for families; and other housing related costs).

Agenda Item D

MEETING DATE: April 13, 2023

AGENDA ITEM: D

TO: BSCC Chair and Members

FROM: Ricardo Goodridge, Deputy Director, ricardo.goodridge@bscc.ca.gov

SUBJECT: Organized Retail Theft Prevention and Organized Retail Theft Vertical Prosecution Grant Programs, Request for Proposal and Scoring Panel: **Requesting Approval**

Summary

This agenda item requests Board approval to release the Request for Proposals for the Organized Retail Theft Prevention Grant Program, the Organized Retail Theft Vertical Prosecution Grant Program, and to convene a Scoring Panel to read, rate, and make funding recommendations to the Board for both grant programs.

Background

The Budget Act of 2022 (Senate Bill 154, Chapter 43, Statutes of 2022) established the Organized Retail Theft Prevention Grant Program (D-1) and the Organized Retail Theft Vertical Prosecution Grant Program (Assembly Bill 178, Chapter 45, Statutes of 2022) (D-2). According to the Budget Act, funding for the Organized Retail Theft Prevention Grant Program shall be for competitive grants for city police, county sheriffs' departments and probation departments. Grant funds shall be used to support local law enforcement agencies in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft. The BSCC anticipates that \$242,250,000 will be available competitively across three fiscal years to implement the grant program, subject to future appropriations.

The Organized Retail Theft Vertical Prosecution Grant Program shall be available for competitive grants for district attorneys for the purpose of addressing increased levels of retail theft property crime using a vertical prosecution model. The BSCC anticipates that \$28,500,000 will be available competitively across three fiscal years to implement the grant program, subject to future appropriations.

On July 25, 2022, the Board approved a staff recommendation to appoint a Chair and establish an Executive Steering Committee (ESC) to develop a Request for Proposals, authorized staff to work with the ESC Chair to establish a diverse ESC with relevant subject-matter expertise, and authorized the ESC Chair to oversee the grant-development process (D-3).

The ESC recruitment process began after the July 2022 Board meeting. Notices were posted on the BSCC website, shared through email listservs, and communicated to county partners. A small number of individuals volunteered to serve on the ESC, but not enough interest was generated to convene an ESC that could read and rate all proposals that would likely be submitted.

To ensure the timely release of funds to the field, staff consulted with the ESC Chair and subject-matter experts to draft an Organized Retail Theft Grant Program RFP (D-4) and an Organized Retail Theft Vertical Prosecution Grant Program RFP (D-5). Key components of each RFP are described below:

Organized Retail Theft Prevention Grant Program

- Eligible applicants are California police departments, sheriff departments, and probation departments;
- Proposals must address a minimum of one (1) of the following Program Purpose Areas (PPAs):
 - PPA 1: Organized Retail Theft
 - PPA 2: Motor Vehicle or Motor Vehicle Accessory Theft
 - PPA 3: Cargo Theft
- Applicants may apply for funding in a Medium Scope (up to \$6,125,000) or Large Scope Category (up to \$15,650,000);
- Allowable activities included but are not limited to automated license plate readers, cameras, databases, and investigative software; and
- Proposals selected for funding will be under agreement from October 1, 2023, to June 1, 2027.

Organized Retail Theft Vertical Prosecution Grant Program

- Eligible applicants are California District Attorneys
- Proposals must use a vertical prosecution model
 - A prosecutor is assigned to an organized retail theft case from beginning to end (e.g., initial hearing/arrangement to sentencing). Under this model, the victim(s), witness(es), and impacted law enforcement official(s) have a single point of contact throughout the process.
- Applicants may apply for funding in a Small Scope (up to \$800,000) or Large Scope Category (up to \$2,050,000)
- Allowable activities include but are not limited to case management systems, computers, databases, and contractors; and
- Proposals selected for funding will be under agreement from October 1, 2023, to June 1, 2027.

Staff is also requesting that a Scoring Panel be convened in lieu of an Executive Steering Committee. ESCs are tasked with RFP development, reading, and rating proposals, and making funding recommendations to the Board. A Scoring Panel does not have the RFP development responsibilities. This may lead to increased interest from prospective members with limited time for meeting available. If necessary, internal staff may also be used to supplement the Scoring Panel.

Proposed Activities

The BSCC will continue to seek interested persons to participate on a Scoring Panel for this grant program. Interested persons may submit a statement of interest to serve through the BSCC's website: [Executive Steering Committees - Seeking Membership](#).

Below are the proposed activities and a revised tentative timeline necessary to administer a competitive RFP for both grant programs:

Activity	Tentative Timeline
Present the RFP for BSCC Board approval	April 13, 2023
Release the RFP	April 14, 2023
Bidders' Conferences	May 2023
Proposals Due to the BSCC	June 23, 2023
Proposal Rating Process and Development of Funding Recommendations	July-August 2023
BSCC Board Considers Funding Recommendations	September 14, 2023
Grant Period Begins	October 1, 2023

Recommendation/Action Needed

Staff recommends that the Board:

1. Approve the Organized Retail Theft Prevention and Organized Retail Theft Vertical Prosecution Grant Program Request for Proposals for release;
2. Authorize a Scoring Panel to convene and make funding recommendations to the Board; and
3. Approve the proposed activities and revised timelines associated with the Request for Proposals.

Attachments

D-1: Senate Bill 154, Organized Retail Theft Prevention Grant Program

D-2: Assembly Bill 178, Organized Retail Theft Vertical Prosecution Grant Program

D-3: BSCC Board Agenda Item E, July 25, 2022

D-4: Organized Retail Theft Prevention Grant Program Request for Proposal

D-5: Organized Retail Theft Vertical Prosecution Grant Program Request for Proposal

Attachment D-1

Organized Retail Theft Prevention Grant Program

5227-117-0001—For local assistance, Board of State and Community Corrections
..... 85,000,000

Schedule:

	4945-Corrections Planning and Grant Programs	
(1)	85,000,000

Provisions:

The amount appropriated in this item shall be for competitive grants for city police, county sheriffs' departments, and probation departments. These law enforcement agencies may apply individually or on behalf of a group of entities that includes other law enforcement agencies or non-law-enforcement entities, including, but not limited to, community-based organizations or prosecutors' offices.

1.

Grant funds shall be used to support local law enforcement agencies in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft. Permissible uses of grant funds include, but are not limited to, purchase of technology or other equipment to help deter strategies for preventing or responding to crime. These funds shall be used to supplement and not supplant existing funds for these activities.

2.

All entities receiving grant funding shall be required to comply with all applicable privacy laws and regulations.

3.

Grants shall be made on a competitive basis to localities that can demonstrate, using data, that organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft pose a significant problem in their jurisdictions.

4.

An applicant shall submit a proposal, in a form prescribed by the Board of State and Community Corrections, which shall include, but not be limited to, the following:

5.

Data demonstrating the nature and scale of the specific crime problem,
(a) which the applicant proposes to address using grant funds.

(b) Clearly defined and measurable objectives for this grant.

A description of how the applicant proposes to use the grant funds to achieve the stated objectives, including any plans to coordinate or collaborate with other entities such as public agencies, community organizations, or retailers.
(c)

Organized Retail Theft Prevention Grant Program

(d) A discussion of research or other evidence indicating that the proposed activities would likely achieve the intended objectives.

(e) A discussion of how the applicant plans to sustain the proposed activities after grant funds expire or an explanation of why proposed activities are limited term in nature.

(f) A description of existing or proposed policies to limit racial bias in utilizing these funds.

(g) If proposing an investment in surveillance technologies, a description of existing or proposed policies to govern the use of those technologies, including how the applicant will comply with applicable privacy laws and secure any data collected or stored.

6. The Board of State and Community Corrections shall post to its public website all applications received.

7. In awarding grants, the Board of State and Community Corrections shall give preference to applicants whose grant proposals demonstrate the greatest need for additional resources and likelihood of success in reducing organized retail theft, motor vehicle or motor vehicle accessory theft, and cargo theft.

8. Each grantee shall report to the Board of State and Community Corrections, in a form and at intervals prescribed by the board, their progress in achieving the grant objectives.

9. The Board of State and Community Corrections shall, by no later than 90 days following the close of each grant cycle, prepare and submit a report to the Legislature in compliance with Section 9795 of the Government Code regarding the impact of the initiatives supported by the grant. This report, at minimum, shall include: (a) Grant recipients and the amount awarded to each; (b) How the funding was used; (c) What outcomes and objectives were achieved.

10. Upon order of the Director of Finance, up to 5 percent of the amount appropriated in Schedule (1) shall be transferred to Schedule (1) of Item 5227-001-0001 for costs to administer the grant program. Funds transferred pursuant to this provision are available for encumbrance or expenditure until June 30, 2027.

11. Any unspent funds identified in Schedule (1) shall revert to the General Fund as of June 30, 2027.

Attachment D-2

Organized Retail Theft Vertical Prosecution Grant Programs

SEC. 170.

Item 5227-118-0001 is added to Section 2.00 of the Budget Act of 2022, to read:

5227-118-0001—For local assistance, Board of State and Community Corrections	10,000,000
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Schedule:

4945-Corrections Planning and Grant Programs	
(1)	10,000,000

Provisions:

The funding appropriated in this item shall be available for competitive grants for district attorneys for the Organized Retail Theft Vertical Prosecution Grant Program for the purpose of addressing increased levels of retail theft property crimes by

1. using a vertical prosecution model.

In awarding the funds, the Board of State and Community Corrections shall, at minimum, require the grantee to demonstrate the following requirements on its application for the competitive grant:

2.

How the additional funds will meaningfully address the increase in organized retail theft in the jurisdiction and the existing hurdles of implementing a vertical prosecution model in their jurisdiction to prosecute these crimes

(a) without this grant.

How the funding will be used in facilitating collaboration with online marketplaces and retailers to address the increase in property crimes in the jurisdiction.

(b)

How the jurisdiction plans to use alternatives to incarceration, including diversion or restorative justice programs, to reduce organized retail theft and help reduce recidivism.

(c)

How the jurisdiction will be able to sustain this program upon the expiration of this one-time grant funding.

(d)

The county receiving the competitive grant shall do the following:

3.

Employ a vertical prosecution methodology for organized retail theft crimes.

(a)

Organized Retail Theft Vertical Prosecution Grant Programs

Dedicate at least one deputy district attorney and one district attorney investigator whose primary role is the investigation and prosecution of organized retail theft crimes.

(b)

Provide the Board of State and Community Corrections with annual data on the number of organized retail theft cases filed by that county, the number of organized retail theft convictions obtained, and the sentences imposed for those convicted of organized retail theft in that county. The county shall also provide the number of instances where vertical prosecution was used to obtain those convictions and the sentences imposed. The county shall also provide the number of theft-related property crimes that were charged overall in the jurisdiction that did not use the vertical prosecution model and the resulting number of convictions.

(c)

On or before January 1, 2027, the Board of State and Community Corrections shall submit to the Legislature and the Governor a report relating to the information provided in subdivision (c) of Provision 3, and how the funding was used, and a description of the outcomes of the grant.

4.

Funding received by district attorney offices pursuant to this program shall be used to supplement, and not supplant, existing financial resources.

5.

Of the amount identified in Schedule (1), up to 5 percent shall be available to the Board of State and Community Corrections for transfer to Schedule (1) of Item 5227-001-0001 for costs to administer the grant program. Funds transferred pursuant to this provision are available for encumbrance or expenditure until June 30, 2027.

6.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB178

Attachment D-3

MEETING DATE: July 25, 2022

AGENDA ITEM: E

TO: BSCC Chair and Members

FROM: Ricardo Goodridge, Deputy Director, ricardo.Goodridge@bscc.ca.gov

SUBJECT: Organized Retail Theft and Vertical Prosecution Grant Programs, Appointment of Chair and Establishment of an Executive Steering Committee: **Requesting Approval**

Summary

This agenda item requests approval to establish an Executive Steering Committee to oversee the development of a Request for Proposals for the Organized Retail Theft and Vertical Prosecution Grant Programs. Staff is also requesting that the Board designate 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 the ESC membership if needed.

Background

The Budget Act of 2022 (Senate Bill 154) established the Organized Retail Theft Grant Program (Attachment E-1) and the Organized Retail Theft Vertical Prosecution Grant Program (Senate Bill 178) (Attachment E-2).

Per the Budget Act, funding for the Organized Retail Theft Grant Program shall be for competitive grants for city police, county sheriffs' departments, and probation departments. Grant funds shall be used to support local law enforcement agencies in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft. The BSCC anticipates that a total of \$255 million, or \$85 million per year, will be available across the next three fiscal years to implement the grant program, subject to future appropriations.

The Organized Retail Theft Vertical Prosecution Grant Program shall be available for competitive grants for district attorneys for the purpose of addressing increased levels of retail theft property crimes by using a vertical prosecution model, in which one prosecutor handles all phases of case management. The BSCC anticipates a total of \$30 million, \$10 million per year, will be available across the next three fiscal years to implement the grant program

Proposed Activities

In consultation with the appointed Chair, Staff will establish an ESC that is diverse in professional and lived experience, geography, gender, and demographics. The BSCC will seek interested persons to submit a statement of interest to serve on the ESC through the BSCC's website: [Executive Steering Committees - Seeking Membership](#).

Below are the proposed activities and the tentative timeline necessary to administer a competitive RFP process for the Organized Retail Theft and Vertical Prosecution Grant Program:

Activity	Tentative Timeline
BSCC Board Considers Chair Appointment and ESC Establishment	July 25, 2022
ESC Recruitment and Formation	July - August, 2022
RFP development	September - November 2022
Present the RFP for BSCC Board approval	November 17, 2022
Release the RFP to the Field	November 2022
Bidders' Conference	December 2022
Proposals Due to the BSCC	February 2023
Proposal Rating Process and Development of Funding Recommendations	March-May 2023
BSCC Board Considers Funding Recommendations	June 2023
Grants Begin	July 2023

Recommendation/Action Needed

Staff recommends that the Board:

1. Appoint a Chair to the Organized Retail Theft and Vertical Prosecution Grant Program Executive Steering Committee;
2. Delegate authority to the Chair to work with BSCC staff to establish a diverse ESC with relevant subject matter expertise and to modify membership as needed;
3. Authorize the ESC to oversee the development of the Organized Retail Theft and Vertical Prosecution Grant Program RFP and to make funding recommendations; and
4. Approve the proposed activities and tentative timeline associated with development of the Organized Retail Theft and Vertical Prosecution Grant Program RFP.

Attachments

E-1: Budget Act of 2022 ([Senate Bill 154](#))

E-2: Budget Act of 2022 ([Senate Bill 178](#))

Attachment D-4



Organized Retail Theft Prevention Grant Program

Proposal Instruction Packet

Release Date: April 14, 2023

Letter of Intent due: May 15, 2023

Proposals Due: June 23, 2023



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PART I: GRANT INFORMATION

Background Information

The State Budget Act of 2022 (Senate Bill 154, Chapter 43, Statutes of 2022) established the Organized Retail Theft Prevention Grant Program. Funding is available to California city police departments, sheriff departments, and probation departments to support local law enforcement agencies in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft.

Contact Information

This Request for Proposal (RFP) Instruction Packet provides the necessary information to prepare a proposal to the Board of State and Community Corrections (BSCC) for the Organized Retail Theft Prevention Grant Program.

The BSCC staff cannot assist the applicant or its partners with the preparation of the proposal. Any questions concerning this RFP, the proposal process, or the submission process must be submitted by email to: ORT@bscc.ca.gov.

The BSCC will accept and respond to written questions until June 12, 2023. A frequently asked questions and answers (FAQs) document will be posted to the [BSCC website](#) and periodically updated through June 16, 2023.

Proposal Due Date and Submission Instructions

Organized Retail Theft Prevention Grant Program proposals must be received by **5:00 P.M. (PST) on Friday, June 23, 2023**.

Submission Instructions

Applications for the Organized Retail Theft Prevention Grant Program must be submitted through the BSCC-Submittable Application portal. The BSCC-Submittable Application portal, Organized Retail Theft Prevention Grant Program Application, and all required attachments are available on the [BSCC website](#).

To apply for this funding opportunity, applicants must create a free Submittable account OR use an existing Submittable account when prompted. After an account is established, applicants may proceed with the application process. As part of the submission process, applicants will be required to download mandatory forms that must be completed, signed, and uploaded to the BSCC-Submittable Application portal. All required documents are available on the [BSCC website](#).

The BSCC-Submittable Application will not allow submissions after 5:00 p.m. (PST) on June 23, 2023. Please allow sufficient time to begin and submit your application. If the BSCC does not receive a submission by 5:00 p.m. (PST) on June 23, 2023, the proposal **will not be considered for funding**. Applicants are strongly advised to submit proposals well in advance of the due date and time to avoid disqualification.

Once you have successfully submitted your application and all required attachments, you will receive an email acknowledging your application has been received. If you experience challenges with your submission, please email the BSCC at: ORT@bscc.ca.gov. Be advised that applicants contacting the BSCC at the close of the submission due date/time may not receive timely responses. Please allow sufficient time for BSCC staff to provide technical assistance.

Virtual Bidders' Conference

Prospective applicants are invited to attend a virtual Bidders' Conference. Attendance at the virtual Bidders' Conference is not a requirement. The purpose of this Bidders' Conference is to answer technical questions from prospective bidders (applicants) and provide clarity on RFP instructions. Topics may include, but are not limited to, proposal submission instructions, eligibility, funding, and an overview of the rating factors. Bidders' Conference details are listed below:

Organized Retail Theft Prevention Grant Program

Virtual Bidders' Conference

Thursday, May 11, 2023, at 10:00 A.M.

Public access options for this meeting include:

Join by Zoom:

- <https://us02web.zoom.us/j/86328175681?pwd=M0hTVVJ2SCtTbWFRUWxiWmtXRVRlQT09>
- Meeting ID: 863 2817 5681| Passcode: 959280

Call In:

- 1-669-900-9128
- Meeting ID: 863 2817 5681| Passcode: 959280

Notice of Intent to Apply

Prospective applicants are asked (but not required) to submit a non-binding letter indicating their intent to apply. These letters aid the BSCC in planning for the proposal evaluation process. Please submit your letter in Microsoft Word or as a PDF.

There is no formal template for the letter, but it should include the following information:

1. Name of the applicant entity;
2. Name of a contact person; and
3. A brief statement indicating the applicant's intent to submit a proposal.

Failure to submit a Letter of Intent is not grounds for disqualification. Prospective applicants that submit a Letter of Intent and decide later not to apply will not be penalized.

Please email your non-binding Letter of Intent to Apply by Monday, May 15, 2023. Please identify the email subject line as “ORT Letter of Intent” and submit the letter to: ORT@bscc.ca.gov.

Scoring Panel

To ensure successful program design and implementation, the BSCC uses Executive Steering Committees (ESC) and Scoring Panels to inform decision making related to the Board’s programs. The BSCC’s ESCs and Scoring Panels are composed of subject matter experts, community partners, and interested parties representing both the public and private sectors. The BSCC makes every attempt to include diverse representation on its ESCs and Scoring Panels, in breadth of experience, geography and demographics.

The Organized Retail Theft Prevention Grant Program will convene a Scoring Panel. The Scoring Panel will read and rate submissions and develop funding recommendations for the Board. The Board may approve, reject, or revise those recommendations. Members of the Scoring Panel are not paid for their time but are reimbursed for travel expenses incurred to attend meetings. If the BSCC is unable to convene a full Scoring Panel, BSCC staff may rate proposals. Please check the [BSCC website](#) for updated information on the Scoring Panel.

Conflicts of Interest

Existing law prohibits any grantee, subgrantee, partner, or like party participating on the Organized Retail Theft Prevention Grant Program Scoring Panel from receiving funds from the grants awarded under this RFP. Applicants who are awarded grants under this RFP are responsible for reviewing the Scoring Panel membership roster and ensuring that no grant dollars are passed through to any entity represented by any member of the Scoring Panel.

Description of the Grant

The Organized Retail Theft Prevention Grant Program was established in Senate Bill 154 (SB 154) (Appendix A). Per SB 154:

Grant funds shall be used to support local law enforcement agencies in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft. Permissible uses of grant funds include, but are not limited to, purchase of technology or other equipment to help deter strategies for preventing or responding to crime. These funds shall be used to supplement and not supplant existing funds for these activities.

All entities receiving grant funding shall be required to comply with all applicable privacy laws and regulations.

Grants shall be made on a competitive basis to localities that can demonstrate, using data, that organized retail theft, motor vehicle or motor

vehicle accessory theft, or cargo theft pose a significant problem in their jurisdictions.

An applicant shall submit a proposal, in a form prescribed by the Board of State and Community Corrections, which shall include, but not be limited to, the following:

- a) Data demonstrating the nature and scale of the specific crime problem, which the applicant proposes to address using grant funds.
- b) Clearly defined and measurable objectives for this grant.
- c) A description of how the applicant proposes to use the grant funds to achieve the stated objectives, including any plans to coordinate or collaborate with other entities such as public agencies, community organizations, or retailers.
- d) A discussion of research or other evidence indicating that the proposed activities would likely achieve the intended objectives.
- e) A discussion of how the applicant plans to sustain the proposed activities after grant funds expire or an explanation of why proposed activities are limited term in nature.
- f) A description of existing or proposed policies to limit racial bias in utilizing these funds.
- g) If proposing an investment in surveillance technologies, a description of existing or proposed policies to govern the use of those technologies, including how the applicant will comply with applicable privacy laws and secure any data collected or stored.

The Board of State and Community Corrections shall post to its public website all applications received.

In awarding grants, the Board of State and Community Corrections shall give preference to applicants whose grant proposals demonstrate the greatest need for additional resources and likelihood of success in reducing organized retail theft, motor vehicle or motor vehicle accessory theft, and cargo theft.

In support of these efforts, each applicant will develop a Project Work Plan that identifies measurable project goals, objectives, and commensurate timelines (Appendix B). Please reference the Glossary of Terms (Appendix C) to view key definitions for this RFP.

Eligibility to Apply

Eligible applicants are California police departments, sheriff departments, and probation departments.

Applications must be submitted by the City Council, Board of Supervisors, or the Chief County Administrative Officer. Eligible applicants **may not** submit more than one (1) proposal for funding consideration. However, two (2) or more applicants may submit a

collaborative proposal (e.g., multi-agency proposal). The agencies and jurisdictions comprising the collaborative application are not required to be contiguous.

Lead Public Agency

All applicants are required to designate a Lead Public Agency (LPA) to serve as the coordinator for all grant activities. The LPA is a governmental agency with local authority within the applicant city or county. The applicant may choose to fill the role of LPA itself or it may designate a department, agency, or office under its jurisdiction to serve as the LPA. The role of the LPA is to coordinate with local government agencies and non-governmental organizations to ensure successful implementation of the grant program. The LPA is responsible for data collection and management, invoices, meeting coordination (virtual and/or in-person) and will serve as the primary point of contact with the BSCC.

Eligible Activities

Applicants must propose activities, strategies, or programs that address a minimum of one (1) of the following Program Purpose Areas (PPAs):

- PPA 1: Organized Retail Theft
- PPA 2: Motor Vehicle or Motor Vehicle Accessory Theft
- PPA 3: Cargo Theft

Applicants may implement new activities, strategies, or programs, OR expand existing activities, strategies, or programs (without supplanting funds - see supplanting definition in the General Grant Requirements).

All proposed activities, strategies, or programs must have a link to the Organized Retail Theft Prevention Grant Program as described in the authorizing legislation and this RFP.

Organized Retail Theft Prevention Grant - Program Purpose Areas (PPA)

PPA 1: Organized Retail Theft

For the purposes of the PPA, the definition of organized retail theft is adopted from Penal Code section 490.4.

Organized Retail Theft is defined as acting in concert with one or more persons to steal merchandise from one or more merchant's premises or online marketplace with the intent to sell, exchange, or return the merchandise for value, acting in concert with 2 or more persons to receive, purchase, or possess merchandise knowing or believing it to have been stolen, acting as the agent of another individual or group of individuals to steal merchandise from one or more merchant's premises or online marketplaces as part of a plan to commit theft, or recruiting, coordinating, organizing, supervising, directing, managing, or financing another to undertake acts of theft.

For the purposes of this PPA, eligible activities, strategies, or programs, include but are not limited to:

- Programs that promote collaboration and coordination between law enforcement and retailers to reduce organized retail theft.
- Programs that promote collaboration and coordination between law enforcement and District Attorney Offices to prosecute organized retail theft.
- Development of organized retail theft policies and procedures, memorandum of understanding (MOU), and/or formal agreements between law enforcement and retailers.
- Deployment of law enforcement officers and taskforces to combat organized retail theft.
- Use of proactive approaches to minimize organized retail theft risks (e.g., anti-theft devices, use of cameras and security systems).
- Use of databases, equipment, software, and technology to combat organized retail theft.

PPA 2: Motor Vehicle or Motor Vehicle Accessory Theft

For purposes of this PPA, the definition of motor vehicle theft shall have the same meaning as California Vehicle Code section 10851, which defines vehicle theft or the unlawful taking of a vehicle as when any person who drives or takes a vehicle not his or her own, without the consent of the owner thereof, and with intent either to permanently or temporarily deprive the owner thereof of his or her title to or possession of the vehicle, whether with or without intent to steal the vehicle, or any person who is a party or an accessory to or an accomplice in the driving or unauthorized taking or stealing. Motor vehicle theft may also include violations of Penal Code section 487, subdivision (d)(1). Motor vehicle accessory theft may include the theft of any part of the vehicle or accessory thereof, including, but not limited to, violations of Penal Code sections 487 and 488.

For the purposes of this PPA, eligible activities, strategies, or programs, include but are not limited to:

- Investigations of motor vehicle and motor vehicle accessory theft.
- Motor vehicle theft prevention public awareness campaigns.
- Programs that deter motor vehicle or motor vehicle accessory theft.
- Use of databases, equipment, software, and technology to track stolen motor vehicles and/or motor vehicle accessories to combat organized retail theft.

PPA 3: Cargo Theft

For purposes of this PPA, cargo theft shall mean the unlawful taking of any cargo including, but not limited to, goods, chattels, money, or baggage that constitutes, in whole or in part, a commercial shipment of freight moving in commerce, from any pipeline system, railroad car, motor truck, or other vehicle, or from any tank or storage facility, station house, platform, or depot, or from any vessel or wharf, or from any aircraft, air terminal, airport, aircraft terminal or air navigation facility, or from any intermodal container, intermodal chassis, trailer, container freight station, warehouse, freight distribution facility, or freight consolidation facility. For purposes of this definition, cargo shall be deemed as moving in commerce at all points between the point of origin and the

final destination, regardless of any temporary stop while awaiting transshipment or otherwise. Cargo theft shall also include violations of Penal Code section 487h.

For the purposes of this PPA, eligible activities, strategies, or programs, include but are not limited to:

- Investigations of cargo theft.
- Programs that promote collaboration and coordination between law enforcement and commercial cargo operators (trains, truck, busses, etc.) to reduce organized cargo theft.
- Programs that promote collaboration and coordination between commercial cargo operators and District Attorney Offices to prosecute organized cargo theft.
- Use of databases, equipment, software, and technology to prevent and track stolen cargo.

Grant Period

Proposals selected for funding will be under agreement from October 1, 2023 to June 1, 2027 with the BSCC. The grant agreement service period covers October 1, 2023 and ends on December 31, 2026. However, an additional six (6) months (January 1, 2027, to June 30, 2027) will be included in the term of the grant agreement for the sole purposes of finalizing and submitting a required Local Evaluation Report and finalizing and submitting a required financial audit.

A visual illustration of the grant agreement period is provided below:

October 1, 2023 to June 1, 2027

Implementation	Service Delivery	Service Delivery	Service Delivery	Data Evaluation/ Closeout
Up to 6-Months	Year 1	Year 2	Year 3	Up to 6-Months
October 1, 2023 - April 1, 2024	Start Date - December 31, 2024	January 1, 2025 - December 31, 2025	January 1, 2026 - December 31, 2026	January 1, 2027, - June 1, 2027
Implementation period for hiring, procurement, and other activities that facilitate a timely start. Grantees who <u>do not need</u> the full implementation period can begin service delivery at any time once under contract.	Service delivery and data collection	Service delivery and data collection	Service delivery and data collection	Data analysis and evaluation period to analyze data gathered during the service delivery period. Only expenses incurred for evaluation efforts may be incurred in this period.

Criteria for Non-Governmental Organizations

Applicants for the Organized Retail Theft Prevention Grant Program may elect to partner, contract, or establish agreements with non-governmental organizations (NGOs)¹ in the implementation of their program. All NGOs must adhere to terms described on the following page.

Eligibility Criteria for Non-Governmental Organizations Providing Services with BSCC Grant Funds

Any non-governmental organization that receives Organized Retail Theft Prevention Grant Program funds (as either a subgrantee or subcontractor) must:

- Have been duly organized, in existence, and in good standing for at least six (6) months prior to the effective date of its fiscal agreement with the BSCC or with the Organized Retail Theft Prevention Grant Program grantee;
 - Non-governmental entities that have recently reorganized or have merged with other qualified non-governmental entities that were in existence prior to the six (6) month date are also eligible, provided all necessary agreements have been executed and filed with the California Secretary of State prior to the start date of the grant agreement with the BSCC or the start date of the grantee subcontractor fiscal agreement;
- Be registered with the California Secretary of State's Office, if applicable;
- Have a valid Employer Identification Number (EIN) or Taxpayer ID (if sole proprietorship);
- Have a valid business license, if applicable;
- Have no outstanding civil judgments or liens;
- Have any other state or local licenses or certifications necessary to provide the services requested (e.g., facility licensing by the Department of Health Care Services), if applicable; and
- Have a physical address within California. (An agent for service of process with a California address is insufficient.)

All applicants must complete, sign, and submit the *BSCC Grantee Assurance for Non-Governmental Organizations* (Appendix D). Once under contract, grantees must submit an updated *Grantee Assurance for Non-Governmental Organizations* throughout the life of the grant agreement for any additional NGOs that receive funds through subcontracts after awards are made. The BSCC will not reimburse for costs incurred by NGOs that do not meet the BSCC's requirements.

¹ For the purposes of this RFP, NGOs include nonprofit and for-profit community-based organizations, faith-based organizations, evaluators (except government institutions such as universities), grant management companies, and any other non-governmental agency or individual.

Local Impacts

The Organized Retail Theft Prevention Grant Program encourages collaboration, communication, and innovation to combat organized retail theft. In supporting this approach, proposed projects may have impacts on retailers and local government agencies that prevent projects from operating as intended (e.g., increased law enforcement presence in retail spaces, increased referrals to the District Attorney's Office, overlapping or duplicative public awareness campaigns, etc.) As a part of the application, each Lead Agency will be required to acknowledge any anticipated impacts from the implementation of the proposed project (Attachment E).

Written Agreement from Key Partners

If the success of the applicant's proposed activity, strategy, or program relies on the participation of an outside agency or organization (i.e., an entity other than the applicant or LPA), the applicant must include a Letter of Commitment. Letter(s) of Commitment should reflect that the outside agency or organization is aware of the proposed project, is committed to ensuring the success of the project, their role, and agrees to participate.

Examples of key roles played by outside entities could include the following:

- Data Collection Partnerships
- Referral Sources
- Service Delivery Location

A Letter of Commitment must include the name of the outside entity, be signed by the executive officer, department head, or other authorized representative, and be dated within three (3) months of the proposal submission to the BSCC. Outdated letters or letters that speak to a partnership or grant activities outside of the activities listed in this proposal, will not be accepted. See Appendix F for a sample Letter of Commitment.

A Letter of Commitment is not required if the applicant has determined that an outside agency or organization is not critical to the launch or ongoing implementation of the proposed program.

Policies Limiting Racial Bias

Applicants must provide a description of existing or proposed policies to limit racial bias when utilizing these funds. Applicants will be required to upload existing or proposed policies in a Microsoft Word Document or PDF via the BSCC-Submittable Application portal. (Appendix A, Provision 5(f).)

Policies on Surveillance Technology

Applicants proposing an investment in surveillance technologies must provide a description of existing or proposed policies to govern the use of those technologies, including how the applicant will comply with applicable privacy laws and secure any data collected or stored. Applicants will be required to upload existing or proposed policies in a Microsoft Word Document or PDF via the BSCC-Submittable Application portal. (Appendix A, Provision 5(g).)

Organizational Capacity and Coordination

Applicants will be rated, in part, on how well they demonstrate they have the experience, a staffing plan, and any partnerships necessary to implement the proposed strategy. If an applicant is unable to identify staff and/or subcontractors until after the grant is awarded, the applicant should explain, at a minimum, the process and criteria by which they will select staff and/or subcontractors after award. Distinct from administrative staff and partners, applicants must also demonstrate how they plan to ensure that the staff who deliver the services have backgrounds and experience that are relevant to the proposed strategy and/or target population.

Funding Information

This RFP makes \$242,250,000² available competitively to city police, county sheriffs’ departments, and probation departments, to support local law enforcement agencies in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft.

Funding Categories

Recognizing that applicants have different capacities, resources, and needs, there are two categories within which applicants will compete. An applicant may apply in either the Medium or Large Scope Category. This means Medium Scope Projects will compete against other Medium Scope Projects and Large Scope Projects will complete against other Large Scope Projects for funding.

The maximum an applicant may apply for is up to \$6,125,000 in the Medium Scope category OR up to \$15,650,000 in the Large Scope category. Applicants may apply for any dollar amount up to and including the maximum grant amount identified in each category. An illustration of the funding categories, maximum grant award, and total available funding by category is provided below:

Funding Categories	Maximum Grant Award	Total Available Funding
Medium Scope	Up to \$6,125,000	\$85,750,000
Large Scope	Up to \$15,650,000	\$156,500,000
Total Funding Available for Competitive Grants:		\$242,250,000

***NOTE:** Funding must last for the entirety of the grant (October 1, 2023 to June 1, 2027).*

Multi-Agency Partnerships

Applicants may apply for funding as part of a multi-agency partnership (two or more agencies). The agencies and jurisdictions comprising the collaborative application are not required to be contiguous. One (1) Lead Public Agency must be identified on behalf of the partnership.

² Provided funding is appropriated in the FY 2023-2024 and 2024-25 State Budget Acts.

Multi-agency partnerships (Medium Scope or Large Scope) may apply for up to the maximum grant award in that category multiplied by the number of partnering applicants.

For Example:

- Four (4) eligible applicants in the Medium Scope category may submit one application for up to \$24,500,000
 - \$6,125,000 (Medium Scope Max) x 4 (# of Agencies) = \$24,500,000
- Two (2) eligible applicants in the Large Scope category may submit one application for up to \$31,300,000
 - \$15,650,000 (Large Scope Max x 2 (# of Agencies) = \$31,300,000

Funding Decisions

Applicants will compete for funds within the Medium or Large Scope Category. Proposals will be evaluated, scored, and a ranked list of all scored proposals will be generated. The BSCC will move down the ranked lists to fund all qualified applicants in each of the two funding categories until all funds in that category are exhausted. Applicants that fall at the cut-off point may be offered a partial award if there are not sufficient remaining funds to make a full award.

If funding remains in one or more categories, the following will occur:

- Funds remaining in the Medium Scope Category after all qualified applicants in that category have been fully funded, will be used to fund any additional qualified applicants in the Large Scope Category.
- Funds remaining in the Large Scope Category after all qualified applicants in that category have been fully funded, will be used to fund any additional qualified applicants in the Medium Scope Category.

If an applicant or grantee relinquishes an award, BSCC has authority to offer that award to the next qualifying applicant(s) on the ranked list.

Eligible Funding Activities

Organized Retail Theft Prevention Grant Program funds must address at least one (1) Program Purpose Areas (PPAs) as identified in the Eligible Activities section. To support local law enforcement agencies in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft, eligible expenses for this RFP include, but are not limited to, the following:

- Automated License Plate Readers
- Cameras
- Case Management Systems
- Computers/Laptops/Tablets
- Databases
- Investigative Software
- Online and Print Advertising

- RFI Tracker/Tracking Devices
- Routers/Modems/Hotspots
- Staff expenses, including overtime
- Vehicles

Please note, the above list is not intended to be exhaustive. All proposed expenses must have a link to the Organized Retail Theft Prevention Grant Program as described in the authorizing legislation and this RFP.

Match Requirement

No match is required for the Organized Retail Theft Prevention Grant Program.

Data Collection, Reporting, and Evaluation Requirements

Projects selected for funding will be required to submit a Local Evaluation Plan and Local Evaluation Report. Applicants are encouraged, but not required, to use outside evaluators to ensure objective and impartial evaluations. This may include, but is not limited to, community colleges, universities, and research organizations.

Required Set-Aside for Evaluation Efforts

Grantees are required to set aside at least \$75,000 but not more than 5% percent of the total grant award for data collection and evaluation efforts, including data collection for the Quarterly Progress Reports and statewide evaluation (see below) and the development of the Local Evaluation Plan and Local Evaluation Report.

Local Evaluation Plan

The purpose of the Local Evaluation Plan is to ensure that projects funded by the BSCC can be evaluated. Grantees will be expected to include a detailed description of how the applicant will assess the effectiveness of the proposed program in relationship to each of its goals and objectives identified in the proposal. A relationship between the goals and objectives identified in the proposal should be apparent in the Local Evaluation Plan.

The Local Evaluation Plan should describe the evaluation design or model that will be used to evaluate the effectiveness of the project component(s), with the project goals and the project objectives clearly stated. Applicants should also address process and outcome evaluations. Once submitted, any modifications to the Local Evaluation Plan must be approved in advance by the BSCC. More detailed instructions on the Local Evaluation Plan will be made available to successful applicants. The Local Evaluation Plan is due no later than April 1, 2024.

Local Evaluation Report

Following project completion, grantees are required to complete a Local Evaluation Report. The Local Evaluation Report must be in a format prescribed by the BSCC. The purpose of the Local Evaluation Report is to determine whether the overall project (including each individual component) was effective in meeting the goals laid out in the Local Evaluation Plan.

To do this, the grantee must assess and document the effectiveness of the activities that were implemented within each individual project component. These activities should have been identified in the previously submitted Local Evaluation Plan. More detailed instructions on the Local Evaluation Report will be made available to successful applicants. The Local Evaluation Report is due no later than June 1, 2027.

Statewide Evaluation

BSCC Research will conduct a statewide evaluation of the impact of the initiatives supported by the grant funding including the outcomes and objectives that were achieved. The evaluator will: develop the research methodology for the statewide evaluation; design and develop instruments for collecting and evaluating data from grantees; provide ongoing technical assistance to grantees for data collection and evaluation activities; compile, screen and analyze data obtained from grantees; and develop a final report on the impact of the program. As a condition of award, grantees agree to collect data requested for the evaluation (this may include standardized Quarterly Progress Report format with specified baseline, output, and/or outcome measures) and fully cooperate and share information within timelines set for the evaluation.

General Grant Requirements

Audit Requirements

Grantees are required to provide the BSCC with a financial audit that covers the service delivery period of the grant (October 1, 2023 - December 31, 2026). The audit report will be due no later than June 1, 2027. The financial audit shall be performed by a Certified Public Accountant or a participating county or city auditor that is organizationally independent from the participating county or city's project financial management functions. Expenses for the final audit may be reimbursed for actual costs up to \$25,000.

In addition, the BSCC reserves the right to call for a program or financial audit at any time between the execution of the grant agreement and three (3) years following the end of the grant period. The Department of General Services, the California State Auditor, the Department of Finance, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this grant.

BSCC Grant Agreement

Applicants approved for funding by the BSCC Board are required to enter into a Grant Agreement with the BSCC. Grantees must agree to comply with all terms and conditions of the Grant Agreement. A sample Grant Agreement for the Organized Retail Theft Prevention Grant Program is available on the [BSCC website](#).

The Grant Agreement start date is expected to be October 1, 2023. Grant Agreements are considered fully executed only after they are signed by both the grantee and the BSCC and the BSCC is in receipt of all required attachments including documentation of signing authority. Work, services, and encumbrances cannot begin prior to the Grant Agreement start date. Any work, services and encumbrances that occur after the start

date but prior to Grant Agreement execution may not be reimbursed. Grantees and all subgrantees are responsible for maintaining their Grant Agreement, all invoices, records, and relevant documentation for the life of the grant cycle plus three (3) years after the final payment under the contract.

Debarment, Fraud, Theft or Embezzlement

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to applicants that have been:

1. Debarred by any federal, state, or local government entities during the period of debarment; or
2. Convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state, or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation. All applicants must complete an assurance certifying they are compliant with the BSCC's policies on debarment, fraud, theft, and embezzlement (Appendix G).

Governing Board Resolution

Successful applicants will be required to submit a Resolution from their Governing Board before the grant award can be finalized and funds awarded. A signed resolution is not required at the time of proposal submission, but applicants are advised that no financial invoices will be processed for reimbursement until the Governing Board Resolution has been received by the BSCC. A sample Governing Board Resolution can be found in (Appendix H).

Grantee Orientation

Following the start of the grant period, BSCC staff will conduct a Virtual Grantee Orientation (October 2023, date to be determined). The purpose of this mandatory session is to review the program requirements, invoicing, and budget modification processes, data collection and reporting requirements, as well as other grant management and monitoring activities. Typically, the Project Director, Financial Officer, and Day-to-Day Contact must attend. Grantees are also strongly encouraged to include the individual tasked with Data Collection and Evaluation. Award recipients will be provided additional details regarding the Grantee Orientation in October 2023.

Invoices

Disbursement of grant funds occurs on a reimbursement basis for costs incurred during a reporting period. The State Controller's Office (SCO) will issue the warrant (check) to the individual designated on the Applicant Information Form as the Financial Officer for the grant. Grantees must submit invoices to the BSCC on either a monthly or quarterly basis through an online process no later than 45 days following the end of the invoicing period. Grantees will make their choice between monthly or quarterly invoicing prior to grant agreement execution.

Grantees must maintain adequate supporting documentation for all costs claimed on invoices. BSCC staff will conduct a desk review, which requires grantees to submit electronic documentation to support all grant funds claimed during the invoicing period. In addition, BSCC staff may conduct on-site monitoring visits that include a review of documentation maintained as substantiation for project expenditures with grant funds. Additional information about invoicing can be found in the [BSCC Grant Administration Guide](#).

Monitoring

The BSCC staff will monitor each project to assess whether the project is in compliance with grant requirements and making progress toward grant objectives. As needed, monitoring visits may also occur to provide technical assistance on fiscal, programmatic, evaluative, and administrative requirements. For your reference, a Comprehensive Monitoring Visit checklist can be found on the Corrections Planning and Grants Program [website](#).

Quarterly Progress Reports

Grant award recipients are required to submit quarterly progress reports to the BSCC. Progress reports are a critical element in BSCC's monitoring and oversight process. Grantees who are unable to demonstrate that they are making sufficient progress toward project goals and objectives and that funds are being spent in accordance with the Grant Agreement could be subject to the withholding of funds. Once grants are awarded, BSCC will work with grantees to create custom progress reports.

Supplanting

Supplanting is the deliberate reduction in the amount of federal, state, or local funds being appropriated to an existing program or activity because grant funds have been awarded for the same purposes. Supplanting is strictly prohibited for all BSCC grants. Organized Retail Theft Prevention Grant Program funds shall be used to support new program activities or to augment or expand existing program activities but shall not be used to replace existing funds. It is the responsibility of the grantee to ensure that supplanting does not occur. The grantee must keep clear and detailed financial records to show that grant funds are used only for allowable costs and activities.

Travel

Travel is usually warranted when personal contact by project staff is the most appropriate method of conducting project-related business. Travel to and from training conferences

may also be allowed. The most economical method of transportation, in terms of direct expenses to the project and the employee's time away from the project, must be used. Projects are required to include sufficient per diem and travel allocations for project related personnel, as outlined in the Grant Award, to attend any mandated BSCC training conferences or workshops outlined in the terms of the program.

- **Units of Government**

Units of government may follow either their own written travel and per diem policy or the State's policy. Units of government that plan to use cars from a state, county, city, district carpool, or garage may budget either the mileage rate established by the carpool or garage, or the state mileage rate, not to exceed the loaning agency rate.

- **Non-Governmental Organizations (NGOs)**

An NGO receiving BSCC funds must use the California State travel and per diem policy, unless the Grantee's written travel policy is more restrictive than the State's, in which case it must be used. Reimbursement is allowed for the cost of commercial carrier fares, parking, bridge, and road tolls, as well as necessary taxi, bus, and streetcar fares.

- **Out-of-State Travel**

Out-of-state travel is restricted and only allowed in exceptional situations. Grantees must receive written BSCC approval prior to incurring expenses for out-of-state travel. Even if previously authorized in the Grant Award, Grantees must submit to the BSCC a separate formal request (on Grantee letterhead) for approval. Out-of-state travel requests must include a detailed justification and budget information.

In addition, California prohibits travel, except under specified circumstances, to states that have been found by the California Attorney General to have discriminatory laws. The BSCC will not reimburse for travel to these states unless the travel meets a specific exception under Government Code section 11139.8, subdivision (c). For additional information, please see: <https://oag.ca.gov/ab1887>.



Overview of the RFP Process

Confirmation of Receipt of Proposal

Upon submission of a proposal, applicants will receive a confirmation email from the BSCC stating that the proposal has been received.

Disqualification

Disqualification - **PLEASE REVIEW CAREFULLY**



The following will result in an automatic disqualification:

- Submission is not received by 5:00 P.M. (PST) on Friday, June 23, 2023
- Applicant does not meet the Eligibility Criteria
- Application, and all required attachments, are not submitted via the BSCC-Submittable Application portal
- Budget Attachment is incomplete (e.g., impacted fields are not completed)
- Funding request exceeds allowable amount in the Medium or Large Scope category
- Attachment(s) are illegible
- Attachment(s) will not open, or the file(s) are corrupted

NOTE: Disqualification means that the proposal will not move forward to the Scoring Panel for the Proposal Rating Process, and, therefore, will NOT be considered for funding.

Proposal Rating Process

Unless disqualified, proposals will advance to the Scoring Panel for funding consideration. Proposals will be evaluated in accordance with the BSCC's *Grant Proposal Evaluation Process* ([link](#)) and as described below. The Scoring Panel will read and assign ratings to each proposal in accordance with the prescribed rating factors listed in the table below. Scoring Panel members will base their ratings on how well an applicant addresses the criteria listed under each rating factor within the Proposal Narrative and Budget Sections. Scoring Panel ratings, once submitted to the BSCC, will be final.

At the conclusion of this process, applicants will be notified of the Board's funding recommendations. It is anticipated that the Board will act on the recommendations at its meeting on September 14, 2023. Applicants and their partners are not to contact members of the Scoring Panel or the BSCC Board to discuss proposals.

Rating Factors

The Rating Factors that will be used and the maximum points allocated to each rating factor are shown in the table below. Applicants are asked to address each of these rating factors as a part of their proposal. A percent of total value is assigned to each Rating Factor, correlating to its importance within the overall project (see Percent of Total Value column).

	Rating Factors	Point Range	Percent of Total Value	Weighted Rating Factor Score
1	Project Need	0-5	20%	40
2	Project Description	0-5	35%	70
3	Project Organizational Capacity and Coordination	0-5	15%	30
4	Project Evaluation and Monitoring	0-5	10%	20
5	Project Budget	0-5	20%	40
Maximum Proposal Score:			100%	200

Raters will rate an applicant’s response to each Rating Factor on a scale from 0 to 5, according to the Six-Point Rating Scale shown below. For each Rating Factor, the rating point received is then weighted according to the “Percent of Total Value” column associated with the Rating Factor to arrive at the final Weighted Rating Factor Score. The Weighted Rating Factor Scores are then added together for a final overall proposal score. The maximum possible proposal score is 200.

Senate Bill 154 requires the BSCC to give preference to applicants whose grant proposals demonstrate the greatest need for additional resources and likelihood of success in reducing organized retail theft, motor vehicle or motor vehicle accessory theft, and cargo theft. In fulfillment of this request, 110 out of a total of 200 points is allocated between the Project Need and Project Description categories.

Six Point Rating Scale

Not Responsive 0	Poor 1	Fair 2	Satisfactory 3	Good 4	Excellent 5
The response fails to address the criteria.	The response addresses the criteria in a very inadequate way.	The response addresses the criteria in a non-specific or unsatisfactory way.	The response addresses the criteria in an adequate way.	The response addresses the criteria in a substantial way.	The response addresses the criteria in an outstanding way.

Summary of Key Dates

The following table shows the key dates for the Organized Retail Theft Prevention Grant Program.

Activity	Date
Present the RFP for BSCC Board approval	April 13, 2023
Release the RFP	April 14, 2023
Bidders' Conference	May 11, 2023
Letter of Intent Due to the BSCC	May 15, 2023
Proposals Due to the BSCC	June 23, 2023
Proposal Rating Process and Development of Funding Recommendations	July-August 2023
BSCC Board Considers Funding Recommendations	September 14, 2023
Notices to Applicants	September 15, 2023
Grant Period Begins	October 1, 2023
Mandatory New Grantee Orientation	October 2023

DRAFT

PART II: PROPOSAL INSTRUCTIONS

This document/section contains the necessary information for completing the Organized Retail Theft Prevention Grant Program Application. The Application and all required attachments are provided on the [BSCC website](#).

Proposal Narrative and Budget Sections

The five rating factors that will be addressed in the Proposal Narrative and the Proposal Budget sections, are shown below

	Rating Factor	Percent Value	Addressed In:
1	Project Need	20%	Proposal Narrative
2	Project Description	35%	
3	Project Organizational Capacity and Coordination	15%	
4	Project Evaluation and Monitoring	10%	
5	Project Budget	20%	Proposal Budget

Proposal Narrative Instructions

Applicants will complete the Proposal Narrative by accessing the BSCC-Submittable application portal and responding to a series of prompts. The Proposal Narrative must address the Project Need, Project Description, Project Organizational Capacity and Coordination, and Project Evaluation and Monitoring Rating Factors. Please do not include website links, charts, tables, or graphs when responding.

Each Rating Factor has a character limit as shown below:

	Rating Factor	Total Characters	Microsoft Word Equivalent*
1	Project Need	6,711	Up to 3 (Three) Pages
2	Project Description	11,185	Up to 5 (Five) Pages
3	Project Organizational Capacity and Coordination	4,474	Up to 2 (Two) Pages
4	Project Evaluation and Monitoring	4,474	Up to 2 (Two) Pages

**Assumes text is in a Microsoft Word document in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing.*

Character Counter

The BSCC-Submittable application portal includes an automatically enabled character counter. This feature shows the number of characters used and the remaining number of characters before the limit is met. If the limit is exceeded, a red prompt will appear with the message "You have exceeded the character limit". Applicants are prohibited from submitting the Organized Retail Theft Prevention Grant Program Application until they comply with all character limit requirements.

Bibliography

Applicants may, but are not required to, include a bibliography containing citations, using either the Modern Language Association (MLA) or American Psychological Association (APA) style in the "OPTIONAL Bibliography" field on the BSCC-Submittable application page. The bibliography may not exceed 2,218 total characters (includes punctuation, numbers, spaces, and any text). In Microsoft Word, this is approximately one (1) page in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing.

Required Attachments

In addition to addressing the Proposal Narrative criteria, the following attachments must be completed and uploaded in the identified fields in the BSCC-Submittable application portal at the time of submission:

- Project Work Plan (Appendix B).
- Grantee Assurance for Non-Governmental Organizations (Appendix D).
- Local Impact Letter(s) *If Applicable* (Appendix E)
- Letter(s) of Commitment *If Applicable* (Appendix F)
- Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement (Appendix G)
- Governing Board Resolution *Optional* (Appendix H)

Proposal Narrative Rating Factors

Section 1: Project Need (Percent Value – 20%)

Within this section, address the criteria that defines the Project Need Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

Project Need: The applicant described a need that is pertinent to the intent of the grant. The elements that comprise this Rating Factor are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.	
1.1	Describe the need(s) to be addressed, the process used to determine the need(s), and how the need is related to the intent of the grant program.
1.2	Identify the conditions or elements that contribute to the need (e.g., service gaps, geographic location, accessibility).

1.3	Use relevant local qualitative and/or quantitative data with citations to demonstrate the nature and scale of the specific theft problem (organized retail, motor vehicle, motor vehicle accessory, and/or cargo) and provide a compelling justification for grant funds.
-----	---

Section 2: Project Description (Percent Value – 35%)

Within this section address the criteria that defines the Project Description Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

Project Description: The applicant provided a description of the project that is related to the identified need and the intent of the grant. The elements that comprise this Rating Factor are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.	
2.1	Describe the proposed project that will address the need(s) identified in the Project Need section. The description should include: <ul style="list-style-type: none"> the proposed activities/services/interventions of the project including how they will be delivered and the length and duration. the target area and/or population which will be the focus of the project, including how and why it was selected. how the proposed activities/services/interventions will address the Project Need and the intent of the grant program. plans to coordinate or collaborate with other entities, if any, such as public agencies (e.g., law enforcement, non-law enforcement, prosecutors' offices), community organizations, or retailers.
2.2	Describe the proposed project's goals, objectives, and impact that includes a relationship to the identified need(s) and intent of the grant program. <ul style="list-style-type: none"> The completed Project Work Plan (Appendix B) is appropriate for the proposed project aligning with the identified need(s) and intent of the grant program. The completed Project Work Plan identifies the top goals and objectives (see Appendix C for definitions) and how those will be achieved in terms of the activities, responsible staff/partner agencies, process and outcome measures, data sources, and start and end dates.
2.3	Describe the rationale for the proposed activities/services/interventions including research or other evidence indicating that the intended goals and objectives are likely to be achieved.
2.4	Describe existing or proposed policies to: <ul style="list-style-type: none"> govern the use of surveillance technology (if applicable) including complying with applicable privacy laws/regulations and securing any data collected or stored.
2.5	Describe existing or proposed policies to: <ul style="list-style-type: none"> limit racial bias.

Section 3: Project Organizational Capacity & Coordination (Percent Value – 15%)

Within this section, address the criteria that define the Project Organizational Capacity and Coordination Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

<p>Project Organizational Capacity and Coordination: The applicant described their organization's ability to implement the proposed project. The elements that comprise this Rating Factor are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.</p>	
3.1	<p>Describe the applicant's ability to administer the proposed project. In the descriptions include:</p> <ul style="list-style-type: none"> the applicant's staffing required and available to operate the project including staff qualifications and training. the extent to which existing staff resources will be utilized. project management and oversight to ensure the proposed project is implemented as intended.
3.2	<p>Describe any partner agency(ies) or coordination with other agencies necessary to implement the proposed project. If partners are to be selected after the grant is awarded, specify the process and criteria for selecting the partner agency(ies). The description of partners should include:</p> <ul style="list-style-type: none"> their involvement/role that is aligned with the proposed project. their credentials, involved personnel, experience and capability to conduct the project, and the value the partners add to the proposed project. the plan to coordinate with these partners. key partners' letters of commitment provided as attachments (Attachment G).
3.3	<p>Describe the timeline for the execution of contracts or memorandums of understanding with any partner agency(ies) and the implementation of involvement/role to provide services or activities such that they are in a reasonable timeframe to support the project. Include a description of the readiness to proceed, if funded.</p>
3.4	<p>Describe the management structure and decision-making process for the proposed project.</p>
3.5	<p>Describe the plans to sustain the proposed project after grant funds expire or why the proposed project is limited in term.</p>

Section 4: Project Evaluation and Monitoring (Percent Value – 10%)

Within this section, address the criteria that define the Project Evaluation and Monitoring Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

Project Evaluation and Monitoring: The applicant described how it will monitor and evaluate the effectiveness of the proposed project. The elements that are to comprise this Rating Factor are listed below. Addressing each element does not itself merit a high rating; rather, although each element is to be addressed, it is the quality of the response to each that is to be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.	
4.1	Describe the plan to determine the qualified internal staff and/or external partner or entity that will conduct the project evaluation and how monitoring activities will be incorporated in the various phases of the project (e.g., start-up, implementation, service delivery period).
4.2	Identify and define the process measures and outcome measures that are quantifiable and are in line with the intent of the proposed project and the objectives listed in the Work Plan.
4.3	Describe the preliminary plan for monitoring the project to ensure the project components are implemented as intended.
4.4	Describe the preliminary plan for collecting and evaluating data, including baseline data, related to the process measures and outcome measures identified in 4.2. Describe a plan for entering into data sharing agreements, if necessary.
4.5	Describe the research design or methodology that will allow for an assessment of whether the strategy implemented achieved the intended outcomes.

Proposal Budget Instructions

As part of the application process, applicants are required to complete and upload a Proposal Budget Table and Budget Narrative (Budget Attachment) in the budget section of the BSCC-Submittable application page. The Budget Attachment is provided on the [BSCC website](#).

Applicants should be aware that budgets will be subject to review and approval by the BSCC staff to ensure all proposed costs listed within the budget narrative are allowable and eligible for reimbursement. Regardless of any ineligible costs that may need to be addressed post award, the starting budget for the reimbursement invoices and the total amount requested will be the figures used for the Standard Grant Agreement.

Applicants are solely responsible for the accuracy and completeness of the information entered in the Proposal Budget Table and Budget Narrative. Detailed instructions for completing the Budget Attachment are listed on the Instructions tab of the Excel workbook. All project costs must be directly related to the objectives and activities of the project. The Budget Table must cover the entire grant period.

For additional guidance related to grant budgets, refer to the [BSCC Grant Administration Guide](#).

Proposal Budget Rating Factor

Section 5: Project Budget (Percent Value – 15%)

The following items are rated as part of this section and must be addressed by the applicant in the Budget Attachment.

<p>Project Budget: The applicant provided a complete Budget Attachment (Budget Table and Budget Narrative) for the proposed project. The elements against which the Budget Attachment will be rated are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.</p>	
5.1	<p>Provide complete and detailed budget information in the Budget Attachment (Budget Table and Budget Narrative) that for each section:</p> <ul style="list-style-type: none"> • includes a brief explanation justifying each expense. • ensures expenses are appropriate for the grant's intent, the project's goals, and planned activities.

PART III: APPENDIXES

Appendixes

This section includes the following appendixes:

- Appendix A: Senate Bill 154
- Appendix B: Project Work Plan
- Appendix C: Glossary of Terms
- Appendix D: Grantee Assurance for Non-Governmental Organizations
- Appendix E: Local Impact Letter(s)
- Appendix F: Letter(s) of Commitment
- Appendix G: Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement
- Appendix H: Governing Board Resolution

Appendix A: Senate Bill 154

5227-117-0001—For local assistance, Board of State and Community Corrections 85,000,000

Schedule:

4945-Corrections Planning and Grant Programs
(1) 85,000,000

Provisions:

The amount appropriated in this item shall be for competitive grants for city police, county sheriffs’ departments, and probation departments. These law enforcement agencies may apply individually or on behalf of a group of entities that includes other law enforcement agencies or non-law-enforcement entities, including, but not limited to, community-based organizations or prosecutors’ offices.
1.

Grant funds shall be used to support local law enforcement agencies in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft. Permissible uses of grant funds include, but are not limited to, purchase of technology or other equipment to help deter strategies for preventing or responding to crime. These funds shall be used to supplement and not supplant existing funds for these activities.
2.

All entities receiving grant funding shall be required to comply with all applicable privacy laws and regulations.
3.

Grants shall be made on a competitive basis to localities that can demonstrate, using data, that organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft pose a significant problem in their jurisdictions.
4.

An applicant shall submit a proposal, in a form prescribed by the Board of State and Community Corrections, which shall include, but not be limited to, the following:
5.

Data demonstrating the nature and scale of the specific crime problem, which the applicant proposes to address
(a) using grant funds.

- (b) Clearly defined and measurable objectives for this grant.

A description of how the applicant proposes to use the grant funds to achieve the stated objectives, including any plans to coordinate or collaborate with other entities such as public

- (c) agencies, community organizations, or retailers.

A discussion of research or other evidence indicating that the proposed activities would likely achieve the intended

- (d) objectives.

A discussion of how the applicant plans to sustain the proposed activities after grant funds expire or an explanation

- (e) of why proposed activities are limited term in nature.

A description of existing or proposed policies to limit racial

- (f) bias in utilizing these funds.

If proposing an investment in surveillance technologies, a description of existing or proposed policies to govern the use of those technologies, including how the applicant will comply with applicable privacy laws and secure any data

- (g) collected or stored.

6. The Board of State and Community Corrections shall post to its public website all applications received.

In awarding grants, the Board of State and Community Corrections shall give preference to applicants whose grant proposals demonstrate the greatest need for additional resources and likelihood of success in reducing organized retail theft, motor

7. vehicle or motor vehicle accessory theft, and cargo theft.

Each grantee shall report to the Board of State and Community Corrections, in a form and at intervals prescribed by the board,

8. their progress in achieving the grant objectives.

The Board of State and Community Corrections shall, by no later than 90 days following the close of each grant cycle, prepare and submit a report to the Legislature in compliance with Section 9795 of the Government Code regarding the impact of the initiatives supported by the grant. This report, at minimum, shall include: (a) Grant recipients and the amount awarded to each; (b) How the funding was used; (c) What outcomes and objectives were

9. achieved.

- Upon order of the Director of Finance, up to 5 percent of the amount appropriated in Schedule (1) shall be transferred to Schedule (1) of Item 5227-001-0001 for costs to administer the grant program. Funds transferred pursuant to this provision are available for encumbrance or expenditure until June 30, 2027.
- 10.

11. Any unspent funds identified in Schedule (1) shall revert to the General Fund as of June 30, 2027.

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Appendix B: Project Work Plan

Applicants must complete a Project Work Plan. This Project Work Plan identifies measurable goals and objectives, process and outcome measures, activities and services, responsible parties for those activities and services, data sources and estimated timelines. Completed plans should (1) identify the project's top goals and objectives; (2) identify how the goal(s) will be achieved in terms of the activities, responsible staff/partners, and start and end dates, process and outcome measures; and (3) provide goals and objectives with a clear relationship to the need and intent of the grant. As this grant term is for three (3) years, the Project Work Plan must attempt to identify activities/services and estimate timelines for the entire grant term. A minimum of one goal and corresponding objectives, process measures, etc. must be identified.

Applicants must use the Project Work Plan provided below. You will be prompted to upload this document to the BSCC-Submittable Application.

(1) Goal:	>		
Objectives (A., B., etc.)	>		
Process Measures and Outcome Measures:	>		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
>	>	>	>
List data and sources to be used to measure outcomes: >			

(2) Goal:	>		
Objectives (A., B., etc.)	>		
Process Measures and Outcome Measures:	>		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
>	>	>	>
List data and sources to be used to measure outcomes: >			

(3) Goal:	>		
Objectives (A., B., etc.)	>		
Process Measures and Outcome Measures:	>		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
>	>	>	>
List data and sources to be used to measure outcomes: >			

Appendix C: Glossary of Terms

Case Management

A collaborative process which assesses, plans, implements, coordinates, monitors, and evaluates the options and services required to meet an individual's health needs.³

Community-Based Organization

For this RFP, a Community-Based Organization is an organization located in the State of California that has been determined by the IRS to have 501(c)(3) status (i.e., nonprofit).

Evaluations (Process and Outcomes)

Process Evaluation⁴

The purpose of the process evaluation is to assess how program activities are being carried out in accordance with goals and objectives. Process measures are designed to answer the question: "What is the program actually doing and is this what we planned it to do?"

Examples of process measures could include:

- Project staff have been recruited, hired, and trained according to the proposal.
- Activities/strategies have been implemented on time according to the proposal.
- Number of interagency agreements entered into by the program compared to the number planned.
- Number of trainings conducted.
- Number of neighborhood meetings conducted.

Outcome Evaluation⁵

The purpose of the outcome evaluation is to identify whether the program "worked" in terms of achieving its goals and objectives. Outcome measures are designed to answer the question: "What results did the program produce?"

Examples of outcome measures include:

- Results of pre/post surveys (e.g., changes in the reported confidence/trust in law enforcement among community members).
- Implementation of regular, ongoing community forums where community dialogue takes place.
- Changes in policies at the Lead Agency level to reflect procedural justice principles.

In an evidence-based practice approach, outcome evaluations must include not only the measures but also analysis of the extent to which the measured results can be attributed to the program rather than to coincidence or alternative explanations.

³ Source: National Institute of Health

⁴ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). Juvenile Justice Program Evaluation: An overview (Second Edition) p. 7. Retrieved from <http://www.jrsa.org/njjec/publications/program-evaluation.pdf>

⁵ Id at pp. 7-8.

Evidence-based / Promising Practices

Evidence-based practices are programs and strategies that have been found effective at improving outcomes, using rigorous scientific research methods. Programs and strategies may be evidence-based across all populations, or only for particular cultures and identities.

Promising practices are programs and strategies that have shown some positive results and potential for improving outcomes. They may have evidence from use in real-world settings, a strong theoretical framework, and/or expert opinion, but have not been fully replicated in scientific studies. Depending on the level of scientific evidence, these are sometimes referred to as “evidence-informed,” “research-supported,” or “emerging” practices.

Financial Audit

A financial audit provides assurances that an organization’s financial statements are free of material misstatement based upon the application of generally accepted accounting principles.

Goals and Objectives

Goals and objectives are terms in common use, sometimes used interchangeably because both refer to the intended results of program activities. Goals are longer-term than objectives, more broadly stated and govern the specific objectives to which program activities are directed.

In proposals, goals are defined by broad statements of what the program intends to accomplish, representing the long-term intended outcome of the program.⁶

Examples of goal statements:⁷

- To reduce the number of serious and chronic juvenile offenders.
- To divert nonviolent juvenile offenders from state juvenile correctional institutions.
- To restore the losses suffered by the victims of crimes.

Objectives are defined by statements of specific, measurable aims of program activities.⁸ Objectives detail the tasks that must be completed to achieve goals.⁹ Descriptions of objectives in the proposals should include three elements:¹⁰

1. Direction – the expected change or accomplishment (e.g., improve, maintain);
2. Timeframe – when the objective will be achieved; and

⁶ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)*. Retrieved from <http://www.jrsa.org/njiec/publications/program-evaluation.pdf>. See also New York State Division of Criminal Justice Services. *A Guide to Developing Goals and Objectives for Your Program*. Retrieved from .

⁷ *Id.* at p. 4.

⁸ National Center for Justice Planning. Overview of Strategic Planning. *Where Do We Want to Be? Goals and Objectives*. Retrieved from <http://ncjp.org/strategic-planning/overview/where-do-we-want-be/goals-objectives>.

⁹ *Id.*; see *supra* fn 1.

¹⁰ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)* p. 5. Retrieved from <http://www.jrsa.org/njiec/publications/program-evaluation.pdf>.

3. Target Population– who is affected by the objective.

Examples of program objectives:¹¹

- By the end of the program, young, drug-addicted juveniles will recognize the long-term consequences of drug use.
 - To place eligible juveniles in an intensive supervision program within two weeks of adjudication to ensure offender accountability and community safety.
 - To ensure that juvenile offenders carry out all the terms of the mediation agreements they have worked out with their victims by program completion.

Qualitative Data

Data/information that is based on written or spoken narratives. The purpose of qualitative data/information is to explain and gain insight and understanding of events through collection of narrative data/information.

Quantitative Data

Data/information that is based on numbers and mathematical calculations. The purpose of quantitative data is to explain, predict, and/or control events through focused collection of numerical data.

¹¹ *Id.*

Appendix D: Grantee Assurance for Non-Governmental Organizations

The Organized Retail Theft Prevention Grant Program Request for Proposals (RFP) includes requirements that apply to non-governmental organizations (NGOs)¹² providing services with grant funds. Grantees are responsible for ensuring that all contracted third parties continually meet these requirements as a condition of receiving funds. The RFP describes these requirements as follows:

Any non-governmental organization that receives Organized Retail Theft Prevention Grant Program funds (as either a subgrantee or subcontractor) must:

- Have been duly organized, in existence, and in good standing for at least six (6) months prior to the effective date of its fiscal agreement with the BSCC or with the Organized Retail Theft Prevention Grant Program grantee;
 - Non-governmental entities that have recently reorganized or have merged with other qualified non-governmental entities that were in existence prior to the six (6) month date are also eligible, provided all necessary agreements have been executed and filed with the California Secretary of State prior to the start date of the grant agreement with the BSCC or the start date of the grantee subcontractor fiscal agreement;
- Be registered with the California Secretary of State's Office, if applicable;
- Have a valid Employer Identification Number (EIN) or Taxpayer ID (if sole proprietorship);
- Have a valid business license, if applicable;
- Have no outstanding civil judgments or liens;
- Have any other state or local licenses or certifications necessary to provide the services requested (e.g., facility licensing by the Department of Health Care Services), if applicable; and
- Have a physical address within California. (An agent for service of process with a California address is insufficient.)

Completing the NGO Assurance (Following Page)

1. Provide the name of the Applicant Agency (the Grantee),
2. List all contracted parties (if known),
3. Check Yes or No to indicate if each contracted part meets the requirements
4. Sign and Submit to the BSCC

NOTE: If the name of the contracted party is unknown or if there will be no contracted parties. Write N/A in the "Name of Contracted Party" field and sign the document.

¹² For the purposes of this RFP, NGOs include nonprofit and for-profit community-based organizations, faith-based organizations, evaluators (except government institutions such as universities), grant management companies, and any other non-governmental agency or individual.

**Organized Retail Theft Prevention Grant Program
Non-Governmental Organization Assurances**

Name of Applicant:

Name of Contracted Party	Address	Email / Phone	Meets All Requirements
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

*Grantees are required to update this list and submit it to BSCC any time a new third-party contract is executed after the initial assurance date. Grantees shall retain (on-site) applicable source documentation for each contracted party that verifies compliance with the requirements listed in the RFP. The BSCC will not reimburse for costs incurred by any third party that does not meet the requirements listed above and for which the BSCC does not have a signed grantee assurance on file.

A signature below is an assurance that all requirements listed above have been met.

AUTHORIZED SIGNATURE			
This document must be signed by the person who is authorized to sign the Grant Agreement.			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	EMAIL ADDRESS
STREET ADDRESS	CITY	STATE	ZIP CODE
APPLICANT'S SIGNATURE (Blue Ink Only)			DATE

Appendix E: Local Impact Letter(s)

The Organized Retail Theft Prevention Grant Program encourages collaboration, communication, and innovation to combat organized retail theft. In supporting this approach, proposed projects may have impacts on retailers and local government agencies that prevent projects from operating as intended (e.g., increased law enforcement presence in retail spaces, increased referrals to the District Attorney's Office, overlapping or duplicative public awareness campaigns, etc.)

To acknowledge any anticipated impacts, each Lead Public Agency is required to:

- Identify each agency agency(ies) that reasonably could be expected to be impacted by this grant project;
- Submit a Letter of Agreement signed by both the Lead Public Agency and the impacted agency agency(ies) that includes the following:
 - The name of the Organized Retail Theft Prevention Grant Program project and a brief project description;
 - A description of how the Organized Retail Theft Prevention Grant Program project might impact retailers and local government agencies; and
 - An explanation of how the Lead Public Agency and the impacted agency(ies) will work together to address stated impacts.

Note: If the Lead Public Agency concludes that the Organized Retail Theft Prevention Grant Program project **will not** impact any other agency agency(ies), the Lead Public Agency must include a letter to that effect.

Appendix F: Letter(s) of Commitment

If the success of the applicant's proposed activity, strategy, or program relies on the participation of an outside agency or organization (i.e., an entity other than the applicant or LPA), the applicant must include a Letter of Commitment. Letter(s) of Commitment should reflect that the outside agency or organization is aware of the proposed project, is committed to ensuring the success of the project, their role, and agrees to participate.

[To be submitted on letterhead of the OUTSIDE ENTITY]

To: Board of State and Community Corrections
Re: The Organized Retail Theft Prevention Grant Program
Date: [must be within 3 months of proposal submission]

This letter is being submitted to document that [NAME OF THE OUTSIDE ENTITY] agrees to partner on the Organized Retail Theft Prevention Grant Program proposal being submitted by [NAME OF APPLICANT].

As a part of this grant, [NAME OF OUTSIDE ENTITY] agrees to [DESCRIBE THE NATURE OF THE PARTNERSHIP, I.E. WHAT THE OUTSIDE ENTITY IS AGREEING TO DO, ETC.].

Signed by,

Name, Title

[must be the Executive Officer, Department Head, or other Authorized Representative of the Outside Entity]

Appendix G: Certification of Compliance with BSCC Polices on Debarment, Fraud, Theft and Embezzlement

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to applicants that have been:

- 1. debarred by any federal, state, or local government entities during the period of debarment; or
- 2. convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

By checking the following boxes and signing below, applicant affirms that:

I/We are not currently debarred by any federal, state, or local entity from applying for or receiving federal, state, or local grant funds.

I/We have not been convicted of any crime involving theft, fraud, or embezzlement of federal, state, or local grant funds within the last three years. We will notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

I/We will hold subgrantees and subcontractors to these same requirements.

A grantee may make a request in writing to the Executive Director of the BSCC for an exception to the debarment policy. Any determination made by the Executive Director shall be made in writing.

AUTHORIZED SIGNATURE			
This document must be signed by the person who is authorized to sign the Grant Agreement.			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	EMAIL ADDRESS
STREET ADDRESS	CITY	STATE	ZIP CODE
APPLICANT'S SIGNATURE (Blue Ink Only) X			DATE

Appendix H: Governing Board Resolution

Before grant funds can be reimbursed, a grantee must either (1) submit a resolution from its Governing Board that delegates authority to the individual authorized to execute the grant agreement or (2) provide sufficient documentation indicating that the prospective grantee has been vested with plenary authority to execute grant agreements (e.g., County Board of Supervisors delegating such authority to an Agency head).

Below is assurance language that, at a minimum, must be included in the resolution submitted to the Board of State and Community Corrections.

WHEREAS the *(insert name of Local Government)* desires to participate in the Organized Retail Theft Prevention Grant Program funded through the State Budget Act and administered by the Board of State and Community Corrections (hereafter referred to as the BSCC).

NOW, THEREFORE, BE IT RESOLVED that the *(insert title of designated official)* be authorized on behalf of the *(insert name of Governing Board)* to submit the grant proposal for this funding and sign the Grant Agreement with the BSCC, including any amendments thereof.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

BE IT FURTHER RESOLVED that the *(insert name of Local Government)* agrees to abide by the terms and conditions of the Grant Agreement as set forth by the BSCC.

Passed, approved, and adopted by the *(insert name of Governing Board)* in a meeting thereof held on *(insert date)* by the following:

Ayes:
Notes:
Absent:
Signature: _____ Date: _____

Typed Name and Title: _____

ATTEST: Signature: _____ Date: _____

Typed Name and Title: _____

Attachment D-5



Organized Retail Theft Vertical Prosecution Grant Program

Proposal Instruction Packet

Release Date: April 14, 2023

Letter of Intent due: May 15, 2023

Proposals Due: June 23, 2023



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PART I: GRANT INFORMATION

Background Information

The State Budget Act of 2022 (Assembly Bill 178, Chapter 45, Statutes of 2022) established the Organized Retail Theft Vertical Prosecution Grant Program. Funding is available to California District Attorneys for the purpose of addressing increased levels of retail theft property crimes by using a vertical prosecution model.

Contact Information

This Request for Proposal (RFP) Instruction Packet provides the necessary information to prepare a proposal to the Board of State and Community Corrections (BSCC) for the Organized Retail Theft Vertical Prosecution Grant Program.

The BSCC staff cannot assist the applicant or its partners with the preparation of the proposal. Any questions concerning this RFP, the proposal process, or the submission process must be submitted by email to: ORT@bscc.ca.gov.

The BSCC will accept and respond to written questions until June 12, 2023. A frequently asked questions and answers (FAQs) document will be posted to the [BSCC website](#) and periodically updated through June 16, 2023.

Proposal Due Date and Submission Instructions

Organized Retail Theft Vertical Prosecution Grant Program proposals must be received by **5:00 P.M. (PST) on Friday, June 23, 2023**.

Submission Instructions

Applications for the Organized Retail Theft Vertical Prosecution Grant Program must be submitted through the BSCC-Submittable Application portal. The BSCC-Submittable Application portal, Organized Retail Theft Vertical Prosecution Grant Program Application, and all required attachments are available on the [BSCC website](#).

To apply for this funding opportunity, applicants must create a free Submittable account OR use an existing Submittable account when prompted. After an account is established, applicants may proceed with the application process. As part of the submission process, applicants will be required to download mandatory forms that must be completed, signed, and uploaded to the BSCC-Submittable Application portal. All required documents are available on the [BSCC website](#).

The BSCC-Submittable Application will not allow submissions after 5:00 p.m. (PST) on June 23, 2023. Please allow sufficient time to begin and submit your application. If the BSCC does not receive a submission by 5:00 p.m. (PST) on June 23, 2023, the proposal **will not be considered for funding**. Applicants are strongly advised to submit proposals well in advance of the due date and time to avoid disqualification.

Once you have successfully submitted your application and all required attachments, you will receive an email acknowledging your application has been received. If you experience challenges with your submission, please email the BSCC at: ORT@bscc.ca.gov. Be advised that applicants contacting the BSCC at the close of the submission due date/time may not receive timely responses. Please allow sufficient time for BSCC staff to provide technical assistance.

Virtual Bidders' Conference

Prospective applicants are invited to attend a virtual Bidders' Conference. Attendance at the virtual Bidders' Conference is not a requirement. The purpose of this Bidders' Conference is to answer technical questions from prospective bidders (applicants) and provide clarity on RFP instructions. Topics may include, but are not limited to, proposal submission instructions, eligibility, funding, and an overview of the rating factors. Bidders' Conference details are listed below:

Organized Retail Theft Vertical Prosecution Grant Program
Virtual Bidders' Conference
Wednesday, May 10, 2023, at 10:00 A.M.

Public access options for this meeting include:

Join by Zoom:

- <https://us02web.zoom.us/j/81383424652?pwd=NGpBWFozZDIESDI6VWdwTmNncDRwUT09>
- Meeting ID: 813 8342 4652 | Passcode: 922726

Call In:

- 1-669-900-9128
- Meeting ID: 813 8342 4652 | Passcode: 922726

Notice of Intent to Apply

Prospective applicants are asked (but not required) to submit a non-binding letter indicating their intent to apply. These letters aid the BSCC in planning for the proposal evaluation process. Please submit your letter in Microsoft Word or as a PDF.

There is no formal template for the letter, but it should include the following information:

1. Name of the applicant entity;
2. Name of a contact person; and
3. A brief statement indicating the applicant's intent to submit a proposal.

Failure to submit a Letter of Intent is not grounds for disqualification. Prospective applicants that submit a Letter of Intent and decide later not to apply will not be penalized.

Please email your non-binding Letter of Intent to Apply by Monday, May 15, 2023. Please identify the email subject line as “ORT Letter of Intent” and submit the letter to: ORT@bscc.ca.gov.

Scoring Panel

To ensure successful program design and implementation, the BSCC uses Executive Steering Committees (ESC) and Scoring Panels to inform decision making related to the Board’s programs. The BSCC’s ESCs and Scoring Panels are composed of subject matter experts, community partners, and interested parties representing both the public and private sectors. The BSCC makes every attempt to include diverse representation on its ESCs and Scoring Panels, in breadth of experience, geography and demographics.

The Organized Retail Theft Vertical Prosecution Grant Program will convene a Scoring Panel. The Scoring Panel will read and rate submissions and develop funding recommendations for the Board. The Board may approve, reject, or revise those recommendations. Members of the Scoring Panel are not paid for their time but are reimbursed for travel expenses incurred to attend meetings. If the BSCC is unable to convene a full Scoring Panel, BSCC staff may rate proposals. Please check the [BSCC website](#) for updated information on the Scoring Panel.

Conflicts of Interest

Existing law prohibits any grantee, subgrantee, partner, or like party participating on the Organized Retail Theft Vertical Prosecution Grant Program Scoring Panel from receiving funds from the grants awarded under this RFP. Applicants who are awarded grants under this RFP are responsible for reviewing the Scoring Panel membership roster and ensuring that no grant dollars are passed through to any entity represented by any member of the Scoring Panel.

Description of the Grant

The Organized Retail Theft Vertical Prosecution Grant Program was established in Assembly Bill 178 (AB 178) (Appendix A). Per AB 178:

1. Funding appropriated in this item shall be available for competitive grants for district attorneys for the Organized Retail Theft Vertical Prosecution Grant Program for the purpose of addressing increased levels of retail theft property crimes by using a vertical prosecution model.
2. In awarding the funds, the Board of State and Community Corrections shall, at minimum, require the grantee to demonstrate the following requirements on its application for the competitive grant:
 - a) How the additional funds will meaningfully address the increase in organized retail theft in the jurisdiction and the existing hurdles of implementing a vertical prosecution model in their jurisdiction to prosecute these crimes without this grant.

- b) How the funding will be used in facilitating collaboration with online marketplaces and retailers to address the increase in property crimes in the jurisdiction.
 - c) How the jurisdiction plans to use alternatives to incarceration, including diversion or restorative justice programs, to reduce organized retail theft and help reduce recidivism.
 - d) How the jurisdiction will be able to sustain this program upon the expiration of this one-time grant funding.
3. The county receiving the competitive grant shall do the following:
- a) Employ a vertical prosecution methodology for organized retail theft crimes.
 - b) Dedicate at least one deputy district attorney and one district attorney investigator whose primary role is the investigation and prosecution of organized retail theft crimes.
 - c) Provide the Board of State and Community Corrections with annual data on the number of organized retail theft cases filed by that county, the number of organized retail theft convictions obtained, and the sentences imposed for those convicted of organized retail theft in that county. The county shall also provide the number of instances where vertical prosecution was used to obtain those convictions and the sentences imposed. The county shall also provide the number of theft-related property crimes that were charged overall in the jurisdiction that did not use the vertical prosecution model and the resulting number of convictions.
4. On or before January 1, 2027, the Board of State and Community Corrections shall submit to the Legislature and the Governor a report relating to the information provided in subdivision (c) of Provision 3, and how the funding was used, and a description of the outcomes of the grant.
5. Funding received by district attorney offices pursuant to this program shall be used to supplement, and not supplant, existing financial resources.

In support of these efforts, each applicant will develop a Project Work Plan that identifies measurable project goals, objectives, and commensurate timelines (Appendix B). Please reference the Glossary of Terms (Appendix C) to view key definitions for this RFP.

Vertical Prosecution Model

For the purposes of this RFP, vertical prosecution means a prosecutor is assigned to an organized retail theft case from beginning to end (e.g., initial hearing/arrangement to

sentencing). Under this model, the victim(s), witness(es), and impacted law enforcement official(s) have a single point of contact throughout the process.

Eligibility to Apply

Eligible applicants are California District Attorneys. Applications must be submitted by the Board of Supervisors or the Chief County Administrative Officer. The Board of Supervisors or County Administrative Officer may also delegate the District Attorney's Office as the applicant entity. Eligible applicants **may not** submit more than one (1) proposal for funding consideration.

Legislative Requirements

Per AB 178, grant fund must be used to employ a vertical prosecution model, and to dedicate at least one deputy district attorney **and** one district attorney investigator whose primary role is the investigation and prosecution of organized retail theft crimes. In addition, applicants will be required to provide the following data to the BSCC:

- Annual data on the number of organized retail theft cases filed by that county,
- Number of organized retail theft convictions obtained, and the sentences imposed for those convicted of organized retail theft in that county.
- Number of instances where vertical prosecution was used to obtain those convictions and the sentences imposed.
- Number of theft-related property crimes that were charged overall in the jurisdiction that did not use the vertical prosecution model and the resulting number of convictions.

Grant Period

Proposals selected for funding will be under agreement from October 1, 2023 to June 1, 2027 with the BSCC. The grant agreement service period covers October 1, 2023 and ends on December 31, 2026. However, an additional six (6) months (January 1, 2027, to June 30, 2027) will be included in the term of the grant agreement for the sole purposes of finalizing and submitting a required Local Evaluation Report and finalizing and submitting a required financial audit.

A visual illustration of the grant agreement period is provided on the following page:

October 1, 2023 to June 1, 2027

Implementation	Service Delivery	Service Delivery	Service Delivery	Data Evaluation/ Closeout
Up to 6-Months	Year 1	Year 2	Year 3	Up to 6-Months
October 1, 2023 - April 1, 2024	Start Date - December 31, 2024	January 1, 2025 - December 31, 2025	January 1, 2026 - December 31, 2026	January 1, 2027, - June 1, 2027
<p>Implementation period for hiring, procurement, and other activities that facilitate a timely start.</p> <p>Grantees who <u>do not need</u> the full implementation period can begin service delivery at any time once under contract.</p>	Service delivery and data collection	Service delivery and data collection	Service delivery and data collection	<p>Data analysis and evaluation period to analyze data gathered during the service delivery period.</p> <p>Only expenses incurred for evaluation efforts may be incurred in this period.</p>

Criteria for Non-Governmental Organizations

Applicants for the Organized Retail Theft Vertical Prosecution Grant Program may elect to partner, contract, or establish agreements with non-governmental organizations (NGOs)¹ in the implementation of their program. All NGOs must adhere to terms described on the following page.

¹ For the purposes of this RFP, NGOs include nonprofit and for-profit community-based organizations, faith-based organizations, evaluators (except government institutions such as universities), grant management companies, and any other non-governmental agency or individual.

Eligibility Criteria for Non-Governmental Organizations Providing Services with BSCC Grant Funds

Any non-governmental organization that receives Organized Retail Theft Vertical Prosecution Grant Program funds (as either a subgrantee or subcontractor) must:

- Have been duly organized, in existence, and in good standing for at least six (6) months prior to the effective date of its fiscal agreement with the BSCC or with the Organized Retail Theft Vertical Prosecution Grant Program grantee;
 - Non-governmental entities that have recently reorganized or have merged with other qualified non-governmental entities that were in existence prior to the six (6) month date are also eligible, provided all necessary agreements have been executed and filed with the California Secretary of State prior to the start date of the grant agreement with the BSCC or the start date of the grantee subcontractor fiscal agreement;
- Be registered with the California Secretary of State's Office, if applicable;
- Have a valid Employer Identification Number (EIN) or Taxpayer ID (if sole proprietorship);
- Have a valid business license, if applicable;
- Have no outstanding civil judgments or liens;
- Have any other state or local licenses or certifications necessary to provide the services requested (e.g., facility licensing by the Department of Health Care Services), if applicable; and
- Have a physical address within California. (An agent for service of process with a California address is insufficient.)

All applicants must complete, sign, and submit the *BSCC Grantee Assurance for Non-Governmental Organizations* (Appendix D). Once under contract, grantees must submit an updated *Grantee Assurance for Non-Governmental Organizations* throughout the life of the grant agreement for any additional NGOs that receive funds through subcontracts after awards are made. The BSCC will not reimburse for costs incurred by NGOs that do not meet the BSCC's requirements.

Written Agreement from Key Partners

If the success of the applicant's proposed activity, strategy, or program relies on the participation of an outside agency or organization (i.e., an entity other than the applicant), the applicant must include a Letter of Commitment. Letter(s) of Commitment should reflect that the outside agency or organization is aware of the proposed project, is committed to ensuring the success of the project, and agrees to participate.

Examples of key roles played by outside entities could include the following:

- Data Collection Partnerships
- Referral Sources

A Letter of Commitment must include the name of the outside entity, be signed by the executive officer, department head, or other authorized representative, and be dated within three (3) months of the proposal submission to the BSCC. Outdated letters or letters that speak to a partnership or grant activities outside of the activities listed in this proposal, will not be accepted. See Appendix E for a sample Letter of Commitment.

A Letter of Commitment is not required if the applicant has determined that an outside agency or organization is not critical to the launch or ongoing implementation of the proposed program.

Organizational Capacity and Coordination

Applicants will be rated, in part, on how well they demonstrate they have the experience, a staffing plan, and any partnerships necessary to implement the proposed strategy. If an applicant is unable to identify staff and/or subcontractors until after the grant is awarded, the applicant should explain, at a minimum, the process, and criteria by which they will select staff and/or subcontractors after award. Distinct from administrative staff and partners, applicants must also demonstrate how they plan to ensure that the staff who deliver the services have backgrounds and experience that are relevant to the proposed strategy and/or target population.

Funding Information

This RFP makes \$28,500,000² available competitively to district attorneys to address increased levels of retail theft property crimes by using a vertical prosecution model.

Funding Categories

Recognizing that applicants have different capacities, resources, and needs, there are two categories within which applicants will compete. An applicant may apply in either the Small or Large Scope Category. This means Small Scope Projects will compete against other Small Scope Projects and Large Scope Projects will complete against other Large Scope Projects for funding.

The maximum an applicant may apply for is up to \$800,000 in the Small Scope category OR up to \$2,050,000 in the Large Scope category. Applicants may apply for any dollar amount up to and including the maximum grant amount identified in each category. An illustration of the funding categories, maximum grant award, and total available funding by category is provided below:

Funding Categories	Maximum Grant Award*	Total Available Funding
Small Scope	Up to \$800,000	\$8,000,000
Large Scope	Up to \$2,050,000	\$20,500,000
Total Funding Available for Competitive Grants:		\$28,500,000

² Provided funding is appropriated in the FY 2023-2024 and 2024-25 State Budget Acts.

***NOTE:** The Grant Award must cover the entire grant period. For example, if an applicant requests and is awarded \$600,000, that amount must last from October 1, 2023 to June 1, 2027.

Funding Decisions

Applicants will compete for funds within the Small or Large Scope Category. Proposals will be evaluated, scored, and a ranked list of all scored proposals will be generated. The BSCC will move down the ranked lists to fund all qualified applicants, who meet the Minimum Scoring Threshold, in each of the two funding categories until all funds in that category are exhausted. Applicants that fall at the cut-off point may be offered a partial award if there are not sufficient remaining funds to make a full award.

If funding remains in one or more categories, the following will occur:

- Funds remaining in the Small Scope Category after all qualified applicants in that category have been fully funded, will be used to fund any additional qualified applicants in the Large Scope Category.
- Funds remaining in the Large Scope Category after all qualified applicants in that category have been fully funded, will be used to fund any additional qualified applicants in the Small Scope Category.

If an applicant or grantee relinquishes an award, BSCC has authority to offer that award to the next qualifying applicant(s) on the ranked list.

Eligible Funding Activities

Grant Program funds must be used to employ a vertical prosecution model, and to dedicate at least one deputy district attorney **and** one district attorney investigator whose primary role is the investigation and prosecution of organized retail theft crimes. In support of these efforts, eligible expenses for this RFP include, but are not limited to, the following:

- Case Management Systems
- Computers/Laptops/Tablets
- Databases
- Hiring Staff and/or Contractors
- Investigative Software
- Online and Print Advertising
- Staff expenses, including overtime

Please note, the above list is not intended to be exhaustive. All proposed expenses must have a link to the Organized Retail Theft Vertical Prosecution Grant Program as described in the authorizing legislation and this RFP.

Match Requirement

No match is required for the Organized Retail Theft Vertical Prosecution Grant Program.

Data Collection, Reporting, and Evaluation Requirements

Projects selected for funding will be required to submit a Local Evaluation Plan and Local Evaluation Report. Applicants are encouraged, but not required, to use outside evaluators to ensure objective and impartial evaluations. This may include, but is not limited to, community colleges, universities, and research organizations.

Required Set-Aside for Evaluation Efforts

Grantees are required to set aside at least 5% percent of the total grant award for data collection and evaluation efforts, including data collection for the Quarterly Progress Reports and the statewide evaluation (see below) and the development of the Local Evaluation Plan and Local Evaluation Report.

Local Evaluation Plan

The purpose of the Local Evaluation Plan is to ensure that projects funded by the BSCC can be evaluated. Grantees will be expected to include a detailed description of how the applicant will assess the effectiveness of the proposed program in relationship to each of its goals and objectives identified in the proposal. A relationship between the goals and objectives identified in the proposal should be apparent in the Local Evaluation Plan.

The Local Evaluation Plan should describe the evaluation design or model that will be used to evaluate the effectiveness of the project component(s), with the project goals and the project objectives clearly stated. Applicants should also address process and outcome evaluations. Once submitted, any modifications to the Local Evaluation Plan must be approved in advance by the BSCC. More detailed instructions on the Local Evaluation Plan will be made available to successful applicants. The Local Evaluation Plan is due no later than April 1, 2024.

Local Evaluation Report

Following project completion, grantees are required to complete a Local Evaluation Report. The Local Evaluation Report must be in a format prescribed by the BSCC. The purpose of the Local Evaluation Report is to determine whether the overall project (including each individual component) was effective in meeting the goals laid out in the Local Evaluation Plan.

To do this, the grantee must assess and document the effectiveness of the activities that were implemented within each individual project component. These activities should have been identified in the previously submitted Local Evaluation Plan. More detailed instructions on the Local Evaluation Report will be made available to successful applicants. The Local Evaluation Report is due no later than June 1, 2027.

Statewide Evaluation

BSCC Research will conduct a statewide evaluation of the impact of the initiatives supported by the grant funding including the outcomes and objectives that were achieved. The evaluator will: develop the research methodology for the statewide evaluation; design and develop instruments for collecting and evaluating data from grantees; provide ongoing technical assistance to grantees for data collection and evaluation activities;

compile, screen and analyze data obtained from grantees; and develop a final report on the impact of the program. As a condition of award, grantees agree to collect data requested for the evaluation (this may include standardized Quarterly Progress Report format with specified baseline, output, and/or outcome measures) and fully cooperate and share information within timelines set for the evaluation.

General Grant Requirements

Audit Requirements

Grantees are required to provide the BSCC with a financial audit that covers the service delivery period of the grant (October 1, 2023 - December 31, 2026). The audit report will be due no later than June 1, 2027. The financial audit shall be performed by a Certified Public Accountant or a participating county or city auditor that is organizationally independent from the participating county or city's project financial management functions. Expenses for the final audit may be reimbursed for actual costs up to \$25,000.

In addition, the BSCC reserves the right to call for a program or financial audit at any time between the execution of the grant agreement and three (3) years following the end of the grant period. The Department of General Services, the California State Auditor, the Department of Finance, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this grant.

BSCC Grant Agreement

Applicants approved for funding by the BSCC Board are required to enter into a Grant Agreement with the BSCC. Grantees must agree to comply with all terms and conditions of the Grant Agreement. A sample Grant Agreement for the Organized Retail Theft Vertical Prosecution Grant Program is available on the [BSCC website](#).

The Grant Agreement start date is expected to be October 1, 2023. Grant Agreements are considered fully executed only after they are signed by both the grantee and the BSCC and the BSCC is in receipt of all required attachments including documentation of signing authority. Work, services, and encumbrances cannot begin prior to the Grant Agreement start date. Any work, services and encumbrances that occur after the start date but prior to Grant Agreement execution may not be reimbursed. Grantees and all subgrantees are responsible for maintaining their Grant Agreement, all invoices, records, and relevant documentation for the life of the grant cycle plus three (3) years after the final payment under the contract.

Debarment, Fraud, Theft or Embezzlement

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to applicants that have been:

1. Debarred by any federal, state, or local government entities during the period of debarment; or

2. Convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state, or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation. All applicants must complete an assurance certifying they are compliant with the BSCC's policies on debarment, fraud, theft, and embezzlement (Appendix F).

Governing Board Resolution

Successful applicants will be required to submit a Resolution from their Governing Board before the grant award can be finalized and funds awarded. A signed resolution is not required at the time of proposal submission, but applicants are advised that no financial invoices will be processed for reimbursement until the Governing Board Resolution has been received by the BSCC. A sample Governing Board Resolution can be found in (Appendix G).

Grantee Orientation

Following the start of the grant period, BSCC staff will conduct a Virtual Grantee Orientation (October 2023, date to be determined). The purpose of this mandatory session is to review the program requirements, invoicing and budget modification processes, data collection and reporting requirements, as well as other grant management and monitoring activities. Typically, the Project Director, Financial Officer, and Day-to-Day Contact must attend. Grantees are also strongly encouraged to include the individual tasked with Data Collection and Evaluation. Award recipients will be provided additional details regarding the Grantee Orientation in October 2023.

Invoices

Disbursement of grant funds occurs on a reimbursement basis for costs incurred during a reporting period. The State Controller's Office (SCO) will issue the warrant (check) to the individual designated on the Applicant Information Form as the Financial Officer for the grant. Grantees must submit invoices to the BSCC on either a monthly or quarterly basis through an online process no later than 45 days following the end of the invoicing period. Grantees will make their choice between monthly or quarterly invoicing prior to grant agreement execution.

Grantees must maintain adequate supporting documentation for all costs claimed on invoices. BSCC staff will conduct a desk review, which requires grantees to submit

electronic documentation to support all grant funds claimed during the invoicing period. In addition, BSCC staff may conduct on-site monitoring visits that include a review of documentation maintained as substantiation for project expenditures with grant funds. Additional information about invoicing can be found in the [BSCC Grant Administration Guide](#).

Monitoring

The BSCC staff will monitor each project to assess whether the project is in compliance with grant requirements and making progress toward grant objectives. As needed, monitoring visits may also occur to provide technical assistance on fiscal, programmatic, evaluative, and administrative requirements. For your reference, a Comprehensive Monitoring Visit checklist can be found on the Corrections Planning and Grants Program [website](#).

Quarterly Progress Reports

Grant award recipients are required to submit quarterly progress reports to the BSCC. Progress reports are a critical element in BSCC's monitoring and oversight process. Grantees who are unable to demonstrate that they are making sufficient progress toward project goals and objectives and that funds are being spent in accordance with the Grant Agreement could be subject to the withholding of funds. Once grants are awarded, BSCC will work with grantees to create custom progress reports.

Supplanting

Supplanting is the deliberate reduction in the amount of federal, state, or local funds being appropriated to an existing program or activity because grant funds have been awarded for the same purposes. Supplanting is strictly prohibited for all BSCC grants. Organized Retail Theft Vertical Prosecution Grant Program funds shall be used to support new program activities or to augment or expand existing program activities but shall not be used to replace existing funds. It is the responsibility of the grantee to ensure that supplanting does not occur. The grantee must keep clear and detailed financial records to show that grant funds are used only for allowable costs and activities.

Travel

Travel is usually warranted when personal contact by project staff is the most appropriate method of conducting project-related business. Travel to and from training conferences may also be allowed. The most economical method of transportation, in terms of direct expenses to the project and the employee's time away from the project, must be used. Projects are required to include sufficient per diem and travel allocations for project related personnel, as outlined in the Grant Award, to attend any mandated BSCC training conferences or workshops outlined in the terms of the program.

- **Units of Government**

Units of government may follow either their own written travel and per diem policy or the State's policy. Units of government that plan to use cars from a state, county, city, district carpool, or garage may budget either the mileage rate established by the carpool or garage, or the state mileage rate, not to exceed the loaning agency

rate.

- **Non-Governmental Organizations (NGOs)**

An NGO receiving BSCC fund must use the California State travel and per diem policy, unless the Grantee's written travel policy is more restrictive than the State's, in which case it must be used. Reimbursement is allowed for the cost of commercial carrier fares, parking, bridge, and road tolls, as well as necessary taxi, bus, and streetcar fares.

- **Out-of-State Travel**

Out-of-state travel is restricted and only allowed in exceptional situations. Grantees must receive written BSCC approval prior to incurring expenses for out-of-state travel. Even if previously authorized in the Grant Award, Grantees must submit to the BSCC a separate formal request (on Grantee letterhead) for approval. Out-of-state travel requests must include a detailed justification and budget information.

In addition, California prohibits travel, except under specified circumstances, to states that have been found by the California Attorney General to have discriminatory laws. The BSCC will not reimburse for travel to these states unless the travel meets a specific exception under Government Code section 11139.8, subdivision (c). For additional information, please see: <https://oag.ca.gov/ab1887>.

Overview of the RFP Process

Confirmation of Receipt of Proposal

Upon submission of a proposal, applicants will receive a confirmation email from the BSCC stating that the proposal has been received.

Disqualification

Disqualification - **PLEASE REVIEW CAREFULLY**



The following will result in an automatic disqualification:

- Submission is not received by 5:00 P.M. (PST) on Friday, June 23, 2023
- Applicant does not meet the Eligibility Criteria
- Application, and all required attachments, are not submitted via the BSCC-Submittable Application portal
- Budget Attachment is incomplete (e.g., impacted fields are not completed)
- Funding request exceeds allowable amount in the Small or Large Scope category
- Attachment(s) are illegible
- Attachment(s) will not open, or the file(s) are corrupted

NOTE: Disqualification means that the proposal will not move forward to the Scoring Panel for the Proposal Rating Process, and, therefore, will NOT be considered for funding.

Proposal Rating Process

Unless disqualified, proposals will advance to the Scoring Panel for funding consideration. Proposals will be evaluated in accordance with the BSCC's *Grant Proposal Evaluation Process* ([link](#)) and as described below. The Scoring Panel will read and assign ratings to each proposal in accordance with the prescribed rating factors listed in the table below. Scoring Panel members will base their ratings on how well an applicant addresses the criteria listed under each rating factor within the Proposal Narrative and Budget Sections. Scoring Panel ratings, once submitted to the BSCC, will be final.

At the conclusion of this process, applicants will be notified of the Board's funding recommendations. It is anticipated that the Board will act on the recommendations at its meeting on September 14, 2023. Applicants and their partners are not to contact members of the Scoring Panel or the BSCC Board to discuss proposals.

Rating Factors

The Rating Factors that will be used and the maximum points allocated to each rating factor are shown in the table below. Applicants are asked to address each of these rating factors as a part of their proposal. A percent of total value is assigned to each Rating Factor, correlating to its importance within the overall project (see Percent of Total Value column).

	Rating Factors	Point Range	Percent of Total Value	Weighted Rating Factor Score
1	Project Need	0-5	10%	20
2	Project Description	0-5	35%	70
3	Project Organizational Capacity and Coordination	0-5	25%	50
4	Project Evaluation and Monitoring	0-5	10%	20
5	Project Budget	0-5	20%	40
Maximum Proposal Score:			100%	200

Raters will rate an applicant's response to each Rating Factor on a scale from 0 to 5, according to the Six-Point Rating Scale shown on the following page. For each Rating Factor, the rating point received is then weighted according to the "Percent of Total Value" column associated with the Rating Factor to arrive at the final Weighted Rating Factor Score. The Weighted Rating Factor Scores are then added together for a final overall proposal score. The maximum possible proposal score is 200.

Six Point Rating Scale

Not Responsive 0	Poor 1	Fair 2	Satisfactory 3	Good 4	Excellent 5
The response fails to address the criteria.	The response addresses the criteria in a very inadequate way.	The response addresses the criteria in a non-specific or unsatisfactory way.	The response addresses the criteria in an adequate way.	The response addresses the criteria in a substantial way.	The response addresses the criteria in an outstanding way.

Minimum Scoring Threshold

A proposal must meet a threshold of **60 percent**, or a minimum score of **120** total points to be qualified for funding.

Summary of Key Dates

The following table shows the key dates for the Organized Retail Theft Vertical Prosecution Grant Program.

Activity	Date
Present the RFP for BSCC Board approval	April 13, 2023
Release the RFP	April 14, 2023
Bidders' Conference	May 10, 2023
Letter of Intent Due to the BSCC	May 15, 2023
Proposals Due to the BSCC	June 23, 2023
Proposal Rating Process and Development of Funding Recommendations	July-August 2023
BSCC Board Considers Funding Recommendations	September 14, 2023
Notices to Applicants	September 15, 2023
Grant Period Begins	October 1, 2023
Mandatory New Grantee Orientation	October 2023

PART II: PROPOSAL INSTRUCTIONS

This document/section contains the necessary information for completing the Organized Retail Theft Vertical Prosecution Grant Program Application. The Application and all required attachments are provided on the [BSCC website](#).

Proposal Narrative and Budget Sections

The five rating factors that will be addressed in the Proposal Narrative and the Proposal Budget sections, are shown below.

	Rating Factor	Percent Value	Addressed In:
1	Project Need	10%	Proposal Narrative
2	Project Description	35%	
3	Project Organizational Capacity and Coordination	25%	
4	Project Evaluation and Monitoring	10%	
5	Project Budget	20%	Proposal Budget

Proposal Narrative Instructions

Applicants will complete the Proposal Narrative by accessing the BSCC-Submittable application portal and responding to a series of prompts. The Proposal Narrative must address the Project Need, Project Description, Project Organizational Capacity and Coordination, and Project Evaluation and Monitoring Rating Factors. Please do not include website links, charts, tables or, graphs when responding.

Each Rating Factor has a character limit as shown below:

	Rating Factor	Total Characters	Microsoft Word Equivalent*
1	Project Need	4,474	Up to 2 (Two) Pages
2	Project Description	8,948	Up to 4 (Four) Pages
3	Project Organizational Capacity and Coordination	4,474	Up to 2 (Two) Pages
4	Project Evaluation and Monitoring	4,474	Up to 2 (Two) Pages

**Assumes text is in a Microsoft Word document in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing.*

Character Counter

The BSCC-Submittable application portal includes an automatically enabled character counter. This feature shows the number of characters used and the remaining number of characters before the limit is met. If the limit is exceeded, a red prompt will appear with the message "You have exceeded the character limit". Applicants are prohibited from submitting the Organized Retail Theft Vertical Prosecution Grant Program Application until they comply with all character limit requirements.

Bibliography

Applicants may, but are not required to, include a bibliography containing citations, using either the Modern Language Association (MLA) or American Psychological Association (APA) style in the "OPTIONAL Bibliography" field on the BSCC-Submittable application page. The bibliography may not exceed 2,218 total characters (includes punctuation, numbers, spaces, and any text). In Microsoft Word, this is approximately one (1) page in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing.

Required Attachments

In addition to addressing the Proposal Narrative criteria, the following attachments must be completed and uploaded in the identified fields in the BSCC-Submittable application portal at the time of submission:

- Project Work Plan (Appendix B).
- Grantee Assurance for Non-Governmental Organizations (Appendix D).
- Letter of Commitment *If Applicable* (Appendix E)
- Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement (Appendix F)
- Governing Board Resolution *Optional* (Appendix G)

Proposal Narrative Rating Factors

Section 1: Project Need (Percent Value – 10%)

Within this section, address the criteria that defines the Project Need Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

Project Need: The applicant described a need that is pertinent to the intent of the grant. The elements that comprise this Rating Factor are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.	
1.1	Describe the need(s) to be addressed, the process used to determine the need(s), and how the need is related to the intent of the grant program.
1.2	Use relevant local qualitative and/or quantitative data with citations to demonstrate the nature and scale of the specific organized retail theft crimes problem and provide a compelling justification for grant funds

1.3	Describe the existing hurdles of implementing a vertical prosecution model in the jurisdiction to prosecute organized retail theft crimes without the grant funds.
-----	--

Section 2: Project Description (Percent Value – 35%)

Within this section address the criteria that defines the Project Description Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

<p>Project Description: The applicant provided a description of the project that is related to the identified need and the intent of the grant. The elements that comprise this Rating Factor are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.</p>	
2.1	<p>Describe the vertical prosecution methodology that will be implemented to address the need(s) identified in the Project Need section. The description should also include:</p> <ul style="list-style-type: none"> • the dedicated staff (at least one deputy district attorney and one district attorney investigator) whose primary role is the investigation and prosecution of organized retail theft crimes. • the target area and/or population which will be the focus of the project, including how and why it was selected. • how the proposed project will address the Project Need and the intent of the grant program. • plans to collaborate with online marketplaces and retailers to address the Project Need and organized retail theft property crimes, if applicable. • plans to use alternatives to incarceration, including diversion or restorative justice programs, to address the Project Need and reduce recidivism.
2.2	<p>Describe the proposed project's goals, objectives, and impact that includes a relationship to the identified need(s) and intent of the grant program.</p> <ul style="list-style-type: none"> • The completed Project Work Plan (Appendix B) is appropriate for the proposed project aligning with the identified need(s) and intent of the grant program. • The completed Project Work Plan identifies the top goals and objectives (see Appendix C for definitions) and how those will be achieved in terms of the activities, responsible staff/partner agencies, process and outcome measures, data sources, and start and end dates.
2.3	<p>Describe the rationale for the proposed project including research or other evidence indicating that the intended goals and objectives are likely to be achieved.</p>

Section 3: Project Organizational Capacity and Coordination (Percent Value – 25%)

Within this section, address the criteria that define the Project Organizational Capacity and Coordination Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

<p>Project Organizational Capacity and Coordination: The applicant described their organization's ability to implement the proposed project. The elements that comprise this Rating Factor are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.</p>	
3.1	<p>Describe the applicant's ability to administer the proposed project. In the descriptions include:</p> <ul style="list-style-type: none"> • the applicant's staffing required and available to operate the project including staff qualifications and training. • project management and oversight to ensure the proposed project is implemented as intended.
3.2	<p>Describe any partner agency(ies) or coordination with other agencies necessary to implement the proposed project. If partners are to be selected after the grant is awarded, specify the process and criteria for selecting the partner agency(ies). The description of partners should include:</p> <ul style="list-style-type: none"> • their involvement/role that is aligned with the proposed project. • their credentials, involved personnel, experience and capability to conduct the project, and the value the partners add to the proposed project. • the plan to coordinate with these partners. • key partners' letters of commitment provided as attachments (Attachment E).
3.3	<p>Describe the timeline for the execution of contracts or memorandums of understanding with any partner agency(ies) and the implementation of involvement/role to provide services or activities such that they are in a reasonable timeframe to support the project. Include a description of the readiness to proceed, if funded.</p>
3.4	<p>Describe the management structure and decision-making process for the proposed project.</p>
3.5	<p>Describe the plans to sustain the proposed project after grant funds expire.</p>

Section 4: Project Evaluation and Monitoring (Percent Value – 10%)

Within this section, address the criteria that define the Project Evaluation and Monitoring Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

Project Evaluation and Monitoring: The applicant described how it will monitor and evaluate the effectiveness of the proposed project. The elements that are to comprise this Rating Factor are listed below. Addressing each element does not itself merit a high rating; rather, although each element is to be addressed, it is the quality of the response to each that is to be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.	
4.1	Describe the plan to determine the qualified internal staff and/or external partner or entity that will conduct the project evaluation and how monitoring activities will be incorporated in the various phases of the project (e.g., start-up, implementation, service delivery period).
4.2	Identify and define the process measures and outcome measures that are quantifiable and are in line with the intent of the proposed project and the objectives listed in the Work Plan. These measures shall include, at a minimum: <ul style="list-style-type: none"> • number of organized retail theft cases filed, convictions obtained, and the sentences imposed for those convictions; • number of instances where vertical prosecution was used to obtain those convictions and the sentences imposed. • number of theft-related property crimes that were charged that did not use the vertical prosecution model and the resulting number of convictions.
4.3	Describe the preliminary plan for monitoring the project to ensure the project components are implemented as intended.
4.4	Describe the preliminary plan for collecting and evaluating data, including baseline data, related to the process measures and outcome measures identified in 4.2. Describe a plan for entering into data sharing agreements, if necessary.
4.5	Describe the research design or methodology that will allow for an assessment of whether the strategy implemented achieved the intended outcomes.

Proposal Budget Instructions

As part of the application process, applicants are required to complete and upload a Proposal Budget Table and Budget Narrative (Budget Attachment) in the budget section of the BSCC-Submittable application page. The Budget Attachment is provided on the [BSCC website](#).

Applicants should be aware that budgets will be subject to review and approval by the BSCC staff to ensure all proposed costs listed within the budget narrative are allowable and eligible for reimbursement. Regardless of any ineligible costs that may need to be addressed post award, the starting budget for the reimbursement invoices and the total amount requested will be the figures used for the Standard Grant Agreement

Applicants are solely responsible for the accuracy and completeness of the information entered in the Proposal Budget Table and Budget Narrative. Detailed instructions for completing the Budget Attachment are listed on the Instructions tab of the Excel workbook. All project costs must be directly related to the objectives and activities of the project. The Budget Table must cover the entire grant period.

For additional guidance related to grant budgets, refer to the [BSCC Grant Administration Guide](#).

Proposal Budget Rating Factor

Section 5: Project Budget (Percent Value – 20%)

The following items are rated as part of this section and must be addressed by the applicant in the Budget Attachment.

<p>Project Budget: The applicant provided a complete Budget Attachment (Budget Table and Budget Narrative) for the proposed project. The elements against which the Budget Attachment will be rated are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.</p>	
5.1	<p>Provide complete and detailed budget information in the Budget Attachment (Budget Table and Budget Narrative) that for each section:</p> <ul style="list-style-type: none"> • includes a brief explanation justifying each expense. • ensures expenses are appropriate for the grant's intent, the project's goals, and planned activities.

PART III: APPENDIXES

Appendixes

This section includes the following appendixes:

- Appendix A: Assembly Bill 178
- Appendix B: Project Work Plan
- Appendix C: Glossary of Terms
- Appendix D: Grantee Assurance for Non-Governmental Organizations
- Appendix E: Letter(s) of Commitment
- Appendix F: Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement
- Appendix G: Governing Board Resolution

Appendix A: Assembly Bill 178

5227-118-0001—For local assistance, Board of State and Community
Corrections 10,000,000

Schedule:

4945-Corrections Planning and
(1) Grant Programs 10,000,000

Provisions:

- The funding appropriated in this item shall be available for competitive grants for district attorneys for the Organized Retail Theft Vertical Prosecution Grant Program for the purpose of addressing increased levels of retail theft property crimes by using a vertical prosecution model.
- 1.

- In awarding the funds, the Board of State and Community Corrections shall, at minimum, require the grantee to demonstrate the following requirements on its application for the competitive grant:
- 2.

How the additional funds will meaningfully address the increase in organized retail theft in the jurisdiction and the existing hurdles of implementing a vertical prosecution model in their jurisdiction to prosecute these crimes without this grant.

- (a)

How the funding will be used in facilitating collaboration with online marketplaces and retailers to address the increase in property crimes in the jurisdiction.

- (b)

How the jurisdiction plans to use alternatives to incarceration, including diversion or restorative justice programs, to reduce organized retail theft and help reduce recidivism.

- (c)

How the jurisdiction will be able to sustain this program upon the expiration of this one-time grant funding.

- (d)

3. The county receiving the competitive grant shall do the following:

Employ a vertical prosecution methodology for organized retail theft crimes.

- (a)

- Dedicate at least one deputy district attorney and one district attorney investigator whose primary role is the investigation and prosecution of organized retail theft crimes.
- (b)

- Provide the Board of State and Community Corrections with annual data on the number of organized retail theft cases filed by that county, the number of organized retail theft convictions obtained, and the sentences imposed for those convicted of organized retail theft in that county. The county shall also provide the number of instances where vertical prosecution was used to obtain those convictions and the sentences imposed. The county shall also provide the number of theft-related property crimes that were charged overall in the jurisdiction that did not use the vertical prosecution model and the resulting number of convictions.
- (c)

- On or before January 1, 2027, the Board of State and Community Corrections shall submit to the Legislature and the Governor a report relating to the information provided in subdivision (c) of Provision 3, and how the funding was used, and a description of the outcomes of the grant.
- 4.

- Funding received by district attorney offices pursuant to this program shall be used to supplement, and not supplant, existing financial resources.
- 5.

- Of the amount identified in Schedule (1), up to 5 percent shall be available to the Board of State and Community Corrections for transfer to Schedule (1) of Item 5227-001-0001 for costs to administer the grant program. Funds transferred pursuant to this provision are available for encumbrance or expenditure until June 30, 2027.
- 6.



Appendix B: Project Work Plan

Applicants must complete a Project Work Plan. This Project Work Plan identifies measurable goals and objectives, process and outcome measures, activities and services, responsible parties for those activities and services, data sources and estimated timelines. Completed plans should (1) identify the project's top goals and objectives; (2) identify how the goal(s) will be achieved in terms of the activities, responsible staff/partners, and start and end dates, process and outcome measures; and (3) provide goals and objectives with a clear relationship to the need and intent of the grant. As this grant term is for three (3) years, the Project Work Plan must attempt to identify activities/services and estimate timelines for the entire grant term. A minimum of one goal and corresponding objectives, process measures, etc. must be identified.

Applicants must use the Project Work Plan provided below. You will be prompted to upload this document to the BSCC-Submittable Application.

(1) Goal:	>		
Objectives (A., B., etc.)	>		
Process Measures and Outcome Measures:	>		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
>	>	>	>
List data and sources to be used to measure outcomes: >			

(2) Goal:	>		
Objectives (A., B., etc.)	>		
Process Measures and Outcome Measures:	>		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
>	>	>	>
List data and sources to be used to measure outcomes: >			

(3) Goal:	>		
Objectives (A., B., etc.)	>		
Process Measures and Outcome Measures:	>		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
>	>	>	>
List data and sources to be used to measure outcomes: >			

Appendix C: Glossary of Terms

Case Management

A collaborative process which assesses, plans, implements, coordinates, monitors, and evaluates the options and services required to meet an individual's health needs.³

Community-Based Organization

For this RFP, a Community-Based Organization is an organization located in the State of California that has been determined by the IRS to have 501(c)(3) status (i.e., nonprofit).

Evaluations (Process and Outcomes)

Process Evaluation⁴

The purpose of the process evaluation is to assess how program activities are being carried out in accordance with goals and objectives. Process measures are designed to answer the question: "What is the program actually doing and is this what we planned it to do?"

Examples of process measures could include:

- Project staff have been recruited, hired, and trained according to the proposal.
- Activities/strategies have been implemented on time according to the proposal.
- Number of interagency agreements entered into by the program compared to the number planned.
- Number of trainings conducted.
- Number of neighborhood meetings conducted.

Outcome Evaluation⁵

The purpose of the outcome evaluation is to identify whether the program "worked" in terms of achieving its goals and objectives. Outcome measures are designed to answer the question: "What results did the program produce?"

Examples of outcome measures include:

- Results of pre/post surveys (e.g., changes in the reported confidence/trust in law enforcement among community members).
- Implementation of regular, ongoing community forums where community dialogue takes place.
- Changes in policies at the Lead Agency level to reflect procedural justice principles.

In an evidence-based practice approach, outcome evaluations must include not only the measures but also analysis of the extent to which the measured results can be attributed to the program rather than to coincidence or alternative explanations.

³ Source: National Institute of Health

⁴ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). Juvenile Justice Program Evaluation: An overview (Second Edition) p. 7. Retrieved from <http://www.jrsa.org/njjec/publications/program-evaluation.pdf>

⁵ Id at pp. 7-8.

Evidence-based / Promising Practices

Evidence-based practices are programs and strategies that have been found effective at improving outcomes, using rigorous scientific research methods. Programs and strategies may be evidence-based across all populations, or only for particular cultures and identities.

Promising practices are programs and strategies that have shown some positive results and potential for improving outcomes. They may have evidence from use in real-world settings, a strong theoretical framework, and/or expert opinion, but have not been fully replicated in scientific studies. Depending on the level of scientific evidence, these are sometimes referred to as “evidence-informed,” “research-supported,” or “emerging” practices.

Financial Audit

A financial audit provides assurances that an organization’s financial statements are free of material misstatement based upon the application of generally accepted accounting principles.

Goals and Objectives

Goals and objectives are terms in common use, sometimes used interchangeably because both refer to the intended results of program activities. Goals are longer-term than objectives, more broadly stated and govern the specific objectives to which program activities are directed.

In proposals, goals are defined by broad statements of what the program intends to accomplish, representing the long-term intended outcome of the program.⁶

Examples of goal statements:⁷

- To reduce the number of serious and chronic juvenile offenders.
- To divert nonviolent juvenile offenders from state juvenile correctional institutions.
- To restore the losses suffered by the victims of crimes.

Objectives are defined by statements of specific, measurable aims of program activities.⁸ Objectives detail the tasks that must be completed to achieve goals.⁹ Descriptions of objectives in the proposals should include three elements:¹⁰

1. Direction – the expected change or accomplishment (e.g., improve, maintain);
2. Timeframe – when the objective will be achieved; and

⁶ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)*. Retrieved from <http://www.jrsa.org/njiec/publications/program-evaluation.pdf>. See also New York State Division of Criminal Justice Services. *A Guide to Developing Goals and Objectives for Your Program*. Retrieved from .

⁷ *Id.* at p. 4.

⁸ National Center for Justice Planning. Overview of Strategic Planning. *Where Do We Want to Be? Goals and Objectives*. Retrieved from <http://ncjp.org/strategic-planning/overview/where-do-we-want-be/goals-objectives>.

⁹ *Id.*; see *supra* fn 1.

¹⁰ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)* p. 5. Retrieved from <http://www.jrsa.org/njiec/publications/program-evaluation.pdf>.

3. Target Population– who is affected by the objective.

Examples of program objectives:¹¹

- By the end of the program, young, drug-addicted juveniles will recognize the long-term consequences of drug use.
 - To place eligible juveniles in an intensive supervision program within two weeks of adjudication to ensure offender accountability and community safety.
 - To ensure that juvenile offenders carry out all the terms of the mediation agreements they have worked out with their victims by program completion.

Qualitative Data

Data/information that is based on written or spoken narratives. The purpose of qualitative data/information is to explain and gain insight and understanding of events through collection of narrative data/information.

Quantitative Data

Data/information that is based on numbers and mathematical calculations. The purpose of quantitative data is to explain, predict, and/or control events through focused collection of numerical data.

¹¹ *Id.*

Appendix D: Grantee Assurance for Non-Governmental Organizations

The Organized Retail Theft Vertical Prosecution Grant Program Request for Proposals (RFP) includes requirements that apply to non-governmental organizations (NGOs)¹² providing services with grant funds. Grantees are responsible for ensuring that all contracted third parties continually meet these requirements as a condition of receiving funds. The RFP describes these requirements as follows:

Any non-governmental organization that receives Organized Retail Theft Vertical Prosecution Grant Program Grant funds (as either a subgrantee or subcontractor) must:

- Have been duly organized, in existence, and in good standing for at least six (6) months prior to the effective date of its fiscal agreement with the BSCC or with the Organized Retail Theft Vertical Prosecution Grant Program grantee;
 - Non-governmental entities that have recently reorganized or have merged with other qualified non-governmental entities that were in existence prior to the six (6) month date are also eligible, provided all necessary agreements have been executed and filed with the California Secretary of State prior to the start date of the grant agreement with the BSCC or the start date of the grantee subcontractor fiscal agreement;
- Be registered with the California Secretary of State's Office, if applicable;
- Have a valid Employer Identification Number (EIN) or Taxpayer ID (if sole proprietorship);
- Have a valid business license, if applicable;
- Have no outstanding civil judgments or liens;
- Have any other state or local licenses or certifications necessary to provide the services requested (e.g., facility licensing by the Department of Health Care Services), if applicable; and
- Have a physical address within California. (An agent for service of process with a California address is insufficient.)

Completing the NGO Assurance (Following Page)

1. Provide the name of the Applicant Agency (the Grantee),
2. List all contracted parties (if known),
3. Check Yes or No to indicate if each contracted part meets the requirements
4. Sign and Submit to the BSCC

NOTE: If the name of the contracted party is unknown or if there will be no contracted parties. Write N/A in the "Name of Contracted Party" field and sign the document.

¹² For the purposes of this RFP, NGOs include nonprofit and for-profit community-based organizations, faith-based organizations, evaluators (except government institutions such as universities), grant management companies, and any other non-governmental agency or individual.

**Organized Retail Theft Vertical Prosecution Grant Program
Non-Governmental Organization Assurances**

Name of Applicant:

Name of Contracted Party	Address	Email / Phone	Meets All Requirements
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

*Grantees are required to update this list and submit it to BSCC any time a new third-party contract is executed after the initial assurance date. Grantees shall retain (on-site) applicable source documentation for each contracted party that verifies compliance with the requirements listed in the RFP. The BSCC will not reimburse for costs incurred by any third party that does not meet the requirements listed above and for which the BSCC does not have a signed grantee assurance on file.

A signature below is an assurance that all requirements listed above have been met.

AUTHORIZED SIGNATURE			
This document must be signed by the person who is authorized to sign the Grant Agreement.			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	EMAIL ADDRESS
STREET ADDRESS	CITY	STATE	ZIP CODE
APPLICANT'S SIGNATURE (Blue Ink Only)			DATE

Appendix E: Letter(s) of Commitment

If the success of the applicant’s proposed activity, strategy, or program relies on the participation of an outside agency or organization (i.e., an entity other than the applicant), the applicant must include a Letter of Commitment. Letter(s) of Commitment should reflect that the outside agency or organization is aware of the proposed project, is committed to ensuring the success of the project, and agrees to participate.

[To be submitted on letterhead of the OUTSIDE ENTITY]

To: Board of State and Community Corrections
Re: The Organized Retail Theft Vertical Prosecution Grant Program
Date: [must be within 3 months of proposal submission]

This letter is being submitted to document that [NAME OF THE OUTSIDE ENTITY] agrees to partner on the Organized Retail Theft Vertical Prosecution Grant Program proposal being submitted by [NAME OF APPLICANT].

As a part of this grant, [NAME OF OUTSIDE ENTITY] agrees to [DESCRIBE THE NATURE OF THE PARTNERSHIP, I.E. WHAT THE OUTSIDE ENTITY IS AGREEING TO DO, ETC.].

Signed by,

Name, Title
[must be the Executive Officer, Department Head, or other Authorized Representative of the Outside Entity]

Appendix F: Certification of Compliance with BSCC Polices on Debarment, Fraud, Theft and Embezzlement

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to applicants that have been:

1. debarred by any federal, state, or local government entities during the period of debarment; or
2. convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

By checking the following boxes and signing below, applicant affirms that:

I/We are not currently debarred by any federal, state, or local entity from applying for or receiving federal, state, or local grant funds.

I/We have not been convicted of any crime involving theft, fraud, or embezzlement of federal, state, or local grant funds within the last three years. We will notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

I/We will hold subgrantees and subcontractors to these same requirements.

A grantee may make a request in writing to the Executive Director of the BSCC for an exception to the debarment policy. Any determination made by the Executive Director shall be made in writing.

AUTHORIZED SIGNATURE			
This document must be signed by the person who is authorized to sign the Grant Agreement.			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	EMAIL ADDRESS
STREET ADDRESS	CITY	STATE	ZIP CODE
APPLICANT'S SIGNATURE (Blue Ink Only)			DATE
X			

Appendix G: Governing Board Resolution

Before grant funds can be reimbursed, a grantee must either (1) submit a resolution from its Governing Board that delegates authority to the individual authorized to execute the grant agreement or (2) provide sufficient documentation indicating that the prospective grantee has been vested with plenary authority to execute grant agreements (e.g., County Board of Supervisors delegating such authority to an Agency head).

Below is assurance language that, at a minimum, must be included in the resolution submitted to the Board of State and Community Corrections.

WHEREAS the ***(insert name of Local Government)*** desires to participate in the Organized Retail Theft Vertical Prosecution Grant Program funded through the State Budget Act and administered by the Board of State and Community Corrections (hereafter referred to as the BSCC).

NOW, THEREFORE, BE IT RESOLVED that the ***(insert title of designated official)*** be authorized on behalf of the ***(insert name of Governing Board)*** to submit the grant proposal for this funding and sign the Grant Agreement with the BSCC, including any amendments thereof.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

BE IT FURTHER RESOLVED that the ***(insert name of Local Government)*** agrees to abide by the terms and conditions of the Grant Agreement as set forth by the BSCC.

Passed, approved, and adopted by the ***(insert name of Governing Board)*** in a meeting thereof held on ***(insert date)*** by the following:

Ayes:

Notes:

Absent:

Signature: _____ Date: _____

Typed Name and Title: _____

ATTEST: Signature: _____ Date: _____

Typed Name and Title: _____

Agenda Item E

MEETING DATE: April 13, 2023

AGENDA ITEM: E

TO: BSCC Chair and Members

FROM: Eddie Escobar, Field Representative, eddie.escobar@bscc.ca.gov

SUBJECT: Missing and Murdered Indigenous People Grant Program, Request for Proposal: **Requesting Approval**

Summary

This agenda item requests Board approval to release the Missing and Murdered Indigenous People Grant Program Request for Proposals (Attachment E-1) as recommended by the Executive Steering Committee (Attachment E-2).

Background

The Budget Act of 2022 (Senate Bill 154, Chapter 43, Statutes of 2022) established the Missing and Murdered Indigenous People Grant Program (Attachment E-3). Per the Budget Act, funds shall be awarded by the Board of State and Community Corrections as competitive grants to federally recognized Indian tribes in California to support efforts to identify, collect case-level data, publicize, and investigate and solve cases involving missing and murdered indigenous people.

Grants should focus on activities including, but not limited to, developing culturally based prevention strategies, strengthening responses to human trafficking, and improving cooperation and communication on jurisdictional issues between state, local, federal, and tribal law enforcement to investigate and solve cases involving missing and murdered indigenous people. The BSCC anticipates that \$11,400,000 will be available competitively across three fiscal years to implement the grant program, subject to future appropriations.

On July 25, 2022, the Board approved a staff recommendation to appoint a Chair and establish an Executive Steering Committee (ESC) to develop a Request for Proposals, authorized staff to work with the ESC Chair to establish a diverse ESC with relevant subject-matter expertise, and authorized the ESC Chair to oversee the grant-development process (Attachment E-4).

The Missing and Murdered Indigenous People ESC, chaired by Board Member Norma Cumpian, convened on March 1, 2, and 22, 2023, to make recommendations on the key grant components described below.

Key Grant Components

Proposals must address a minimum of one (1) of the following Program Purpose Areas (PPAs):

- PPA 1: Culturally Based Prevention Strategies
- PPA 2: Strengthening Responses to Human Trafficking
- PPA 3: Improving Cooperation and Communication on Jurisdictional Issues

In addition:

- Applicants may apply for funding in a Small Scope (up to \$440,000) or Large Scope Category (up to \$1,000,000);
- Allowable activities included but are not limited to Alert Notifications Systems (Amber Alerts, Feather Alerts), Burial Costs, Case Management Systems, and Search and Rescue efforts; and
- Proposals selected for funding will be under agreement from October 1, 2023 to June 1, 2028

Proposed Activities

Below are the proposed activities and a revised tentative timeline necessary to administer a competitive RFP process for the Missing and Murdered Indigenous People Grant Program:

Activity	Tentative Timeline
BSCC Board Appoints Chair and Establishes the ESC	July 25, 2022
Present the RFP for BSCC Board approval	April 13, 2023
Release the RFP	April 14, 2023
Bidders' Conference	May 12, 2023
Proposals Due to the BSCC	June 23, 2023
Proposal Rating Process and Development of Funding Recommendations	July-August 2023
BSCC Board Considers Funding Recommendations	September 14, 2023
Grant Period Begins	October 1, 2023

Recommendation/Action Needed

On behalf of the Missing and Murdered Indigenous People Grant Program Executive Steering Committee, staff recommends that the Board:

- Approve the Missing and Murdered Indigenous People Grant Program Request for Proposal for release.

Attachments

E-1: Missing and Murdered Indigenous People Grant Program Request for Proposal

E-2: Missing and Murdered Indigenous People Grant Program ESC Roster

E-3: Budget Act of 2022 (Senate Bill 154)

E-4: BSCC Board Agenda Item G, July 25, 2022

Attachment E-1



Missing and Murdered Indigenous People Grant Program

Proposal Instruction Packet

Release Date: April 14, 2023

Letter of Intent due: May 15, 2023

Proposals Due: June 23, 2023



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PART I: GRANT INFORMATION

Background Information

The State Budget Act of 2022 (Senate Bill 154, Chapter 43, Statutes of 2022) established the Missing and Murdered Indigenous People Grant Program. Funding is available to federally recognized Indian tribes in California to support efforts to identify, collect case-level data, publicize, and investigate and solve cases involving missing and murdered indigenous people.

Contact Information

This Request for Proposal (RFP) Instruction Packet provides the necessary information to prepare a proposal to the Board of State and Community Corrections (BSCC) for the Missing and Murdered Indigenous People Grant Program.

The BSCC staff cannot assist the applicant or its partners with the preparation of the proposal. Any questions concerning this RFP, the proposal process, or the submission process must be submitted by email to: mmip@bscc.ca.gov.

The BSCC will accept and respond to written questions until June 13, 2023. A frequently asked questions and answers (FAQs) document will be posted to the [BSCC website](#) and periodically updated through June 16, 2023.

Proposal Due Date and Submission Instructions

Missing and Murdered Indigenous People Grant Program proposals must be received by **5:00 P.M. (PST) on Friday, June 23, 2023**.

Submission Instructions

Applications for the Missing and Murdered Indigenous People Grant Program must be submitted through the BSCC-Submittable Application portal. The BSCC-Submittable Application portal, Missing and Murdered Indigenous People Grant Program Application, and all required attachments are available on the [BSCC website](#).

To apply for this funding opportunity, applicants must create a free Submittable account OR use an existing Submittable account when prompted. After an account is established, applicants may proceed with the application process. As part of the submission process, applicants will be required to download mandatory forms that must be completed, signed, and uploaded to the BSCC-Submittable Application portal. All required documents are available on the [BSCC website](#).

The BSCC-Submittable Application will not allow submissions after 5:00 p.m. (PST) on June 23, 2023. Please allow sufficient time to begin and submit your application. If the BSCC does not receive a submission by 5:00 p.m. (PST) on June 23, 2023, the proposal

will not be considered for funding. Applicants are strongly advised to submit proposals well in advance of the due date and time to avoid disqualification.

Once you have successfully submitted your application and all required attachments, you will receive an email acknowledging your application has been received. If you experience challenges with your submission, please email the BSCC at: mmip@bscc.ca.gov. Be advised that applicants contacting the BSCC at the close of the submission due date/time may not receive timely responses. Please allow sufficient time for BSCC staff to provide technical assistance.

Virtual Bidders' Conference

Prospective applicants are invited to attend a virtual Bidders' Conference. Attendance at the virtual Bidders' Conference is not a requirement. The purpose of this Bidders' Conference is to answer technical questions from prospective bidders (applicants) and provide clarity on RFP instructions. Topics may include, but are not limited to, proposal submission instructions, eligibility, funding, and an overview of the rating factors. Bidders' Conference details are listed below:

Missing and Murdered Indigenous People Grant Program

Virtual Bidders' Conference
Friday, May 12, 2023, at 10:00 A.M.

Public access options for this meeting include:

Join by Zoom:

- <https://us02web.zoom.us/j/83642750491?pwd=VW0vNDB2MGtacFZlUzhFN2NlWVYm96QT09>
- Meeting ID: 836 4275 0491| Passcode: 109448

Call In:

- 1-669-900-9128
- Meeting ID: 836 4275 0491| Passcode: 109448

Notice of Intent to Apply

Prospective applicants are asked (but not required) to submit a non-binding letter indicating their intent to apply. These letters aid the BSCC in planning for the proposal evaluation process. Please submit your letter in Microsoft Word or as a PDF.

There is no formal template for the letter, but it should include the following information:

1. Name of the applicant entity;
2. Name of a contact person; and
3. A brief statement indicating the applicant's intent to submit a proposal.

Failure to submit a Letter of Intent is not grounds for disqualification. Prospective applicants that submit a Letter of Intent and decide later not to apply will not be penalized. Please email your non-binding Letter of Intent to Apply by Monday, May 15, 2023. Please identify the email subject line as “MMIP Letter of Intent” and submit the letter to: mmip@bscc.ca.gov.

Executive Steering Committee

To ensure successful program design and implementation, the BSCC uses Executive Steering Committees (ESC) to inform decision making related to the Board’s programs. The BSCC’s ESCs are composed of subject matter experts, community partners, and interested parties representing both the public and private sectors. The BSCC makes every attempt to include diverse representation on its ESCs, in breadth of experience, geography and demographics.

ESCs are convened and approved by the BSCC Board as the need arises to carry out specified tasks, including the development of RFPs for grant funds. Not only do the ESCs develop RFPs, but members of the ESC also read and rate the proposals submitted by prospective grantees. Once the proposal evaluation process is complete, ESCs submit grant award recommendations to the BSCC Board and the Board then approves, rejects, or revises those recommendations. Members of the ESCs are not paid for their time but are reimbursed for travel expenses incurred to attend meetings.

The Missing and Murdered Indigenous People ESC includes representation from native organizations, community-based organizations, legal services, and state and local law enforcement agencies. A list of ESC members can be found in Appendix A.

Conflicts of Interest

Existing law prohibits any grantee, subgrantee, partner, or like party participating on the Missing and Murdered Indigenous People ESC from receiving funds from the grants awarded under this RFP. Applicants who are awarded grants under this RFP are responsible for reviewing the ESC membership roster and ensuring that no grant dollars are passed through to any entity represented by any member of the ESC.

Description of the Grant

The Missing and Murdered Indigenous People Grant Program was established in Senate Bill 154 (SB 154) (Appendix B). Per SB 154:

Funds shall be awarded by the Board of State and Community Corrections as competitive grants to federally recognized Indian tribes in California to support efforts to identify, collect case-level data, publicize, and investigate and solve cases involving missing and murdered indigenous people. The board shall consult with and include stakeholders from the indigenous community to inform the grant outreach process and the process to select and administer grants.

Grants should focus on activities including, but not limited to, developing culturally based prevention strategies, strengthening responses to human trafficking, and improving cooperation and communication on jurisdictional issues between state, local, federal, and tribal law enforcement in order to investigate and solve cases involving missing and murdered indigenous people.

The purpose of this grant is to fund proposals from federally recognized Indian tribes in California that support efforts to identify, collect case-level data, publicize, and investigate and solve cases involving missing and murdered indigenous people. In support of these efforts, each applicant will develop a Project Work Plan that identifies measurable project goals, objectives, and commensurate timelines (Appendix C). Additional information on these terms (i.e., goals and objectives) and other definitions referenced in this RFP are available in the Glossary of Terms (Appendix D)

Eligibility to Apply

Eligible applicants are federally recognized Indian tribes in California. The current list, as published by the U.S. Department of Interior, Bureau of Indian Affairs, is attached as Appendix E.

Eligible applicants **may not** submit more than one (1) proposal for funding consideration.

Eligible Activities

Applicants must propose activities, strategies, or programs that address a minimum of one (1) of the following Program Purpose Areas (PPAs):

- PPA 1: Culturally Based Prevention Strategies
- PPA 2: Strengthening Responses to Human Trafficking
- PPA 3: Improving Cooperation and Communication on Jurisdictional Issues

Applicants may implement new activities, strategies, or programs, OR expand existing activities, strategies, or programs (without supplanting funds - see supplanting definition in the General Grant Requirements).

All proposed activities, strategies, or programs must have a link to the Missing and Murdered Indigenous People Program as described in the authorizing legislation and this RFP.

Missing and Murdered Indigenous People Grant Program Purpose Areas (PPA)

PPA 1: Culturally Based Prevention Strategies

Culturally based prevention strategies are vast, varied, and have different meanings to the impacted tribal communities. For the purposes of this PPA, eligible activities, strategies, or programs, include but are not limited to:

- Missing and murdered indigenous people outreach and awareness campaigns.

- Mental health services to prevent or address the impact of missing and murdered indigenous people.
- Substance use disorder treatment to prevent or address the impact of missing and murdered indigenous people.

PPA 2: Strengthening Responses to Human Trafficking

Human trafficking is a crime involving the exploitation of a person for labor, services, or commercial sex. For the purposes of this PPA, eligible activities, strategies, or programs, include but are not limited to:

- Programs to reunite indigenous foster youth or runaways with their families.
- Community healing activities (e.g., cultural ceremonies, healing circles, GONA gatherings).
- Domestic violence and sexual assault awareness and prevention campaigns for indigenous people.
- Human trafficking education and training for law enforcement (tribal and non-tribal), health care workers (tribal and non-tribal), and community service providers (tribal and non-tribal).
- Human trafficking task forces focused on the recovery of missing and murdered indigenous people.
- Support services for the victims and families dealing with the loss of a missing and murdered indigenous person (e.g., counseling, safe houses, temporary housing).

PPA 3: Improving Cooperation and Communication on Jurisdictional Issues

Improved cooperation and communication between Indian tribes and state and local governments may aid in the identification and investigation of cases involving missing and murdered indigenous people. For the purposes of this PPA, eligible activities, strategies, or programs, include but are not limited to:

- Education programs on Public Law 83-280 and the rights of Indian tribes.
- Programs that promote collaboration and coordination between tribal police, tribal courts, and their non-tribal counterparts on cases involving missing and murdered indigenous people.
- Programs that promote deputization agreements.
- Programs that support coordination with local justice systems and Indian tribes.
- Legal clinics that offer training on the development of MOUs and formal agreements between Indian tribes and state and local governments.

Grant Period

Proposals selected for funding will be under agreement from October 1, 2023 to June 1, 2028 with the BSCC. The grant agreement service period covers October 1, 2023 and ends on December 31, 2027. However, an additional six (6) months (January 1, 2028, to June 1, 2028) will be included in the term of the grant agreement for the sole purposes of finalizing and submitting a required Local Evaluation Report and finalizing and submitting a required financial audit. A visual illustration of the grant agreement period is provided below:

October 1, 2023 to June 1, 2028

Implementation	Service Delivery	Service Delivery	Service Delivery	Service Delivery	Data Evaluation / Closeout
Up to 6-Months	Year 1	Year 2	Year 3	Year 4	Up to 6-Months
October 1, 2023 - April 1, 2024	Start Date - December 31, 2024	January 1, 2025 - December 31, 2025	January 1, 2026 - December 31, 2026	January 1, 2027 - December 31, 2027	January 1, 2028, - June 1, 2028
<p>Implementation period for hiring, procurement, and other activities that facilitate a timely start.</p> <p>Grantees who <u>do not need</u> the full implementation period can begin service delivery at any time once under contract.</p>	Service delivery and data collection	Service delivery and data collection	Service delivery and data collection	Service delivery and data collection	<p>Data analysis and evaluation period to analyze data gathered during the service delivery period.</p> <p>Only expenses incurred for evaluation efforts may be incurred in this period.</p>

Written Agreement from Key Partners

If the success of the applicant's proposed activity, strategy, or program relies on the participation of an outside agency or organization (i.e., an entity other than the applicant), the applicant must include a Letter of Commitment. Letter(s) of Commitment should reflect that the outside agency or organization is aware of the proposed project, is committed to ensuring the success of the project, and agrees to participate.

Examples of key roles played by outside entities could include the following:

- Referral Sources
- Data Collection Partnerships

A Letter of Commitment must include the name of the outside entity, be signed by the executive officer, department head, or other authorized representative, and be dated within three (3) months of the proposal submission to the BSCC. Outdated letters or letters that speak to a partnership or grant activities outside of the activities listed in this proposal, will not be accepted. See Appendix F for a sample Letter of Commitment.

A Letter of Commitment is not required if the applicant has determined that an outside agency or organization is not critical to the launch or ongoing implementation of the proposed program.

Criteria for Non-Governmental Organizations

Applicants for the Missing and Murdered Indigenous People Grant Program may elect to

partner, contract, or establish agreements with non-governmental organizations (NGOs)¹ in the implementation of their program. All NGOs must adhere to terms described below.

Eligibility Criteria for Non-Governmental Organizations Providing Services with BSCC Grant Funds

Any non-governmental organization that receives Missing and Murdered Indigenous People Grant funds (as either a subgrantee or subcontractor) must:

- Have been duly organized, in existence, and in good standing for at least six (6) months prior to the effective date of its fiscal agreement with the BSCC or with the Missing and Murdered Indigenous People grantee;
 - Non-governmental entities that have recently reorganized or have merged with other qualified non-governmental entities that were in existence prior to the six (6) month date are also eligible, provided all necessary agreements have been executed and filed with the California Secretary of State prior to the start date of the grant agreement with the BSCC or the start date of the grantee subcontractor fiscal agreement;
- Be registered with the California Secretary of State's Office, if applicable;
- Have a valid Employer Identification Number (EIN) or Taxpayer ID (if sole proprietorship);
- Have a valid business license, if applicable;
- Have no outstanding civil judgments or liens;
- Have any other state or local licenses or certifications necessary to provide the services requested (e.g., facility licensing by the Department of Health Care Services), if applicable; and
- Have a physical address within California. (An agent for service of process with a California address is insufficient.)

All applicants must complete, sign, and submit the BSCC *Grantee Assurance for Non-Governmental Organizations* (Appendix G). Once under contract, grantees must submit an updated *Grantee Assurance for Non-Governmental Organizations* throughout the life of the grant agreement for any additional NGOs that receive funds through subcontracts after awards are made. The BSCC will not reimburse for costs incurred by NGOs that do not meet the BSCC's requirements.

¹ For the purposes of this RFP, NGOs include nonprofit and for-profit community-based organizations, faith-based organizations, evaluators (except government institutions such as universities), grant management companies, and any other non-governmental agency or individual.

Organizational Capacity and Coordination

Applicants will be rated, in part, on how well they demonstrate they have the experience, a staffing plan, and any partnerships necessary to implement the proposed strategy. If an applicant is unable to identify staff and/or subcontractors until after the grant is awarded, the applicant should explain, at a minimum, the process and criteria by which they will select staff and/or subcontractors after award.

Distinct from administrative staff and partners, applicants must also demonstrate how they plan to ensure that the staff who deliver the services or work with the target population in the field have backgrounds and experience that are culturally relevant to the proposed strategy and/or target population.

Funding Information

This RFP makes \$11,400,000² available competitively to federally recognized Indian tribes in California.

Funding Categories

Recognizing that Indian tribes have different capacities, resources, and needs, there are two categories within which applicants will compete. An applicant may apply in either the Small or Large Scope Category. This means Small Scope Projects will compete against other Small Scope Projects and Large Scope Projects will compete against other Large Scope Projects for funding.

The maximum an applicant may apply for is up to \$440,000 in the Small Scope category OR up to \$1,000,000 in the Large Scope category. Applicants may apply for any dollar amount up to and including the maximum grant amount identified in each category. An illustration of the funding categories, maximum grant award, and total available funding by category is provided below:

Funding Categories	Maximum Grant Award*	Total Available Funding
Small Scope	Up to \$440,000	\$4,400,000
Large Scope	Up to \$1,000,000	\$7,000,000
Total Funding Available for Competitive Grants:		\$11,400,000

***NOTE:** The Grant Award must cover the entire grant period. For example, if an applicant requests and is awarded \$400,000 that amount must last from October 1, 2023 to June 1, 2028.

Funding Decisions

Applicants will compete for funds within the Small or Large Scope Category. Proposals

² Provided funding is appropriated in the FY 2023-2024 and 2024-25 State Budget Acts

will be scored, ranked, and a ranked list of all scored proposals will be generated. The BSCC will move down the ranked lists to fund all qualified applicants, who meet the Minimum Scoring Threshold, in each of the two funding categories until all funds in that category are exhausted. Applicants that fall at the cut-off point may be offered a partial award if there are not sufficient remaining funds to make a full award.

If funding remains in one or more categories, the following will occur:

- Funds remaining in the Small Scope Category after all qualified applicants in that category have been fully funded, will be used to fund any additional qualified applicants in the Large Scope Category.
- Funds remaining in the Large Scope Category after all qualified applicants in that category have been fully funded, will be used to fund any additional qualified applicants in the Small Scope Category.

If an applicant or grantee relinquishes an award, BSCC has authority to offer that award to the next qualifying applicant(s) on the ranked list.

Eligible Funding Activities

Missing and Murdered Indigenous People Grant Program funds must address at least one (1) Program Purpose Areas (PPAs) as identified in the Eligible Activities section. To support efforts to identify, collect case-level data, publicize, and investigate and solve cases involving missing and murdered indigenous people, eligible expenses for this RFP include, but are not limited to, the following:

- Alert Notifications Systems (Amber Alerts, Feather Alerts)
- Billboard, Online, and Print Advertising
- Burial Costs/Costs Connected to the transfer of Human Remains
- Case Management Systems
- Cultural Supplies and Materials
- Computers/Laptops/Tablets
- Contracts with Private Investigators, Legal Advocates, Subject Matter Experts
- Databases
- DNA testing
- Identification and cataloging of missing and murdered indigenous people remains consistent with the practices and approaches identified by the [California Native American Heritage Commission](#)
- Independent Autopsies
- Mentoring
- Participant Support Items (see [BSCC Grant Administration Guide](#), Pages 27-29)
- Search and Rescue Efforts
- Telephone and Text and Message Tip Lines

All proposed expenses must have a link to the Missing and Murdered Indigenous People Grant Program as described in the authorizing legislation and this RFP.

Match Requirement

No match is required for the Missing and Murdered Indigenous People Grant Program.

Data Collection, Reporting, and Evaluation Requirements

Projects selected for funding will be required to submit a Local Evaluation Plan and Local Evaluation Report. Applicants are encouraged, but not required, to use outside evaluators to ensure objective and impartial evaluations. Specifically, applicants are encouraged to partner with institutions of higher learning universities, state universities and community colleges.

Required Set-Aside for Evaluation Efforts

Grantees applying for funding in the Small Scope Category may budget a minimum of \$10,000 and up to \$25,000 in grant funds for data collection and evaluation efforts, including the development of the Local Evaluation Plan and Local Evaluation Report. Grantees applying for funding in the Large Scope Category may budget a minimum of \$25,000 and up to \$50,000 in grant funds for data collection and evaluation efforts, including the development of the Local Evaluation Plan and Local Evaluation Report

Local Evaluation Plan

The purpose of the Local Evaluation Plan is to ensure that projects funded by the BSCC can be evaluated. Grantees will be expected to include a detailed description of how the applicant will assess the effectiveness of the proposed program in relationship to each of its goals and objectives identified in the proposal. A relationship between the goals and objectives identified in the proposal should be apparent in the Local Evaluation Plan.

The Local Evaluation Plan should describe the evaluation design or model that will be used to evaluate the effectiveness of the project component(s), with the project goals and the project objectives clearly stated. Applicants should also address process and outcome evaluations. Once submitted, any modifications to the Local Evaluation Plan must be approved in advance by the BSCC. More detailed instructions on the Local Evaluation Plan will be made available to successful applicants. The Local Evaluation Plan is due no later than April 1, 2024.

Local Evaluation Report

Following project completion, grantees are required to complete a Local Evaluation Report. The Local Evaluation Report must be in a format prescribed by the BSCC. The purpose of the Local Evaluation Report is to determine whether the overall project (including each individual component) was effective in meeting the goals laid out in the Local Evaluation Plan.

To do this, the grantee must assess and document the effectiveness of the activities that

were implemented within each individual project component. These activities should have been identified in the previously submitted Local Evaluation Plan. More detailed instructions on the Local Evaluation Report will be made available to successful applicants. The Local Evaluation Report is due no later than June 1, 2028.

General Grant Requirements

Audit Requirements

Grantees are required to provide the BSCC with a financial audit that covers the service delivery period of the grant (October 1, 2023 - December 31, 2027). The audit report will be due no later than June 1, 2028. The financial audit shall be performed by a Certified Public Accountant. Expenses for the final audit may be reimbursed for actual costs up to \$25,000.

In addition, the BSCC reserves the right to call for a program or financial audit at any time between the execution of the grant agreement and three (3) years following the end of the grant period. The Department of General Services, the California State Auditor, the Department of Finance, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this grant.

BSCC Grant Agreement

Applicants approved for funding by the BSCC Board are required to enter into a Grant Agreement with the BSCC. Grantees must agree to comply with all terms and conditions of the Grant Agreement. A sample Grant Agreement for the Missing and Murdered Indigenous People Grant Program is available on the [BSCC website](#).

The Grant Agreement start date is expected to be October 1, 2023. Grant Agreements are considered fully executed only after they are signed by both the grantee and the BSCC and the BSCC is in receipt of all required attachments including documentation of signing authority. Work, services, and encumbrances cannot begin prior to the Grant Agreement start date. Any work, services and encumbrances that occur after the start date but prior to Grant Agreement execution may not be reimbursed. Grantees and all subgrantees are responsible for maintaining their Grant Agreement, all invoices, records, and relevant documentation for the life of the grant cycle plus three (3) years after the final payment under the contract.

Debarment, Fraud, Theft or Embezzlement

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to applicants that have been:

1. Debarred by any federal, state, or local government entities during the period of debarment; or
2. Convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state, or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation. All applicants must complete an assurance certifying they are compliant with the BSCC's policies on debarment, fraud, theft, and embezzlement (Appendix H).

Governing Board or Tribal Council Resolution

Successful applicants will be required to submit a Resolution from their Governing Board or Tribal Council before the grant award can be finalized and funds awarded. A signed resolution is not required at the time of proposal submission, but applicants are advised that no financial invoices will be processed for reimbursement until the Governing Board or Tribal Council Resolution has been received by the BSCC. A sample Governing Board Resolution can be found in (Appendix I).

Grantee Orientation

Following the start of the grant period, BSCC staff will conduct a Virtual Grantee Orientation (October 2023, date to be determined). The purpose of this mandatory session is to review the program requirements, invoicing and budget modification processes, data collection and reporting requirements, as well as other grant management and monitoring activities. Typically, the Project Director, Financial Officer, and Day-to-Day Contact must attend. Grantees are also strongly encouraged to include the individual tasked with Data Collection and Evaluation. Award recipients will be provided additional details regarding the Grantee Orientation, in October 2023.

Invoices

Disbursement of grant funds occurs on a reimbursement basis for costs incurred during a reporting period. The State Controller's Office (SCO) will issue the warrant (check) to the individual designated on the Applicant Information Form as the Financial Officer for the grant. Grantees must submit invoices to the BSCC on either a monthly or quarterly basis through an online process no later than 45 days following the end of the invoicing period. Grantees will make their choice between monthly or quarterly invoicing prior to grant agreement execution.

Grantees must maintain adequate supporting documentation for all costs claimed on invoices. BSCC staff will conduct a desk review, which requires grantees to submit electronic documentation to support all grant funds claimed during the invoicing period.

In addition, BSCC staff may conduct on-site monitoring visits that include a review of documentation maintained as substantiation for project expenditures with grant funds. Additional information about invoicing can be found in the [BSCC Grant Administration Guide](#).

Monitoring

The BSCC staff will monitor each project to assess whether the project is in compliance with grant requirements and making progress toward grant objectives. As needed, monitoring visits may also occur to provide technical assistance on fiscal, programmatic, evaluative, and administrative requirements. For your reference, a Comprehensive Monitoring Visit checklist can be found on the Corrections Planning and Grants Program [website](#).

Quarterly Progress Reports

Grant award recipients are required to submit quarterly progress reports to the BSCC. Progress reports are a critical element in BSCC's monitoring and oversight process. Grantees who are unable to demonstrate that they are making sufficient progress toward project goals and objectives and that funds are being spent in accordance with the Grant Agreement could be subject to the withholding of funds. Once grants are awarded, BSCC will work with grantees to create custom progress reports.

Supplanting

Supplanting is the deliberate reduction in the amount of federal, state, or local funds being appropriated to an existing program or activity because grant funds have been awarded for the same purposes. Supplanting is strictly prohibited for all BSCC grants. Missing and Murdered Indigenous People Grant Program funds shall be used to support new program activities or to augment or expand existing program activities but shall not be used to replace existing funds. It is the responsibility of the grantee to ensure that supplanting does not occur. The grantee must keep clear and detailed financial records to show that grant funds are used only for allowable costs and activities.

Travel

Travel is usually warranted when personal contact by project staff is the most appropriate method of conducting project-related business. Travel to and from training conferences may also be allowed. The most economical method of transportation, in terms of direct expenses to the project and the employee's time away from the project, must be used. Projects are required to include sufficient per diem and travel allocations for project related personnel, as outlined in the Grant Award, to attend any mandated BSCC training conferences or workshops outlined in the terms of the program.

- **Indian Tribes and Non-Governmental Organizations (NGOs)**

Grantees and NGOs must use the California State travel and per diem policy, unless the Grantee's written travel policy is more restrictive than the State's, in which case it must be used. Reimbursement is allowed for the cost of commercial

carrier fares, parking, bridge, and road tolls, as well as necessary taxi, bus, and streetcar fares.

- **Out-of-State Travel**

Out-of-state travel is restricted and only allowed in exceptional situations. Grantees must receive written BSCC approval prior to incurring expenses for out-of-state travel. Even if previously authorized in the Grant Award, Grantees must submit to the BSCC a separate formal request (on Grantee letterhead) for approval. Out-of-state travel requests must include a detailed justification and budget information.

In addition, California prohibits travel, except under specified circumstances, to states that have been found by the California Attorney General to have discriminatory laws. The BSCC will not reimburse for travel to these states unless the travel meets a specific exception under Government Code section 11139.8, subdivision (c). For additional information, please see: <https://oag.ca.gov/ab1887>.

Overview of the RFP Process

Confirmation of Receipt of Proposal

Upon submission of a proposal, applicants will receive a confirmation email from the BSCC stating that the proposal has been received.

Disqualification

Disqualification - **PLEASE REVIEW CAREFULLY**



The following will result in an automatic disqualification:

- Submission is not received by 5:00 P.M. (PST) on Friday, June 23, 2023
- Applicant does not meet the Eligibility Criteria
- Application, and all required attachments, are not submitted via the BSCC-Submittable Application portal
- Budget Attachment is incomplete (e.g., impacted fields are not completed)
- Funding request exceeds allowable amount in the Small or Large Scope category
- Attachment(s) are illegible
- Attachment(s) will not open or the file(s) are corrupted

NOTE: Disqualification means that the proposal will not move forward to the Executive Steering Committee for the Proposal Rating Process, and, therefore, will NOT be considered for funding.

Proposal Rating Process

Unless disqualified, proposals will advance to the ESC for funding consideration. Proposals will be evaluated in accordance with the BSCC's *Grant Proposal Evaluation Process* ([link](#)) and as described below. The ESC will read and assign ratings to each

proposal in accordance with the prescribed rating factors listed in the table below. ESC members will base their ratings how well an applicant addresses the criteria listed under each rating factor within the Proposal Narrative and Budget Sections. ESC ratings, once submitted to the BSCC, will be final.

At the conclusion of this process, applicants will be notified of the Board's funding recommendations. It is anticipated that the Board will act on the recommendations at its meeting on September 14, 2023. Applicants and their partners are not to contact members of the ESC or the BSCC Board to discuss proposals.

Rating Factors

The Rating Factors that will be used and the maximum points assigned to each factor are shown in the table below. Applicants are asked to address each of these factors as a part of their proposal. A percent of total value is assigned to each Rating Factor, correlating to its importance within the overall project (see Percent of Total Value column).

	Rating Factors	Point Range	Percent of Total Value	Weighted Rating Factor Score
1	Project Need	0-5	15%	30
2	Project Description	0-5	45%	90
3	Project Organizational Capacity and Coordination	0-5	10%	20
4	Project Evaluation and Monitoring	0-5	15%	30
5	Project Budget	0-5	15%	30
Maximum Proposal Score:			100%	200

Raters will rate an applicant's response to each Rating Factor on a scale from 0 to 5, according to the Six-Point Rating Scale on the following page. For each Rating Factor, the rating value received is then weighted according to the "Percent of Total Value" column (determined by the ESC) associated with the Rating Factor to arrive at the final Weighted Rating Factor Score. The Weighted Rating Factor Scores are then added together for a final overall proposal score. The maximum possible proposal score is 200.

Minimum Scoring Threshold

To be considered for funding, a proposal must meet a threshold of **20 percent (20%)**, or a minimum proposal score of **40** total points.

In the event two proposals have identical proposal scores, the tie will be resolved by evaluating the individual Rating Factor scores of the two proposals, starting with the highest weighted Rating Factor (in this case, the Project Description score). If an identical score occurs on this Rating Factor, Rating Factor Scores will be used in the following

order based on the descending weight valued until the tie is broken Project Need, Project Budget, Project Evaluation and Monitoring, and Project Organizational Capacity and Coordination.

Six Point Rating Scale

Not Responsive 0	Poor 1	Fair 2	Satisfactory 3	Good 4	Excellent 5
The response fails to address the criteria.	The response addresses the criteria in a very inadequate way.	The response addresses the criteria in a non-specific or unsatisfactory way.	The response addresses the criteria in an adequate way.	The response addresses the criteria in a substantial way.	The response addresses the criteria in an outstanding way.

Summary of Key Dates

The following table shows the key dates for the Missing and Murdered Indigenous People Grant Program.

Activity	Date
Present the RFP for BSCC Board approval	April 13, 2023
Release the RFP	April 14, 2023
Bidders' Conference	May 12, 2023
Letter of Intent Due to the BSCC	May 15, 2023
Proposals Due to the BSCC	June 23, 2023
Proposal Rating Process and Development of Funding Recommendations	July-August 2023
BSCC Board Considers Funding Recommendations	September 14, 2023
Notices to Applicants	September 15, 2023
Grant Period Begins	October 1, 2023
Mandatory New Grantee Orientation	October 2023

PART II: PROPOSAL INSTRUCTIONS

This document/section contains the necessary information for completing the Missing and Murdered Indigenous People Grant Program Application. The Application and all required attachments are provided on the [BSCC website](#).

Proposal Narrative and Budget Sections

The five rating factors that will be addressed in the Proposal Narrative and the Proposal Budget sections, are shown below

	Rating Factor	Percent Value	Addressed In:
1	Project Need	15%	Proposal Narrative
2	Project Description	45%	
3	Project Organizational Capacity and Coordination	10%	
4	Project Evaluation and Monitoring	15%	
5	Project Budget	15%	Proposal Budget

Proposal Narrative Instructions

Applicants will complete the Proposal Narrative by accessing the BSCC-Submittable application portal and responding to a series of prompts. The Proposal Narrative must address the Project Need, Project Description, Project Organizational Capacity and Coordination and Project Evaluation and Monitoring Rating Factors. Please do not include website links, charts, tables or, graphs when responding.

Each Rating Factor has a character limit as shown below:

	Rating Factor	Total Characters	Microsoft Word Equivalent*
1	Project Need	4,474	Up to 2 (Two) Pages
2	Project Description	8,948	Up to 4 (Four) Pages
3	Project Organizational Capacity and Coordination	4,474	Up to 2 (Two) Pages
4	Project Evaluation and Monitoring	4,474	Up to 2 (Two) Pages

**Assumes text is in a Microsoft Word document in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing.*

Character Counter

The BSCC-Submittable application portal includes an automatically enabled character counter. This feature shows the number of characters used and the remaining number of characters before the limit is met. If the limit is exceeded, a red prompt will appear with the message "You have exceeded the character limit". Applicants are prohibited from submitting the Missing and Murdered Indigenous People Grant Program Application until they comply with all character limit requirements.

Bibliography

Applicants may, but are not required to, include a bibliography containing citations, using either the Modern Language Association (MLA) or American Psychological Association (APA) style in the "OPTIONAL Bibliography" field on the BSCC-Submittable application page. The bibliography may not exceed 2,218 total characters (includes punctuation, numbers, spaces, and any text). In Microsoft Word, this is approximately one (1) page in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing.

Required Attachments

In addition to addressing the Proposal Narrative criteria, the following attachments must be completed and uploaded in the identified fields in the BSCC-Submittable application portal at the time of submission:

- Project Work Plan (Appendix C)
- Letter(s) of Commitment (Appendix F)
- Grantee Assurance for Non-Governmental Organizations (Appendix G)
- Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement (Appendix H)
- Governing Board or Tribal Council Resolution *Optional* (Appendix I)

Proposal Narrative Rating Factors

Section 1: Project Need (Percent Value - 15%)

Within this section, address the criteria that defines the Project Need Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

<p>Project Need: The applicant described a need that is pertinent to the intent of the grant. The elements that comprise the Project Need Rating Factor are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.</p>	
1.1	Please describe the need(s) to be addressed by the Missing and Murdered Indigenous People Grant Program.

1.2	<p>Please demonstrate how the need(s) is related to one or more Program Purpose Area(s) (PPA):</p> <ul style="list-style-type: none"> • PPA 1: Culturally Based Prevention Strategies • PPA 2: Strengthening Responses to Human Trafficking • PPA 3: Improving Cooperation and Communication on Jurisdictional Issues
1.3	<p>Identify local gaps that contribute to the need for the Missing and Murdered Indigenous People Grant Program</p>
1.4	<p>Please provide relevant local qualitative and/or quantitative data (e.g., local tribal data) with citations in support of the Missing and Murdered Indigenous People Grant Program need(s).</p> <ul style="list-style-type: none"> • If data supporting the need(s) is not formally documented, please speak to the concern(s) surrounding the lack of data related to the Project Purpose Area(s) identified above. • Describe the process of how the applicant documents those ongoing concern(s).
1.5	<p>Please describe the process used and level of collaboration that was utilized to determine the need(s), including:</p> <ul style="list-style-type: none"> • If the applicant collaborated with other stakeholders (e.g., impacted populations, local tribes, tribal organizations, local law enforcement, community, public), please describe the stakeholders and/or partners, and • What the results were of that collaboration.

Section 2: Project Description (Percent Value - 45%)

Within this section address the criteria that defines the Project Description Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

<p>Project Description: The applicant provides a description that is pertinent to the intent of the grant. The elements that comprise the Project Description Rating Factor are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.</p>	
2.1	<p>Please describe the proposed project that will address the need(s) discussed in the Project Need section above. The description should include:</p> <ul style="list-style-type: none"> • A description of the components of the proposed project that links to each Program Purpose Area, as applicable. • Describe the target area and/or population which will be the focus of the project, including how and why it was selected. • If applicable, provide an estimate of how many individuals will be served and the process for determining which services/activities an individual/group will receive.

2.2	<p>Please describe the proposed program goals, objectives, and impact that includes the relationship to the need and intent of the Missing and Murdered Indigenous People Grant Program.</p> <ul style="list-style-type: none"> The completed Work Plan (Appendix C) is appropriate for the proposed project, Program Purpose Area(s) and aligns with the need and intent of the Missing & Murdered Indigenous People Grant Program. The plan identifies the top goals and objectives (see Appendix D for definitions) and how these will be achieved in terms of the activities, responsible staff/partner agencies, process measures and outcome measures, data sources and start and end dates.
2.3	<p>Please describe the rationale for the proposed Missing and Murdered Indigenous People Grant Program which includes:</p> <ul style="list-style-type: none"> How the target population/area will benefit from the program. What guidance, consultation, and/or considerations were used to determine the structure of the proposed program. An explanation of how the proposed strategy will achieve reductions in Missing & Murdered Indigenous People. If evidenced-based, promising, informed, or innovative practices, interventions, and services are used, describe how.

Section 3: Project Organizational Capacity and Coordination (Percent Value - 10%)

Within this section, address the criteria that defines the Project Organizational Capacity and Coordination Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

<p>Project Organizational Capacity and Coordination: The applicant described their organization's ability to implement the proposed project. The elements that comprise the Project Organizational Capacity and Coordination Rating Factor are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.</p>	
3.1	<p>Please describe the applicant's ability to administer the Missing and Murdered Indigenous People Grant Program-related services to the local target area/population, including:</p> <ul style="list-style-type: none"> What the applicant's current infrastructure is for administering the proposed program. How the proposed project, if funded, will increase capacity to serve the target area/population, and/or improve the applicant's infrastructure related to the intent of the Missing and Murdered Indigenous People Grant Program. Providing key partners' letters of commitment describing involvement aligned with the proposed project, if applicable. If partner agency(ies) are

	to be selected after the grant is awarded, then specify the process and criteria for selecting those partner agency(ies).
3.2	Please provide a description of the timeline for the execution of the contract(s) and the implementation of services such that they are in place in a reasonable timeframe to support the project. Include a description of readiness to proceed, if funded.
3.3	<p>Please describe the proposed outreach and community engagement efforts for the Missing and Murdered Indigenous People Grant Program-related services to include:</p> <ul style="list-style-type: none"> • How people with lived experience or who are impacted contribute to the project's design, implementation, and evaluation process. • What methods are used by the applicant to conduct outreach and engagement efforts. • If community engagement and outreach is not applicable to the proposed program, describe why.
3.4	Please describe how the lead agency will ensure that the proposed program is implemented as intended. If outside technical assistance is required, describe the plan for obtaining outside technical assistance (i.e., subject matter expertise) to implement the proposed program as intended.

Section 4: Project Evaluation and Monitoring (Percent Value - 15%)

Within this section, address the criteria that defines the Project Evaluation and Monitoring Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

Project Evaluation and Monitoring: The applicant described how it will monitor and evaluate the effectiveness of the proposed project. The elements that comprise the Project Evaluation and Monitoring Rating Factor are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.	
4.1	Please describe the plan to determine the internal staff and/or external or partner entity that will conduct the project evaluation and how monitoring activities will be incorporated in the various phases of the project (e.g., start-up, implementation, service delivery period).
4.2	<p>Please identify the process measures and outcome measures that are quantifiable, including:</p> <ul style="list-style-type: none"> • How the process measures and outcome measures are in line with the intent of the proposal, and • How the process measures and outcome measures are in line with the objectives listed in the Work Plan (see Appendix D for definitions).

4.3	Please describe the plan collecting and evaluating data related to the process measures and outcome measures identified in 4.2. Describe a plan for entering into data sharing agreements, if necessary.
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Proposal Budget Instructions

As part of the application process, applicants are required to complete and upload a Proposal Budget Table and Budget Narrative (Budget Attachment) in the budget section of the BSCC-Submittable application page. The Budget Attachment is provided on the [BSCC website](#).

Applicants should be aware that budgets will be subject to review and approval by the BSCC staff to ensure all proposed costs listed within the budget narrative are allowable and eligible for reimbursement. Regardless of any ineligible costs that may need to be addressed post award, the starting budget for the reimbursement invoices and the total amount requested will be the figures used for the Standard Grant Agreement.

Applicants are solely responsible for the accuracy and completeness of the information entered in the Proposal Budget Table and Budget Narrative. Detailed instructions for completing the Budget Attachment are listed on the Instructions tab of the Excel workbook. All project costs must be directly related to the objectives and activities of the project. The Budget Table must cover the entire grant period.

For additional guidance related to grant budgets, refer to the [BSCC Grant Administration Guide](#).

Proposal Budget Rating Factor

Section 5: Project Budget (Percent Value – 15%)

The following items are rated as part of this section and must be addressed by the applicant in the Budget Attachment.

<p>Project Budget: The applicant provided a complete Budget Attachment (Proposal Budget Table and Budget Narrative) for the proposed project. The elements against which the Budget Attachment will be rated are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.</p>	
5.1	<p>Please provide complete and detailed budget information in each section of the Missing and Murdered Indigenous People Grant Program Budget Attachment that includes:</p> <ul style="list-style-type: none"> • For each section, a brief explanation justifying each expense. • For each section, ensure expenses are appropriate for the grant's intent, the project's goals, and planned activities.

PART III: APPENDIXES

Appendixes

This section includes the following appendixes:

- Appendix A: Executive Steering Committee Members
- Appendix B: Senate Bill 154
- Appendix C: Project Work Plan
- Appendix D: Glossary of Terms
- Appendix E: Federally Recognized Tribes in California by U.S. Department of Interior, Bureau of Indian Affairs as of March 1, 2023
- Appendix F: Letter(s) of Commitment
- Appendix G: Grantee Assurance for Non-Governmental Organizations
- Appendix H: Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement
- Appendix I: Governing Board or Tribal Council Resolution

**Appendix A: Missing and Murdered Indigenous People Grant
Executive Steering Committee**

	Member	Title	Organization/Tribe
1.	Norma Cumpian, ESC Chair	Associate Director	Anti-Recidivism Coalition
2.	Merri Lopez-Keifer	Director	Attorney General's Office-Native American Affairs
3.	Matt Hansen	Lieutenant	Red Bluff Police
4.	Hedi Bogda Hitchcock	Lawyer/Consultant	Leech Lake Band
5.	Walter Kurtz	Corporal	Riverside County Sheriff
6.	Keely Linton-Gallardo	Director	Strong Hearted Native Women's Coalition
7.	Percilla Frizzell	Director	Sacred Generations
8.	Morning Star Gali	Project Director	Indigenous Justice
9.	Heather Hostler	Executive Director	California Legal Services
10.	Dr. Elena Hood	Director	Director, Intertribal Resource Center at UC San Diego
11.	Ricardo Torres	Secretary/Tribal Elder	Board Member for the Sacramento Native American Health Center

Appendix B: Senate Bill 154

5227-122-0001—For local assistance, Board of State and Community Corrections	4,000,000
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Schedule:

4945-Corrections Planning and Grant (1) Programs	4,000,000
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Provisions:

These funds shall be awarded by the Board of State and Community Corrections as competitive grants to federally recognized Indian tribes in California to support efforts to identify, collect case-level data, publicize, and investigate and solve cases involving missing and murdered indigenous people. The board shall consult with and include stakeholders from the indigenous community to inform the grant outreach process and the process to select and administer grants.

- 1.

Grants should focus on activities including, but not limited to, developing culturally based prevention strategies, strengthening responses to human trafficking, and improving cooperation and communication on jurisdictional issues between state, local, federal, and tribal law enforcement in order to investigate and solve cases involving missing and murdered indigenous people.

- 2.

Of the amount identified in this item, up to 5 percent shall be available to the Board of State and Community Corrections for transfer to Schedule (1) of Item 5227-001-0001 for costs to administer the grant programs. Funds transferred pursuant to this provision are available for encumbrance or expenditure until June 30, 2025.

- 3.

Funds appropriated in this item are available for encumbrance or expenditure until June 30, 2025.

- 4.

The Board of State and Community Corrections shall provide an initial report to the Legislature by December 1, 2023, and a final report by December 1, 2025, that includes, but is not limited to, information about the grant recipients, the allocation of funds, and applicable metrics and outcomes of the program.

- 5.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB154

Appendix C: Project Work Plan

Applicants must complete a Project Work Plan. This Project Work Plan identifies measurable goals and objectives, process and outcome measures, activities and services, responsible parties for those activities and services, data sources and estimated timelines. Completed plans should (1) identify the project's top goals and objectives; (2) identify how the goal(s) will be achieved in terms of the activities, responsible staff/partners, and start and end dates, process and outcome measures; and (3) provide goals and objectives with a clear relationship to the need and intent of the grant. As this grant term is for four (4) years, the Project Work Plan must attempt to identify activities/services and estimate timelines for the entire grant term. A minimum of one goal and corresponding objectives, process measures, etc. must be identified.

Applicants must use the Project Work Plan provided below. You will be prompted to upload this document to the BSCC-Submittable Application.

(1) Goal:	>		
Objectives (A., B., etc.)	>		
Process Measures and Outcome Measures:	>		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
>	>	>	>
List data and sources to be used to measure outcomes: >			

(2) Goal:	>		
Objectives (A., B., etc.)	>		
Process Measures and Outcome Measures:	>		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
>	>	>	>
List data and sources to be used to measure outcomes: >			

(3) Goal:	>		
Objectives (A., B., etc.)	>		
Process Measures and Outcome Measures:	>		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
>	>	>	>
List data and sources to be used to measure outcomes: >			

Appendix D: Glossary of Terms

Case Management

A collaborative process which assesses, plans, implements, coordinates, monitors, and evaluates the options and services required to meet an individual's health needs.³

Community-Based Organization

For this RFP, a Community-Based Organization is an organization located in the State of California that has been determined by the IRS to have 501(c)(3) status (i.e., nonprofit).

Community Defined Evidence Practices

A set of practices that communities have used and found to yield positive results as determined by community consensus over time. These practices may or may not have been measured empirically but have reached a level of acceptance by the community. Community defined evidence takes a number of factors into consideration, including a population's worldview and historical and social contexts that are culturally rooted. It is not limited to clinical treatments or interventions. Community Defined Evidence is a complement to Evidence Based Practices and Treatments, which emphasize empirical testing of practices and do not often consider cultural appropriateness in their development or application.⁴

Cultural Competence

Cultural competency is a developmental process in which one achieves increasing levels of awareness, knowledge, and skills along a continuum, improving one's capacity to work and communicate effectively in cross-cultural situations. Strategies for practicing cultural competency include:

- Learning about your own and others' cultural identities
- Combating bias and stereotypes
- Respecting others' beliefs, values, and communication preferences
- Adapting your services to each patient's unique needs
- Gaining new cultural experiences

Cultural Humility

Cultural humility is a reflective process of understanding one's biases and privileges, managing power imbalances, and maintaining a stance that is open to others in relation to aspects of their cultural identity that are most important to them.⁵

Strategies for practicing cultural humility include:

- Practicing self-reflection, including awareness of your beliefs, values, and implicit biases
- Recognizing what you don't know and being open to learning as much as you can
- Being open to other people's identities and empathizing with their life experiences
 - Acknowledging that the person is their own best authority, not you.

³ Source: National Institute of Health

⁴ National Latino Behavioral Health Association

⁵ <https://thinkculturalhealth.hhs.gov/assets/pdfs/resource-library/clas-clc-ch.pdf>

- Learning and growing from people whose beliefs, values, and worldviews differ from yours.

Cultural Relevance

For the RFP, culturally relevant programs incorporate an awareness and understanding of, as well as a capacity to honor, the specific tribal customs, traditions, and beliefs pertinent to the population being served. In a broader sense, cultural relevancy acknowledges the influence of the person's identity characteristics on the person's experience of the world and incorporates perspectives into the program's environment. These identity characteristics include racial/ethnic, gender, class, religion, educational, sexual orientation, gender identity, family heritage, disability, and any other identity the child communicates as important.

Evaluations (Process and Outcomes)

Process Evaluation⁶

The purpose of the process evaluation is to assess how program activities are being carried out in accordance with goals and objectives. Process measures are designed to answer the question: "What is the program actually doing and is this what we planned it to do?"

Examples of process measures could include:

- Project staff have been recruited, hired, and trained according to the proposal.
- Activities/strategies have been implemented on time according to the proposal.
- Number of interagency agreements entered into by the program compared to the number planned.
- Number of trainings conducted.
- Number of neighborhood meetings conducted.

Outcome Evaluation⁷

The purpose of the outcome evaluation is to identify whether the program "worked" in terms of achieving its goals and objectives. Outcome measures are designed to answer the question: "What results did the program produce?"

Examples of outcome measures include:

- Results of pre/post surveys (e.g., changes in the reported confidence/trust in law enforcement among community members).
- Implementation of regular, ongoing community forums where community dialogue takes place.
- Changes in policies at the Lead Agency level to reflect procedural justice principles.

In an evidence-based practice approach, outcome evaluations must include not only the measures but also analysis of the extent to which the measured results can be attributed to the program rather than to coincidence or alternative explanations.

⁶ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). Juvenile Justice Program Evaluation: An overview (Second Edition) p. 7. Retrieved from <http://www.jrsa.org/njjec/publications/program-evaluation.pdf>

⁷ Id at pp. 7-8.

Evidence-based / Promising Practices

Evidence-based practices are programs and strategies that have been found effective at improving outcomes, using rigorous scientific research methods. Programs and strategies may be evidence-based across all populations, or only for particular cultures and identities.

Promising practices are programs and strategies that have shown some positive results and potential for improving outcomes. They may have evidence from use in real-world settings, a strong theoretical framework, and/or expert opinion, but have not been fully replicated in scientific studies. Depending on the level of scientific evidence, these are sometimes referred to as “evidence-informed,” “research-supported,” or “emerging” practices.

Financial Audit

A financial audit provides assurances that an organization’s financial statements are free of material misstatement based upon the application of generally accepted accounting principles.

Goals and Objectives

Goals and objectives are terms in common use, sometimes used interchangeably because both refer to the intended results of program activities. Goals are longer-term than objectives, more broadly stated and govern the specific objectives to which program activities are directed.

In proposals, goals are defined by broad statements of what the program intends to accomplish, representing the long-term intended outcome of the program.⁸

Examples of goal statements:⁹

- To reduce the number of serious and chronic juvenile offenders.
- To divert nonviolent juvenile offenders from state juvenile correctional institutions.
- To restore the losses suffered by the victims of crimes.

Objectives are defined by statements of specific, measurable aims of program activities.¹⁰ Objectives detail the tasks that must be completed to achieve goals.¹¹ Descriptions of objectives in the proposals should include three elements:¹²

1. Direction – the expected change or accomplishment (e.g., improve, maintain);
2. Timeframe – when the objective will be achieved; and
3. Target Population– who is affected by the objective.

Examples of program objectives:¹³

⁸ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)*. Retrieved from <http://www.jrsa.org/njjec/publications/program-evaluation.pdf>. See also New York State Division of Criminal Justice Services. *A Guide to Developing Goals and Objectives for Your Program*. Retrieved from .

⁹ *Id.* at p. 4.

¹⁰ National Center for Justice Planning. Overview of Strategic Planning. *Where Do We Want to Be? Goals and Objectives*. Retrieved from <http://ncjp.org/strategic-planning/overview/where-do-we-want-be/goals-objectives>.

¹¹ *Id.*; see *supra* fn 1.

¹² Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)* p. 5. Retrieved from <http://www.jrsa.org/njjec/publications/program-evaluation.pdf>.

¹³ *Id.*

- By the end of the program, young, drug-addicted juveniles will recognize the long-term consequences of drug use.
 - To place eligible juveniles in an intensive supervision program within two weeks of adjudication to ensure offender accountability and community safety.
 - To ensure that juvenile offenders carry out all the terms of the mediation agreements they have worked out with their victims by program completion.

Human Trafficking

Human Trafficking is a crime involving the exploitation of a person for labor, services, or commercial sex¹⁴.

Letters of Commitment

A Letter(s) of Commitment should reflect that an outside agency or organization (i.e., an entity other than the applicant) is aware of the proposed project, is committed to ensuring the overall success of the project and agrees to participate.

Trauma

Trauma is an experience(s) that causes intense physical and psychological stress reactions. It can refer to a single event, multiple events, or a set of circumstances that is experienced by an individual as physically and emotionally harmful or threatening and that has lasting adverse effects on the individual's physical, social, emotional, cognitive, or spiritual well-being.

Trauma-Informed

A Trauma-Informed approach is one in which all parties involved recognize and respond appropriately to the impact of traumatic stress designed to the individual needs and ensure their physical and psychological safety. Trauma-informed care is an organizational structure and system framework that involves understanding, recognizing, and responding to traumatic stress reactions and the effects of all types of trauma.

Qualitative Data

Data/information that is based on written or spoken narratives. The purpose of qualitative data/information is to explain and gain insight and understanding of events through collection of narrative data/information.

Quantitative Data

Data/information that is based on numbers and mathematical calculations. The purpose of quantitative data is to explain, predict, and/or control events through focused collection of numerical data.

Temporary Housing

For this RFP, temporary housing includes reimbursement for hotel/motels stays up to but not exceeding 14-days. Reimbursement for hotel/motels stays must be approved by the BSCC in advance. If temporary housing is requested, it must have a link to a PPA or MMIP grant activities.

¹⁴ U.S. Department of Justice

**Appendix E: Federally Recognized California Tribes
U.S. Department of Interior, Bureau of Indian Affairs**

No.	TRIBE
1	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
2	Alturas Indian Rancheria, California
3	Augustine Band of Cahuilla Indians, California
4	Bear River Band of the Rohnerville Rancheria, California
5	Berry Creek Rancheria of Maidu Indians of California
6	Big Lagoon Rancheria, California
7	Big Pine Paiute Tribe of the Owens Valley
8	Big Sandy Rancheria of Western Mono Indians of California
9	Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
10	Bishop Paiute Tribe
11	Blue Lake Rancheria, California
12	Bridgeport Indian Colony
13	Buena Vista Rancheria of Me-Wuk Indians of California
14	Cabazon Band of Mission Indians, California
15	Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
16	Cahto Tribe of the Laytonville Rancheria
17	Cahuilla Band of Indians
18	Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
19	California Valley Miwok Tribe, California
20	Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California)

No.	TRIBE
21	Capitan Grande Band of Diegueno Mission Indians of California: Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California
22	Cedarville Rancheria, California
23	Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
24	Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
25	Chicken Ranch Rancheria of Me-Wuk Indians of California
26	Cloverdale Rancheria of Pomo Indians of California
27	Cold Springs Rancheria of Mono Indians of California
28	Colorado River Indian Tribes of the Colorado River Indian Reservation
29	Coyote Valley Band of Pomo Indians of California
30	Dry Creek Rancheria Band of Pomo Indians, California
31	Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
32	Elk Valley Rancheria, California
33	Enterprise Rancheria of Maidu Indians of California
34	Ewiiapaayp Band of Kumeyaay Indians, California
35	Federated Indians of Graton Rancheria, California
36	Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
37	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
38	Fort Mojave Indian Tribe of Arizona, California & Nevada
39	Greenville Rancheria
40	Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
41	Guidiville Rancheria of California
42	Habematolel Pomo of Upper Lake, California

No.	TRIBE
43	Hoopa Valley Tribe, California
44	Hopland Band of Pomo Indians, California
45	Iipay Nation of Santa Ysabel, California
46	Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
47	Ione Band of Miwok Indians of California
48	Jackson Band of Miwok Indians
49	Jamul Indian Village of California
50	Karuk Tribe
51	Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
52	Kletsel Dehe Wintun Nation of the Cortina Rancheria
53	Koi nation of Northern California
54	La Jolla Band of Luiseno Indians, California
55	La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
56	Lone Pine Paiute-Shoshone Tribe
57	Los Coyotes Band of Cahuilla and Cupeno Indians, California
58	Lytton Rancheria of California
59	Manchester Band of Pomo Indians of the Manchester Rancheria, California
60	Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
61	Mechoopda Indian Tribe of Chico Rancheria, California
62	Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
63	Middletown Rancheria of Pomo Indians of California

No.	TRIBE
64	Mooretown Rancheria of Maidu Indians of California
65	Morongo Band of Mission Indians, California
66	Northfork Rancheria of Mono Indians of California
67	Pala Band of Mission Indians
68	Paskenta Band of Nomlaki Indians of California
69	Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
70	Pechanga Band of Indians
71	Picayune Rancheria of Chukchansi Indians of California
72	Pinoleville Pomo Nation, California
73	Pit River Tribe, California
74	Potter Valley Tribe, California
75	Quartz Valley Indian Community of the Quartz Valley Reservation of California
76	Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
77	Ramona Band of Cahuilla, California
78	Redding Rancheria, California
79	Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California
80	Resighini Rancheria, California
81	Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California
82	Robinson Rancheria
83	Round Valley Indian Tribes, Round Valley Reservation, California
84	San Pasqual Band of Diegueno Mission Indians of California
85	Santa Rosa Band of Cahuilla Indians, California

No.	TRIBE
86	Santa Rosa Indian Community of the Santa Rosa Rancheria, California
87	Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
88	Scotts Valley Band of Pomo Indians of California
89	Sherwood Valley Rancheria of Pomo Indians of California
90	Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
91	Soboba Band of Luiseno Indians, California
92	Susanville Indian Rancheria, California
93	Sycuan Band of the Kumeyaay Nation
94	Table Mountain Rancheria
95	Tejon Indian Tribe
96	Timbisha Shoshone Tribe
97	Tolowa Dee-ni' Nation
98	Torres Martinez Desert Cahuilla Indians, California
99	Tule River Indian Tribe of the Tule River Reservation, California
100	Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
101	Twenty-Nine Palms Band of Mission Indians of California
102	United Auburn Indian Community of the Auburn Rancheria of California
103	Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California
104	Washoe Tribe of Nevada and California
105	Wilton Rancheria, California
106	Wiyot Tribe, California
107	Yocha Dehe Wintun Nation, California

No.	TRIBE
108	Yuhaaviatam of San Manuel Nation
109	Yurok Tribe of the Yurok Reservation, California

DRAFT

Appendix F: Letter(s) of Commitment

If the success of the applicant's proposed activity, strategy, or program relies on the participation of an outside agency or organization (i.e., an entity other than the applicant), the applicant must include a Letter of Commitment. Letter(s) of Commitment should reflect that the outside agency or organization is aware of the proposed project, is committed to ensuring the success of the project, and agrees to participate.

[To be submitted on letterhead of the OUTSIDE ENTITY]

To: Board of State and Community Corrections
 Re: The Missing and Murdered Indigenous People Grant Program
 Date: [must be within 3 months of proposal submission]

This letter is being submitted to document that [NAME OF THE OUTSIDE ENTITY] agrees to partner on the Missing and Murdered Indigenous People Grant Program proposal being submitted by [NAME OF APPLICANT].

As a part of this grant, [NAME OF OUTSIDE ENTITY] agrees to [DESCRIBE THE NATURE OF THE PARTNERSHIP, I.E. WHAT THE OUTSIDE ENTITY IS AGREEING TO DO, ETC.].

Signed by,

Name, Title

[must be the Executive Officer, Department Head, or other Authorized Representative of the Outside Entity]

Appendix G: Grantee Assurance for Non-Governmental Organization

The Missing and Murdered Indigenous People Grant Program Request for Proposals (RFP) includes requirements that apply to non-governmental organizations (NGOs)¹⁵ providing services with grant funds. Grantees are responsible for ensuring that all contracted third parties continually meet these requirements as a condition of receiving funds. The RFP describes these requirements as follows:

Any non-governmental organization that receives Missing and Murdered Indigenous People Grant funds (as either a subgrantee or subcontractor) must:

- Have been duly organized, in existence, and in good standing for at least six (6) months prior to the effective date of its fiscal agreement with the BSCC or with the Missing and Murdered Indigenous People grantee;
 - Non-governmental entities that have recently reorganized or have merged with other qualified non-governmental entities that were in existence prior to the six (6) month date are also eligible, provided all necessary agreements have been executed and filed with the California Secretary of State prior to the start date of the grant agreement with the BSCC or the start date of the grantee subcontractor fiscal agreement;
- Be registered with the California Secretary of State's Office, if applicable;
- Have a valid Employer Identification Number (EIN) or Taxpayer ID (if sole proprietorship);
- Have a valid business license, if applicable;
- Have no outstanding civil judgments or liens;
- Have any other state or local licenses or certifications necessary to provide the services requested (e.g., facility licensing by the Department of Health Care Services), if applicable; and
- Have a physical address within California. (An agent for service of process with a California address is insufficient.)

Completing the NGO Assurance (Following Page)

1. Provide the name of the Applicant Agency (the Grantee),
2. List all contracted parties (if known),
3. Check Yes or No to indicate if each contracted part meets the requirements
4. Sign and Submit to the BSCC

NOTE: If the name of the contracted party is unknown or if there will be no contracted parties. Write N/A in the "Name of Contracted Party" field and sign the document.

¹⁵ For the purposes of this RFP, NGOs include nonprofit and for-profit community-based organizations, faith-based organizations, evaluators (except government institutions such as universities), grant management companies, and any other non-governmental agency or individual.

**Missing and Murdered Indigenous People Grant Program
Non-Governmental Organization Assurances**

Name of Applicant:

Name of Contracted Party	Address	Email / Phone	Meets All Requirements
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

*Grantees are required to update this list and submit it to BSCC any time a new third-party contract is executed after the initial assurance date. Grantees shall retain (on-site) applicable source documentation for each contracted party that verifies compliance with the requirements listed in the RFP. The BSCC will not reimburse for costs incurred by any third party that does not meet the requirements listed above and for which the BSCC does not have a signed grantee assurance on file.

A signature below is an assurance that all requirements listed above have been met.

<p align="center">AUTHORIZED SIGNATURE This document must be signed by the person who is authorized to sign the Grant Agreement.</p>			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	EMAIL ADDRESS
STREET ADDRESS	CITY	STATE	ZIP CODE
APPLICANT'S SIGNATURE (Blue Ink Only)			DATE

Appendix H: Certification of Compliance with BSCC Polices on Debarment, Fraud, Theft and Embezzlement

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to applicants that have been:

1. debarred by any federal, state, or local government entities during the period of debarment; or
2. convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

By checking the following boxes and signing below, applicant affirms that:

I/We are not currently debarred by any federal, state, or local entity from applying for or receiving federal, state, or local grant funds.

I/We have not been convicted of any crime involving theft, fraud, or embezzlement of federal, state, or local grant funds within the last three years. We will notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

I/We will hold subgrantees and subcontractors to these same requirements.

A grantee may make a request in writing to the Executive Director of the BSCC for an exception to the debarment policy. Any determination made by the Executive Director shall be made in writing.

AUTHORIZED SIGNATURE			
This document must be signed by the person who is authorized to sign the Grant Agreement.			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	EMAIL ADDRESS
STREET ADDRESS	CITY	STATE	ZIP CODE
APPLICANT'S SIGNATURE (Blue Ink Only)			DATE
X			

Appendix I: Governing Board or Tribal Council Resolution

Before grant funds can be reimbursed, a grantee must either (1) submit a resolution from its Governing Board or Tribal Council that delegates authority to the individual authorized to execute the grant agreement or (2) provide sufficient documentation indicating that the prospective grantee has been vested with plenary authority to execute grant agreements.

Below is assurance language that, at a minimum, must be included in the resolution submitted to the Board of State and Community Corrections. Applicants are encouraged (but not required) to submit the resolution with their application.

WHEREAS the ***(insert name of Applicant Tribe)*** desires to participate in the Missing and Murdered Indigenous People Grant Program funded through the California State Budget Act and administered by the Board of State and Community Corrections (hereafter referred to as the BSCC).

NOW, THEREFORE, BE IT RESOLVED that the ***(insert title of designated official)*** be authorized on behalf of the ***(insert name of Governing Board or Tribal Council)*** to submit the grant proposal for this funding and sign the Grant Agreement with the BSCC, including any amendments thereof.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

BE IT FURTHER RESOLVED that the ***(insert name of Applicant Tribe)*** agrees to abide by the terms and conditions of the Grant Agreement as set forth by the BSCC.

Passed, approved, and adopted by the ***(insert name of Governing Board or Tribal Council)*** in a meeting thereof held on ***(insert date)*** by the following:

Ayes:
Notes:
Absent:
Signature: _____ Date: _____

Typed Name and Title: _____

ATTEST: Signature: _____ Date: _____

Typed Name and Title: _____

Attachment E-2

**Missing and Murdered Indigenous People (MMIP) Grant Program
Executive Steering Committee Members**

	Candidate	Title	Organization/Tribe
1.	Norma Cumpian, ESC Chair	Associate Director	Anti-Recidivism Coalition
2.	Merri Lopez-Keifer	Director	Attorney General's Office-Native American Affairs
3.	Matt Hansen	Lieutenant	Red Bluff Police
4.	Hedi Bogda Hitchcock	Lawyer/Consultant	Leech Lake Band
5.	Walter Kurtz	Corporal	Riverside County Sheriff
6.	Keely Linton-Gallardo	Director	Strong Hearted Native Women's Coalition
7.	Percilla Frizzell	Director	Sacred Generations
8.	Morning Star Gali	Project Director	Indigenous Justice
9.	Heather Hostler	Executive Director	California Legal Services
10.	Dr. Elena Hood	Director	Director, Intertribal Resource Center at UC San Diego
11.	Ricardo Torres	Secretary/Tribal Elder	Board Member for the Sacramento Native American Health Center

Attachment E-3

Missing and Murdered Indigenous People Grant Program

5227-122-0001—For local assistance, Board of State and Community Corrections 4,000,000

Schedule:

4945-Corrections Planning and Grant
(1) Programs 4,000,000

Provisions:

These funds shall be awarded by the Board of State and Community Corrections as competitive grants to federally recognized Indian tribes in California to support efforts to identify, collect case-level data, publicize, and investigate and solve cases involving missing and murdered indigenous people. The board shall consult with and include stakeholders from the indigenous community to inform the grant outreach process and the process to

- 1. select and administer grants.

Grants should focus on activities including, but not limited to, developing culturally based prevention strategies, strengthening responses to human trafficking, and improving cooperation and communication on jurisdictional issues between state, local, federal, and tribal law enforcement in order to investigate and solve cases involving missing and murdered indigenous people.

- 2.

Of the amount identified in this item, up to 5 percent shall be available to the Board of State and Community Corrections for transfer to Schedule (1) of Item 5227-001-0001 for costs to administer the grant programs. Funds transferred pursuant to this provision are available for encumbrance or expenditure until June 30, 2025.

- 3.

Funds appropriated in this item are available for encumbrance or expenditure until June 30, 2025.

- 4.

The Board of State and Community Corrections shall provide an initial report to the Legislature by December 1, 2023, and a final report by December 1, 2025, that includes, but is not limited to, information about the grant recipients, the allocation of funds, and applicable metrics

- 5. and outcomes of the program.

Attachment E-4

MEETING DATE: July 25, 2022 **AGENDA ITEM:** G

TO: BSCC Chair and Members

FROM: Ricardo Goodridge, Deputy Director, ricardo.goodridge@bscc.ca.gov

SUBJECT: Missing and Murdered Indigenous People Grant Program, Appointment of Chair and Establishment of an Executive Steering Committee: **Requesting Approval**

Summary

This agenda item requests approval to establish an Executive Steering Committee to oversee the development of a Request for Proposals for the Missing and Murdered Indigenous People Grant Program. Staff is also requesting that the Board designate 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 the ESC membership if needed.

Background

The Budget Act of 2022 (Senate Bill 154) established the Missing and Murdered Indigenous People Grant Program and appropriated \$4 million in funding (Attachment G-1). Per the Budget Act, funds shall be awarded by the Board of State and Community Corrections as competitive grants to federally recognized Indian tribes in California to support efforts to identify, collect case-level data, publicize, and investigate and solve cases involving missing and murdered indigenous people.

Grants should focus on activities including, but not limited to, developing culturally based prevention strategies, strengthening responses to human trafficking, and improving cooperation and communication on jurisdictional issues between state, local, federal, and tribal law enforcement in order to investigate and solve cases involving missing and murdered indigenous people. The BSCC anticipates that \$12 million, or \$4 million per year, will be available across the next three fiscal years to implement the grant program, subject to future appropriations.

Proposed Activities

In consultation with the appointed Chair, Staff will establish an ESC that is diverse in professional and lived experience, geography, gender, and demographics. The BSCC will seek interested persons to submit a statement of interest to serve on the ESC through the BSCC's website: [Executive Steering Committees - Seeking Membership](#).

Below are the proposed activities and the tentative timeline necessary to administer a competitive RFP process for the Missing and Murdered Indigenous People Grant Program:

Activity	Tentative Timeline
BSCC Board Considers Chair Appointment and ESC Establishment	July 25, 2022
ESC Recruitment and Formation	July - August, 2022
RFP development	September - November 2022
Present the RFP for BSCC Board approval	November 17, 2022
Release the RFP to the Field	November 2022
Bidders' Conference	December 2022
Proposals Due to the BSCC	February 2023
Proposal Rating Process and Development of Funding Recommendations	March-May 2023
BSCC Board Considers Funding Recommendations	June 2023
Grants Begin	July 2023

Recommendation/Action Needed

Staff recommends that the Board:

1. Appoint a Chair to the Missing and Murdered Indigenous People Grant Program Executive Steering Committee;
2. Delegate authority to the Chair to work with BSCC staff to establish a diverse ESC with relevant subject-matter expertise and to modify membership as needed;
3. Authorize the ESC to oversee the development of the Missing and Murdered Indigenous People Grant Program RFP and to make funding recommendations; and
4. Approve the proposed activities and tentative timeline associated with development of the Missing and Murdered Indigenous People Grant RFP.

Attachments

G-1: Budget Act of 2022 ([Senate Bill 154](#))

Agenda Item F

MEETING DATE: April 13, 2023

AGENDA ITEM: F

TO: BSCC Chair and Members

FROM: Ricardo Goodridge, Deputy Director, ricardo.goodridge@bscc.ca.gov

SUBJECT: Mobile Probation Service Centers Grant Program Funding Recommendations: **Requesting Approval**

Summary

This agenda item requests Board approval of the funding recommendations developed by the Mobile Probation Service Centers Grant Program Scoring Panel (Attachment F-1). If the proposed list of award recommendations is approved, 25 probation departments are eligible to receive \$17,644,154 for mobile probation centers. A list of proposals recommended for funding is provided in Attachment F-2 and corresponding proposal summaries are provided in Attachment F-3.

Background

The Budget Act of 2022 (Senate Bill 178) established the Mobile Probation Service Centers Grant Program and appropriated \$20 million in funding (Attachment F-4). Per the Budget Act, \$20 million shall be available to fund a competitive grant program for county probation departments to establish mobile probation service centers. These grants shall allow county probation departments to purchase vehicles, equipment, telecommunications, and other technology needed to operate mobile probation service centers to assist probationers, particularly those individuals who are unhoused and struggling with meeting probation requirements.

On July 25, 2022, the Board approved a staff recommendation to appoint a Chair and establish an Executive Steering Committee (ESC) to develop a Request for Proposals (RFP), authorized staff to work with the ESC Chair to establish a diverse ESC with relevant subject-matter expertise, and authorized the ESC Chair to oversee the grant-development process (Attachment F-5).

The ESC recruitment process began after the July 2022 Board meeting. A small number of individuals volunteered to serve on the ESC, but not enough interest was generated to convene an ESC that could develop an RFP and read and rate all proposals that would likely be submitted. To ensure the timely release of funds to the field, staff consulted with probation subject-matter experts and drafted an RFP for release in November 2022 (Attachment F-6).

The Mobile Probation Service Centers RFP made \$20,000,000 available competitively to county probation departments. The BSCC received 29 proposals. After a technical review, 28 of the 29 proposals met all submission criteria and were provided to the Scoring Panel for funding consideration. A Scoring Panel convened March 6, 13, and 15, 2023 for training on the proposal reading and rating process established in the RFP. Once all scores were submitted, BSCC staff generated a ranked list of all proposals that were considered for funding. If the Board approves the funding recommendations, \$17,644,154 would be

allocated to 25 probation departments and they will be under agreement from May 1, 2023, through September 30, 2027. Approximately \$2,355,846 would remain after all eligible proposals are funded.

Recommendation/Action Needed

On behalf of the Mobile Probation Service Centers Scoring Panel, staff recommends that the Board:

- Fully fund 25 probation departments for \$17,644,154 to purchase vehicles, equipment, telecommunications, and other technology needed to operate mobile probation service centers to assist probationers, particularly those individuals who are unhoused and struggling with meeting probation requirements.
- Dissolve the Mobile Probation Service Centers Scoring Panel upon approval of the funding recommendations.

Attachments

- F-1: Mobile Probation Service Centers Grant Program Scoring Panel Membership
- F-2: Mobile Probation Service Centers Grant Programs Recommended for Funding
- F-3: Mobile Probation Service Centers Grant Programs Proposal Summaries
- F-4: Budget Act of 2022 (Senate Bill 178)
- F-5: BSCC Board Agenda Item H, July 25, 2022
- F-6: Mobile Probation Service Centers Grant Programs Request for Proposals

Attachment F-1

**Board of State and Community Corrections
Mobile Probation Service Centers Grant
Scoring Panel Roster**

February 20, 2023

	Member	Title	Organization
1.	Stephanie James	Probation Chief (Ret.)	San Joaquin County Probation Department
2.	Rachelle Gayton	Division Manager of Operations	Yolo County Probation Department
3.	Brad Hecht	Budget and Grants Manager	Sonoma County Probation Department
4.	Charles Henson	Chief Probation Officer	Sierra County Probation Department
5.	Brad Kern	Probation Division Manager	Tulare County Probation Department
6.	Yuri Secoquian	Probation Manager	Contra Costa County Probation Department
7.	America Velasco	Pre-Trial Services Coordinator	Superior Court of California, County of Solano

Attachment F-2

2023 MOBILE PROBATION PROPOSALS RECOMMENDED FOR FUNDING

Small County Proposals in Ranked Order

Allocated Funding: \$3,000,000 (15% of available funding)

Rank	Applicant	Amount Requested	Recommended Allocation
1	Mariposa County Probation	\$131,888	\$131,888
2	Napa County Probation	\$463,305	\$463,305
3	Yuba County Probation	\$494,742	\$494,742
4	Del Norte County Probation	\$204,800	\$204,800
5	Shasta County Probation	\$280,566	\$280,566
6	Tuolumne County Probation	\$187,346	\$187,346
7	Lake County Probation	\$220,638	\$220,638
8	Madera County Probation	\$497,167	\$497,167
9	Imperial County Probation	\$198,986	\$198,986
		Total	\$2,679,438

Eleven (11) proposals competed for funding within the Small County category. The proposals in rank order 10 and 11 did not receive at least 60 percent of the total points available. Because these proposals did not meet the scoring threshold, they were not recommended for funding within the Small County category.

Rank	Applicant	Amount Requested	Recommended Allocation
10	Siskiyou County Probation	\$500,000	\$0
11	Lassen County Probation	\$82,523	\$0

Unspent Funding for the Small County Proposals: \$320,562

Medium County Proposals in Ranked Order

Allocated Funding: \$7,000,000 (35% of available funding)

Rank	Applicant	Amount Requested	Recommended Allocation
1	Placer County Probation	\$337,002	\$337,002
2	San Luis Obispo County Probation	\$334,318	\$334,318
3	Solano County Probation	\$515,187	\$515,187
4	Santa Cruz County Probation	\$423,475	\$423,475
5	Butte County Probation	\$581,776	\$581,776
6	Merced County Probation	\$535,895	\$535,895
		Total	\$2,727,653

Seven (7) proposals competed for funding within the Medium County category. The proposal in rank order 7 did not receive at least 60 percent of the total points available. Because this proposal did not meet the scoring threshold, it was not recommended for funding within the Medium County category.

Rank	Applicant	Amount Requested	Recommended Allocation
7	Marin County Probation	\$234,486	\$0

Unspent Funding for the Medium County Proposals: \$4,272,347

Large County Proposals in Ranked Order

Allocated Funding: \$10,000,000 (50% of available funding)

Rank	Applicant	Amount Requested	Recommended Allocation
1	San Francisco County Adult Probation	\$507,470	\$507,470
2	San Mateo County Probation	\$956,968	\$956,968
3	Riverside County Probation	\$1,709,585	\$1,709,585
4	Santa Clara Probation	\$707,000	\$707,000
5	San Diego County Probation	\$1,199,180	\$1,199,180
6	Los Angeles County Probation	\$2,114,000	\$2,114,000
7	Sacramento County Probation	\$1,319,860	\$1,319,860
8	San Bernardino County Probation	\$1,253,000	\$1,253,000
9	Fresno County Probation	\$470,000	*\$470,000
10	Orange County Probation	\$2,000,000	*\$2,000,000
Total			\$12,237,063

Ten (10) proposals competed for and were awarded funding in the Large County category.

* Funds remaining in the Medium County Proposal Funding Category were used to fully fund Rank 9, Fresno County Probation, at the amount of \$237,063, as well as Rank 10, Orange County Probation at the amount of \$2,000,000. For a total amount of \$2,237,063.

Attachment F-3

Mobile Probation Service Centers Grant Programs Proposal Summaries (Alphabetical Order)

Butte County Probation Department - \$581,776

Probationers who are unhoused oftentimes struggle with meeting their probation requirements due to a lack of transportation, funds, or other support. Butte County Probation Department would like to assist these individuals by bringing services directly to them, where they reside, by utilizing a Mobile Probation Service Center. By providing mobile services, our department aims to increase in-person contact, improve their connection to vital services, and increase the number of successful probation completions. On a basic human-level, this opportunity and access to services will foster hope and resilience for the people in Butte County.

Del Norte County Probation Department - \$204,800

Del Norte County is geographically isolated and rugged. It is also economically depressed with a poverty rate that is 174% higher than the state average. These factors combine to create barriers to justice-involved populations on supervision, particularly in their ability to travel from outlying communities to the county seat to receive services and comply with requirements of supervision. The Probation Department does not currently possess the infrastructure and equipment to effectively take those services to our clients. Award of this grant would allow us the opportunity to meet our clients where they are at and remove those barriers to compliance.

Fresno County Probation Department - \$470,000

The Fresno County Probation Department realizes there is a great need to assist and reduce future justice system involvement for unhoused and struggling probationers. Fresno County proposes to overcome transportation as a barrier to successful rehabilitation. If awarded grant funding from the California State Budget Act of 2022 (Assembly Bill 178), the County proposes to establish two Mobile Probation Service Centers. The funds would allow the Fresno County Probation to purchase of two vans, technical and safety equipment and supplies to develop mobile probation offices thus removing the barrier of transportation for unhoused and struggling probationers.

Imperial County Probation Department - \$198,986

Imperial County extends over 4,597 square miles, bordering Mexico to the South, and San Diego County on the West. The County of Imperial has a very large area and includes several unincorporated rural communities that are scattered throughout the county. Probation would utilize funds to purchase a truck, trailer, computers with Wi-Fi capability. At the current time, we do not have the capabilities with our probation vehicles to allow for probation reporting. The ability to serve homeless clients in a more consistent manner will increase safety and efficiency in our fieldwork, which will in return reduce the crime rate for our county.

Lake County Probation Department - \$220,638

About 1 in 4 of those on high risk, supervised probation in Lake County identify as unhoused. Officers search for those on probation in such places as parks, camps, and forests. These individuals lack the ability to come to the probation office or even communicate with their officer because of this barrier. By implementing this program,

Mobile Probation Service Centers Grant Programs Proposal Summaries (Alphabetical Order)

Lake County Probation will bring resources directly to those most in need. These resources would include clothing, phone and internet access, ability to appear virtually to court appearances, individualized cognitive behavioral therapy, ability to charge electronic monitors, and the ability to connect with other services.

Los Angeles County Probation Department - \$2,114,000

The Los Angeles County Probation Department is requesting grant funding to purchase seven new full size High Roof Office Mobile Cargo Vans to service approximately 3,800 transient adult clients who are on Adult Felony Probation and on Post-release Community Supervision (PRCS). Too often, our probation transient population have serious mental health and/or substance abuse issues which diminishes their ability to succeed on probation without stable housing and supportive services. The Vans will be used to assist probation clients upon release from custody and to provide outreach and supervision services.

Madera County Probation Department - \$497,167

The Madera County Probation Department will use BSCC funds to purchase a customized campervan vehicle as well as the computer, telecommunications, law enforcement and operational equipment to outfit the vehicle as a mobile probation services center. The vehicle will travel throughout the county to reach rural communities, encampments, and other isolated areas. Staff will use the vehicle to provide a variety of probation, court, behavioral health, and social services to the target population in these areas. The primary goal is to reduce numbers of probation violations and improve successful outcomes/sentence completion among all probationers in the county.

Mariposa County Probation Department - \$131,888

Mariposa County Probation will purchase a new motor coach to serve as a one-stop services and outreach vehicle. The unit will aid the department in making connections with unhoused and at-risk clients in rural areas of Mariposa County. The unit will have the capability of providing supportive services and remote court appearances and meetings. Officers will have designated contact locations with clients biweekly. The unit will be utilized in conjunction with community partners and care providers. The ability to bring these services to clients will help address critical needs in probation compliance and assist those who lack the ability to reach services.

Merced County Probation Department - \$535,895

Merced County Probation's Mobile Service Center, Pathways to Outreach, will expand and enhance services to unhoused clients, and those without sustainable transportation. Clients will have access to a one-stop shop for check-ins, and access to service providers, including local community-based organizations, and partner agencies in an effort to reduce technical violations resulting from failing to report for scheduled appointments.

Napa County Probation Department - \$463,305

Napa County Probation intends to purchase a mobile probation service center (vehicle) and partner with service providers to improve outcomes for probation clients throughout

Mobile Probation Service Centers Grant Programs Proposal Summaries (Alphabetical Order)

Napa County. This vehicle will have the technology to act as a mobile court room, and meeting space for probation clients to access probation, mental health, drug and alcohol, housing, and eligibility services. This service center will be deployed to areas where unhoused probationers reside, and to areas of the county far from the department where clients have more difficulty consistently reporting to the office.

Orange County Probation Department - \$2,000,000

The Mobile Probation Service Centers Grant Program created by the BSCC will enable funds that will help Orange County Probation (O.C. Probation) fulfill their mission statement to help decrease the recidivism rates of probationers. The O.C. Probation plans to support hard to reach populations such as unhoused individuals struggling to meet their probation terms, overcome transportation barriers and promote accountability. With the purchase of two mobile probation service centers, inclusive of all technology and equipment will serve as resource centers for unhoused probationers that will assist with providing rehabilitative opportunities.

Placer County Probation Department - \$337,002

Placer County Probation Department is requesting grant funding to purchase a Mobile Services Sprinter Van to expand our outreach efforts. As our County has very diverse terrain and extreme weather year-round, this vehicle will allow our Probation Officers the ability to conduct outreach with our unsheltered population in outlying areas. Individuals under probation supervision will have the opportunity to receive more services, including housing, employment, mental health services, and substance abuse services, as well as adhere to their reporting requirements. By using a Sprinter Van our goal is to connect more with our unsheltered population and community.

Riverside County Probation Department - \$1,709,585

Riverside County Probation believes mobile service centers will substantially reduce the load on the justice system and health care system within our area. Through this acquisition, in addition to probation only services, we will engage our collaborative partners for joint services, which include local law enforcement, social, mental & public health services, and the court. Through collaboration, we would increase client-success rates by reducing the number of failures to appear in court and at probation appointments, and also assist in the healthcare needs of homeless clients, allowing a more pro-active approach, reducing the need for emergency healthcare services.

Sacramento County Probation Department - \$1,319,860

The Sacramento County Probation Department is seeking grant funds to purchase several mobile probation service centers. These service centers will provide vital resources to the unhoused client population, who are struggling to meet the terms of their probation. The Department will expand existing contracts with county partners, such as Health Services and Human Assistance, to support the mobile units and offer crucial linkages to services targeting the needs of the unhoused. Providing vital access to basic human necessities, such as water and clothing, directly benefits the community and aids in our clients' journey towards recovery.

Mobile Probation Service Centers Grant Programs Proposal Summaries (Alphabetical Order)

San Bernardino County Probation Department - \$1,253,000

San Bernardino Probation Department will establish mobile probation service centers ("Centers") to facilitate court appearances and provide resources, particularly for those individuals unhoused and struggling with meeting probation requirements. Probation Department may purchase vehicles, equipment, telecommunications and other technology needed to operate the Centers.

San Diego County Probation Department - \$1,199,180

The County of San Diego Probation Department is proposing to implement two mobile probation service centers to assist clients in overcoming barriers, including lack of transportation and homelessness, that impact access to supervision and services. Mobile probation service centers will strengthen Probation's ability to perform outreach, deliver case management services, and provide linkages to care and assistance directly and swiftly to harder to reach and more vulnerable clients in all regions and in proximity to where they live. They will allow Probation to assist clients in improving their health, safety, success, and opportunity to grow, connect, and thrive.

San Francisco Adult Probation Department - \$507,470

The San Francisco Adult Probation Department (SFAPD) is responsible for the supervision of individuals court-ordered to probation, heretofore referred to as clients. The SFAPD is requesting \$507,470 in grant funds to implement two Mobile Service Centers (MSC) to serve unhoused clients. Homelessness is a complex problem requiring collaboration amongst all stakeholders. The collaborative landscape in San Francisco provides a strong foundation for the MSC program. The MSCs will strengthen and enhance current efforts, integrating existing programs and services more effectively.

San Luis Obispo County Probation Department - \$334,318

County of San Luis Obispo Probation Department proposes to purchase a vehicle and equipment to provide mobile probation services to unhoused probation clients. Clients will have increased access to virtual court appearances and needed resources, such as assistance applying for medical insurance or supportive programs, financial literacy education, and employment support. Anticipated outcomes include increased probation compliance and increased enrollment and participation in needed services such as substance abuse counseling, mental health treatment, medical treatment services, and cognitive behavioral intervention programs.

San Mateo County Probation Department - \$956,968

The San Mateo County Probation Department proposes to purchase, equip, and deploy two vehicles to different community sites on a weekly schedule. These Mobile Probation Service Centers will serve as additional sites where unhoused clients can report to Probation and receive services: orientation, supervision, referrals, and greater access to resources and services. Bringing mobile services to the community will help unhoused clients successfully meet their probation requirements, reduce failure to report and other technical violations, and improve outcomes – increasing equity for probationers experiencing homelessness and improving community safety.

Mobile Probation Service Centers Grant Programs Proposal Summaries (Alphabetical Order)

Santa Clara County Probation Department - \$707,000

Grant funds will give the County of Santa Clara Probation Department (Probation) an opportunity to implement a strategic, innovative, and collaborative mobile probation service center program. This program will assist 10,100 juvenile and adult clients (including those who are unhoused and/or reside in under resourced areas) in overcoming barriers to comply with their court orders and probation requirements. Specifically, Probation is proposing to acquire two vehicles—equipped with the necessary equipment and technology—which will be deployed in under-resourced communities to promote equitable access of services to clients and reduce probation violations.

Santa Cruz County Probation Department - \$423,475

The Santa Cruz County Mobile Success Center (MSC) will be utilized to support the growing population of unhoused individuals struggling to meet their probation terms and at risk of further system involvement. We will accomplish this through upstream equitable access to legal services, housing and health resources, and intervention rather than incarceration. The MSC will provide holistic and client-centered services by going directly to locations where the population of focus congregates. Approximately 300 individuals will be served annually.

Shasta County Probation Department - \$280,566

The Shasta County Probation Department will purchase a van and necessary equipment to mobilize probation services to rural parts of the County. The County is over 3,800 square miles in size with multiple small communities located an hour or more outside of the County seat, where many services are not available and there is no public transportation. Approximately 31% of the adult probation population lives in these outlying areas. The department will utilize this opportunity to mobilize services both in remote areas and areas where there are large numbers of unhoused individuals. This mobile unit will improve the lives of the individuals we serve.

Solano County Probation Department - \$515,187

Solano County Probation's Mobile Probation Unit (MPU) will serve adult clients that are: a) transient/unhoused; and/or 2) struggling to meet probation requirements in Fairfield, Vallejo, and Vacaville. The MPU will provide accessible services where clients are, removing transportation/access barriers, increasing client/PO contact and client compliance, especially for unhoused, transient, and isolated clients who lack transportation. The MPU will also assist clients connect to nearby community supports and resources through well-established community partnerships that include housing and mental/behavioral health partners.

Tuolumne County Probation Department - \$187,346

The Tuolumne County Probation Department currently lacks meaningful community outreach capabilities for its unhoused, justice involved population and seeks to employ a more comprehensive approach to addressing unmet needs such as linkage to housing,

**Mobile Probation Service Centers Grant Programs
Proposal Summaries (Alphabetical Order)**

transportation, medical, psychiatric and substance abuse treatment needs. Employing a mobile probation unit will allow for enhanced measures to increase engagement with unhoused individuals struggling to meet the daily requirements of probation supervision due to their unique challenges. The ability to meet this population where they are will promote self-efficacy, success on probation, and increase public safety.

Yuba County Probation Department - \$494,742

The Yuba County Probation Department will use grant funds to purchase a multi-use Mobile Services Vehicle to serve unhoused, rural and probation clients unable to receive services at fixed locations. The vehicles size will allow for multiple entities to utilize simultaneously, while providing for confidentiality and supporting client dignity. Collaboration with such entities, and the Courts, is integral and will greatly increase the support, care and stability of the underserved population.

Attachment F-4

2022 State Budget Act - Assembly Bill 178

5227-123-0001—For local assistance, Board of
State and Community Corrections
..... 20,000,000

Schedule:

	4945-Corrections Planning and Grant Programs	
(1)	20,000,000

Provisions:

- Of the funds appropriated in this item, \$20,000,000 shall be available to fund a competitive grant program for county probation departments to establish mobile probation service centers. These grants shall allow county probation departments to purchase vehicles, equipment, telecommunications, and other technology needed to operate mobile probation service centers to assist probationers, particularly those individuals who are unhoused and struggling with meeting probation requirements.
- 1.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB178

Attachment F-5

MEETING DATE: July 25, 2022

AGENDA ITEM: H

TO: BSCC Chair and Members

FROM: Ricardo Goodridge, Deputy Director, ricardo.goodridge@bscc.ca.gov

SUBJECT: Mobile Probation Service Centers Grant Program, Appointment of Chair and Establishment of an Executive Steering Committee: **Requesting Approval**

Summary

This agenda item requests approval to establish an Executive Steering Committee to oversee the development of a Request for Proposals for the Mobile Probation Service Centers Grant Program. Staff is also requesting that the Board designate 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 the ESC membership if needed.

Background

The Budget Act of 2022 (Senate Bill 178) established the Mobile Probation Service Centers Grant Program and appropriated \$20 million in funding (Attachment H-1). Per the Budget Act, \$20 million shall be available to fund a competitive grant program for county probation departments to establish mobile probation service centers. These grants shall allow county probation departments to purchase vehicles, equipment, telecommunications, and other technology needed to operate mobile probation service centers to assist probationers, particularly those individuals who are unhoused and struggling with meeting probation requirements.

Proposed Activities

In consultation with the appointed Chair, Staff will establish an ESC that is diverse in professional and lived experience, geography, gender, and demographics. The BSCC will seek interested persons to submit a statement of interest to serve on the ESC through the BSCC's website: [Executive Steering Committees - Seeking Membership](#).

Below are the proposed activities and the tentative timeline necessary to administer a competitive RFP process for the Mobile Probation Service Centers Grant Program:

Activity	Tentative Timeline
BSCC Board Considers Chair Appointment and ESC Establishment	July 25, 2022
ESC Recruitment and Formation	July - August, 2022
RFP development	September - November 2022
Present the RFP for BSCC Board approval	November 17, 2022
Release the RFP to the Field	November 2022
Bidders' Conference	December 2022
Proposals Due to the BSCC	February 2023
Proposal Rating Process and Development of Funding Recommendations	March-May 2023
BSCC Board Considers Funding Recommendations	June 2023
Grants Begin	July 2023

Recommendation/Action Needed

Staff recommends that the Board:

1. Appoint a Chair to the Mobile Probation Service Centers Grant Program Executive Steering Committee;
2. Delegate authority to the Chair to work with BSCC staff to establish a diverse ESC with relevant subject-matter expertise and to modify membership as needed;
3. Authorize the ESC to oversee the development of the Mobile Probation Service Centers Grant Program RFP and to make funding recommendations; and
4. Approve the proposed activities and tentative timeline associated with development of the Mobile Probation Service Centers Grant RFP.

Attachments

H-1: Budget Act of 2022 ([Senate Bill 178](#))

Attachment F-6



Mobile Probation Service Centers Grant Program

Proposal Instruction Packet

Release Date: November 17, 2022

Letter of Intent due: December 9, 2022

Proposals Due: January 6, 2023



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PART I: GRANT INFORMATION

Background Information

The State Budget Act of 2022 (Assembly Bill 178) established the Mobile Probation Service Centers Grant Program. Funding is available to county probation departments to purchase vehicles, equipment, telecommunications, and other technology needed to operate mobile probation service centers to assist probationers, particularly those individuals who are unhoused and struggling with meeting probation requirements.

Contact Information

This Request for Proposal (RFP) Instruction Packet provides the necessary information to prepare a proposal to the Board of State and Community Corrections (BSCC) for the Mobile Probation Service Centers Grant Program. The Mobile Probation Service Centers Grant Application and all other required attachments are available on the [BSCC website](#).

Any questions concerning the Mobile Probation Service Centers Grant Program must be submitted by email to: MobileProbation@bscc.ca.gov. The BSCC will accept and respond to written questions about this RFP until December 17, 2022. A frequently asked questions and answers (FAQs) document will be posted to the [BSCC website](#) and periodically updated through December 19, 2022.

Proposal Due Date and Submission Instructions

Proposals must be received by **5:00 P.M. (PST) on Friday, January 6, 2023**. The Mobile Probation Service Centers Grant Program Application and all required attachments are available on the [BSCC website](#). To apply, applicants must create a free Submittable account – or use an existing account – when prompted. After an account is established, applicants must submit all required documents using the BSCC-Submittable Application portal. Additional application details are provided in the Proposal Narrative and Budget Instructions Section and on the [BSCC website](#).

The BSCC-Submittable Application will not allow submissions after 5:00 p.m. (PST) on January 6, 2023. Please allow sufficient time to begin and submit your application. If the BSCC does not receive a submission by 5:00 p.m. (PST) on January 6, 2023, the proposal **will not be considered for funding**. Applicants are strongly advised to submit proposals well in advance of the due date and time to avoid disqualification.

Virtual Bidders' Conference

Prospective applicants are invited to attend a virtual Bidders' Conference. Attendance at the virtual Bidders' Conference is not a requirement. The purpose of this Bidders' Conference is to answer technical questions from prospective bidders (applicants) and provide clarity on RFP instructions. Topics may include but are not limited to proposal submission instructions, eligibility, funding, and an overview of the rating factors. There is no preference given to applicants who attend the Bidders' Conference. Details are listed below:

Mobile Probation Service Centers Grant Program

Virtual Bidders' Conference

Tuesday, December 6, 2022, at 10:00 a.m.

Public access options for this meeting include:

Join by Zoom:

- <https://us02web.zoom.us/j/87122539026?pwd=MVJqQVRPTDZCSzJjUllKa3pVZlZlZz09>
- Meeting ID: 871 2253 9026 | Passcode: 246810

Call In:

- 1-669-444-9171
- Meeting ID: 871 2253 9026 | Passcode: 246810

Notice of Intent to Apply

Applicants interested in applying for the Mobile Probation Service Centers Grant Program are asked (but not required) to submit a non-binding letter indicating their intent to apply. These letters will aid the BSCC in planning for the proposal evaluation process. Please submit the letter in Microsoft Word or as a PDF.

There is no formal template for the letter, but it should include the following information:

1. Name of the applicant entity;
2. Name of a contact person; and
3. A brief statement indicating the applicant's intent to submit a proposal.

Failure to submit a Letter of Intent is not grounds for disqualification. Prospective applicants that submit a Letter of Intent and decide later not to apply will not be penalized. Please email your non-binding Letter of Intent to Apply by Friday, December 9, 2022. Please identify the email subject line as "Mobile Probation Letter of Intent" and submit the letter to MobileProbation@bscc.ca.gov.

Scoring Panel

To ensure successful program design and implementation, the BSCC uses Executive Steering Committees (ESC) and Scoring Panels to inform decision making related to the Board's programs. The BSCC's ESCs and Scoring Panels are composed of subject matter experts, community partners, and interested parties representing both the public and private sectors. The BSCC makes every attempt to include diverse representation on its ESCs and Scoring Panels, in breadth of experience, geography and demographics.

The Mobile Probation Service Centers Grant Program will convene a Scoring Panel. The Scoring Panel will read and rate submissions and develop funding recommendations for the Board. The Board may approve, reject, or revise those recommendations. Members of the Scoring Panel are not paid for their time but are reimbursed for travel expenses

incurred to attend meetings. If the BSCC is unable to convene a full Scoring Panel, BSCC staff may rate proposals.

Conflicts of Interest

Existing law prohibits any grantee, subgrantee, partner, or like party participating on the Mobile Probation Service Centers Grant Program Scoring Panel from receiving funds from grants awarded under this RFP. Applicants who are awarded grants under this RFP are responsible for reviewing the Scoring Panel membership and ensuring that no grant dollars are passed through to any entity represented by any member of the Scoring Panel.

Description of the Grant

The Mobile Probation Service Centers Grant Program was established in the State Budget Act of 2022 (Appendix A). Per the Budget Act:

Of the funds appropriated in this item, \$20,000,000 shall be available to fund a competitive grant program for county probation departments to establish mobile probation service centers. These grants shall allow county probation departments to purchase vehicles, equipment, telecommunications, and other technology needed to operate mobile probation service centers to assist probationers, particularly those individuals who are unhoused and struggling with meeting probation requirements.

In support of these efforts, each applicant will develop a Project Work Plan that identifies measurable project goals, objectives, and commensurate timelines (Appendix B). Please reference the Glossary of Terms (Appendix C) to view key definitions for this RFP.

Eligibility to Apply

This RFP is open to all County Probation Departments in the State of California.

Target Population

The Mobile Probation Service Centers Grant Program is designed to serve California probationers who are unhoused and struggling with meeting probation requirements.

Grant Period

Successful proposals will be under contract from May 1, 2023 to September 30, 2027 and will complete the following activities as described in the schedule below.

- May 1, 2023 - March 15, 2025: Purchase equipment: All vehicles, equipment, telecommunications, and other technology needed to operate mobile probation service centers purchased.
- March 16, 2025 - April 30, 2025: Budget Reconciliation: Period designated for the sole purpose of finalizing and submitting a final invoice. No new expenses may be incurred.

- [Equipment Purchase/Deployment Date] - June 30, 2027: Provide services at Mobile Probation Service Centers: Vehicles, equipment, telecommunications, and other technology purchased with grant funds are in use. Grantees may begin using equipment at any time once the Grant Agreement is executed by both parties
- July 1, 2027 - September 30, 2027: Designated for the sole purpose of finalizing and submitting an end-of-project report.

A visual display of the grant period is provided below:

Purchase Period	Reconciliation Period	Implementation Period	Closeout Period
May 1, 2023 - March 15, 2025	March 16, 2025 - April 30, 2025	May 1, 2023 - June 30, 2027	July 1, 2027 September 30, 2027
Time allotted to complete local procurement process, purchase all vehicles, equipment, telecommunications, and other technology needed to operate mobile probation service centers. Grantees who do not need the full purchase period can use equipment at any time once under contract.	No new expenses may be incurred. Final invoice due April 30, 2025	Equipment in Use	No new expenses may be incurred. Final Report Submitted.

Collaboration

Applicants must consider the impacts of a mobile probation service center on fellow governmental and nongovernmental partners. This may include, but is not limited to, increases in referrals to community partners, increases in remote (e.g., video) court hearings, and increased partnerships and/or referrals to county behavioral health. As part of this application, applicants will be asked to acknowledge any anticipated impacts or necessary agency partnerships in the Proposal Narrative section.

Funding Information

This RFP makes \$20,000,000 available competitively to county probation departments to establish mobile probation service centers.

Funding will be allocated across small, medium, and large sized counties based on county population (see Appendix D, County Population Index). This means small counties will compete against small counties, medium against medium counties, and large against

large counties. Los Angeles County will be eligible to request more funding and will compete in the “Large County” category.

Applicants may apply for any dollar amount up to and including the maximum grant amount as shown below. Applicants are strongly encouraged to apply for only the amount of funding needed to implement the project for the entire grant period. Proposals will be scored, in part, on the reasonableness of the proposed budget.

Funding Distribution and Maximum Grant Amount				
Funding Categories		Population Size	Maximum Grant Amount*	Available Funding
1	Small Counties	< 200,001	\$500,000	\$3,000,000
2	Medium Counties	200,001 – 700,000	\$1,000,000	\$7,000,000
3	Large Counties	700,001 +	\$2,000,000	\$10,000,000
Los Angeles County Probation Department may apply for up to \$4,000,000 for the entire grant period within the Large County Category				
Total Funding Available for Competitive Grants:				\$20,000,000

*Total amount for the entire XX-month grant period

Los Angeles County

The County of Los Angeles is more than three times the size of the next largest county in the State of California. Los Angeles County may apply for up to \$4,000,000 for the entire grant period.

Eligible Funding Activities

Mobile Probation Service Centers Grant Program funds must be used to purchase vehicles, equipment, telecommunications, and other technology needed to operate mobile probation service centers to assist probationers, particularly those individuals who are unhoused and struggling with meeting probation requirements.

Eligible expenses include, but are not limited to, the following:

- Computers/Laptops/Tablets
- Generator
- Headphones/Microphones
- Internal/External Shade Covering
- Microwave/Refrigerator
- Routers/Modems/Hotspots
- Vehicle Signage/Wraps
- Vehicle Restroom

Please note, the above list is not intended to be exhaustive. All equipment purchased with grant funds must be used for the Mobile Probation Service Centers Grant Program.

Vehicle Purchases and Considerations

Applicants may, but are not required to, purchase vehicles for this grant program. The types of vehicles that may be purchased and/or outfitted for this grant include but are not limited to Camper Vans, Motor Homes, Class C Vehicles, and Travel Trailers. It is up to each applicant to identify the vehicle that best meets the needs of the population that will be served.

Applicants should consider the following upfront and ongoing vehicle expenses when budgeting for a vehicle:

- Insurance
- Drivability - Who will drive the vehicle and are they comfortable driving the vehicle?
- Modifications to the interior/exterior of the vehicle
- Maintenance - Can the county service the vehicle or is a vendor required?
- Special Driver's Licenses
- Vehicle Cost

Vehicle/Equipment Ownership

All equipment purchased by the grantee is the property of the Grantee. BSCC does not claim title to the equipment but requires the grantee to maintain accountability for the equipment. Counties will be required to maintain an inventory log of all equipment purchased with grant funds. For additional information about equipment please review the [BSCC Grant Administration Guide](#).

Ineligible Funding Activities

Grant expenditures are limited to equipment and technology purchases as described in the State Budget Act of 2022 (Assembly Bill 178). Funding may not be used for the following:

- Gift Cards
- Indirect Costs
- Meals
- Personnel Expenses (e.g., Salaries and Benefits)

Match Requirement

No match is required for the Mobile Probation Service Centers Grant Program.

General Grant Requirements

BSCC Grant Agreement

Applicants approved for funding by the BSCC Board are required to enter into a Grant Agreement with the BSCC. Grantees must agree to comply with all terms and conditions of the Grant Agreement. See Appendix E for a sample BSCC Grant Agreement.

The Grant Agreement start date is expected to be May 1, 2023. Grant Agreements are considered fully executed only after they are signed by both the grantee and the BSCC and the BSCC is in receipt of all required attachments including documentation of signing authority. Work, services, and encumbrances cannot begin prior to the Grant Agreement

start date. Any work, services and encumbrances that occur after the start date but prior to Grant Agreement execution may not be reimbursed. Grantees and all subgrantees are responsible for maintaining their Grant Agreement, all invoices, records, and relevant documentation for the life of the grant cycle plus three (3) years after the final payment under the contract.

Debarment, Fraud, Theft or Embezzlement

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to applicants that have been:

1. Debarred by any federal, state, or local government entities during the period of debarment; or
2. Convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state, or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation. All applicants must complete Appendix F certifying they are compliant with the BSCC's policies on debarment, fraud, theft, and embezzlement.

Governing Board Resolution

Successful applicants will be required to submit a Resolution from their Governing Board before the grant award can be finalized and funds awarded. A signed resolution is not required at the time of proposal submission, but applicants are advised that no financial invoices will be processed for reimbursement until the Governing Board Resolution has been received by the BSCC. A sample Governing Board Resolution can be found in Appendix G.

Grantee Orientation

Following the start of the grant period, BSCC staff will conduct a Virtual Grantee Orientation (June 2023, date to be determined). The purpose of this mandatory session is to review the program requirements, invoicing and budget modification processes, data collection and reporting requirements, as well as other grant management and monitoring activities. Typically, the Project Director, Financial Officer, and Day-to-Day Contact must attend. Grantees are also strongly encouraged to include the individual tasked with Data Collection and Evaluation. Award recipients will be provided additional details regarding the Grantee Orientation, in May 2023.

Invoices

Disbursement of grant funds occurs on a reimbursement basis for costs incurred during a reporting period. The State Controller's Office (SCO) will issue the warrant (check) to the individual designated on the Applicant Information Form as the Financial Officer for the grant. Grantees must submit invoices to the BSCC on a quarterly basis through an online process no later than 45 days following the end of the invoicing period. Grantees will make their choice between monthly or quarterly invoicing prior to grant agreement execution.

Grantees must maintain adequate supporting documentation for all costs claimed on invoices. BSCC staff will conduct a desk review, which requires grantees to submit electronic documentation to support all grant funds claimed during the invoicing period. In addition, BSCC staff may conduct on-site monitoring visits that include a review of documentation maintained as substantiation for project expenditures with grant funds. Additional information about invoicing can be found in the [BSCC Grant Administration Guide](#).

Monitoring

The BSCC staff will monitor each project to assess whether the project is in compliance with grant requirements and making progress toward grant objectives. As needed, monitoring visits may also occur to provide technical assistance on fiscal, programmatic, evaluative, and administrative requirements. For your reference, a Comprehensive Monitoring Visit checklist can be found on the Corrections Planning and Grants Program [website](#).

Reports

Grant award recipients are required to submit three (3) annual progress reports and one (1) end of project report to the BSCC. Grantees that are unable to demonstrate that they are making sufficient progress toward project goals and objectives and show that funds are being spent in accordance with the Grant Agreement could be subject to a withholding of funds. Additional information on reporting will be provided at the Grantee Orientation.

Supplanting

Supplanting is the deliberate reduction in the amount of federal, state, or local funds being appropriated to an existing program or activity because grant funds have been awarded for the same purposes. Supplanting is strictly prohibited for all BSCC grants. Mobile Probation Service Centers Grant funds shall be used to support new program activities or to augment or expand existing program activities but shall not be used to replace existing funds. It is the responsibility of the grantee to ensure that supplanting does not occur. The grantee must keep clear and detailed financial records to show that grant funds are used only for allowable costs and activities

Travel

Travel is usually warranted when personal contact by project staff is the most appropriate method of conducting project-related business. Travel to and from training conferences may also be allowed. The most economical method of transportation, in terms of direct

expenses to the project and the employee's time away from the project, must be used. Projects are required to include sufficient per diem and travel allocations for project related personnel, as outlined in the Grant Award, to attend any mandated BSCC training conferences or workshops outlined in the terms of the program.

- **Units of Government**

Units of government may follow either their own written travel and per diem policy or the State's policy. Units of government that plan to use cars from a state, county, city, district carpool, or garage may budget either the mileage rate established by the carpool or garage, or the state mileage rate, not to exceed the loaning agency rate.

- **Non-Governmental Organizations (NGOs)**

An NGO receiving BSCC funds must use the State travel and per diem policy, unless the Grantee's written travel policy is more restrictive than the State's, in which case it must be used. Reimbursement is allowed for the cost of commercial carrier fares, parking, bridge, and road tolls, as well as necessary taxi, bus, and streetcar fares.

- **Out-of-State Travel**

Out-of-state travel is restricted and only allowed in exceptional situations. Grantees must receive written BSCC approval prior to incurring expenses for out-of-state travel. Even if previously authorized in the Grant Award, Grantees must submit to the BSCC a separate formal request (on Grantee letterhead) for approval. Out-of-state travel requests must include a detailed justification and budget information.

In addition, California prohibits travel, except under specified circumstances, to states that have been found by the California Attorney General to have discriminatory laws. The BSCC will not reimburse for travel to these states unless the travel meets a specific exception under Government Code section 11139.8, subdivision (c). For additional information, please see: <https://oag.ca.gov/ab1887>.

Overview of the RFP Process

Confirmation of Receipt of Proposal

Upon submission of a proposal, applicants will receive a confirmation email from the BSCC stating that the proposal has been received.

Disqualification

Disqualification - **PLEASE REVIEW CAREFULLY**



The following will result in an automatic disqualification:

- Submission is not received by 5:00 p.m. PST on January 6, 2023
- Applicant does not meet the Eligibility Criteria
- Funding request exceeds allowable amounts
- Budget Attachment (Excel document) is incomplete, or the total amount included in the budget table does not match the requested amount included elsewhere in the application.
- Application, and all required attachments, are not submitted via the BSCC-Submittable Application portal
- Attachment(s) are illegible
- Attachment(s) are will not open or the file(s) are corrupted

NOTE: Disqualification means that the proposal will not move forward to the Scoring Panel for the Proposal Rating Process, and, therefore, will NOT be considered for funding.

Proposal Rating Process

Unless disqualified, proposals will advance to the Scoring Panel for funding consideration. Proposals will be evaluated in accordance with the BSCC's *Grant Proposal Evaluation Process* ([link](#)) and as described below. The Scoring Panel will read and assign points to each proposal in accordance with the prescribed rating factors listed in the table below. Scoring Panel members will determine points based on how well an applicant addresses the items listed under each rating factor within the Proposal Narrative and Budget Sections. Scoring Panel ratings, once submitted to the BSCC, will be final.

At the conclusion of this process, applicants will be notified of the Board's funding recommendations. It is anticipated that the Board will act on the recommendations at its meeting on April 13, 2023. Public agency applicants and partners are not to contact members of the Scoring Panel or the BSCC Board to discuss proposals.

Rating Factors

The Rating Factors that will be used and the maximum points allocated to each factor are shown in the table below. Applicants are asked to address each of these factors as a part of their proposal. A percent of total value is assigned to each Rating Factor, correlating to its importance within the overall project (see Percent of Total Value column).

	Rating Factors	Point Range	Percent of Total Value	Weighted Rating Factor Score*
1	Need	0-5	15%	30
2	Equipment	0-5	20%	40
3	Implementation	0-5	35%	70
4	Budget	0-5	30%	60
Maximum Proposal Score:			100%	200

Raters will rate an applicant's response to each Rating Factor on a scale from 0 to 5, according to the Six-Point Rating Scale shown below. For each Rating Factor, the rating point received is then weighted according to the "Percent of Total Value" column associated with the Rating Factor to arrive at the final Weighted Rating Factor Score. The Weighted Rating Factor Scores are then added together for a final overall proposal score. The maximum possible proposal score is 200.

Six Point Rating Scale

Not Responsive 0	Poor 1	Fair 2	Satisfactory 3	Good 4	Excellent 5
The response fails to address the criteria.	The response addresses the criteria in a very inadequate way.	The response addresses the criteria in a non-specific or unsatisfactory way.	The response addresses the criteria in an adequate way.	The response addresses the criteria in a substantial way.	The response addresses the criteria in an outstanding way.

Minimum Scoring Threshold

A proposal must meet a threshold of **60 percent**, or a minimum score of **120** total points to be qualified for funding.

BSCC Funding Decisions

Applicants will compete for funds within their applicable funding category (see Funding Distribution and Maximum Grant Amounts, page 5). Once the proposals have been scored and ranked, BSCC will move down the ranked lists to fund all qualified applicants in each of the three (3) funding categories until all funds in that category are exhausted. Applicants that fall at the cut-off point may be offered a partial award if there are not sufficient remaining funds to make a full award.

If funding remains in one or more categories, the following will occur:

- Funds remaining in Category (1), after all qualified applicants in that category have been fully funded, will be used to fund any additional qualified applicants in Category (2).
- Funds remaining in Category (2), after all qualified applicants in that category have been funded, will be used to fund any additional qualified applicants first in Category 3 and then Category (1).

- Funds remaining in Category (3), after all qualified applicants in that category have been funded, will be used to fund any additional qualified applicants in first Category (2) and then Category (1).

If an applicant or grantee relinquishes an award, BSCC has authority to offer that award to the next qualifying applicant (s) on the ranked list.

Summary of Key Dates

The following table shows a timeline of key dates for the Mobile Probation Service Centers Grant Program.

Activity	Date
Release Request for Proposals	November 17, 2022
Bidders' Conference	December 6, 2022
Letter of Intent Due to the BSCC	December 9, 2022
Proposals Due to the BSCC	January 6, 2023
Proposal Rating Process and Development of Funding Recommendations	January 2023 - March 2023
BSCC Board Considers Funding Recommendations	April 13, 2023
Notices to Applicants	April 2023
Grant Period Begins	May 1, 2023
Mandatory New Grantee Orientation	June 2023

PART II: PROPOSAL INSTRUCTIONS

This document/section contains the necessary information for completing the Mobile Probation Service Centers Grant Program Application. The Application and all required attachments are provided on the [BSCC website](#).

Proposal Narrative and Budget Sections

The four rating factors that will be addressed in the Proposal Narrative and the Proposal Budget sections, are shown below

	Rating Factor	Percent Value	Addressed In:
1	Need	15%	Proposal Narrative
2	Equipment	20%	
3	Implementation	35%	
4	Budget	30%	Proposal Budget

Proposal Narrative Instructions

Applicants will complete the Proposal Narrative by accessing the BSCC-Submittable application portal and responding to a series of prompts. The Proposal Narrative must address the Need, Equipment, and the Implementation Rating Factors. Please do not include website links, charts, tables or, graphs when responding.

Each Rating Factor has a character limit (paragraph or page limit) as shown below:

	Rating Factor	Total Characters	Microsoft Word Equivalent*
1	Need	2,237	Up to 1 (One) Page
2	Equipment	4,474	Up to 2 (Two) Pages
3	Implementation	4,474	Up to 2 (Two) Pages

**Assumes text in a Microsoft Word document in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing.*

Character Counter

The BSCC-Submittable application portal includes an automatically enabled character counter. This feature shows the number of characters used and the remaining number of characters before the limit is met. If the limit is exceeded, a red prompt will appear with the message "**You have exceeded the character limit**". Applicants are prohibited from submitting the Mobile Probation Service Centers Grant Program Application until they comply with all character limit requirements.

Bibliography

Applicants *may*, but are not required to, include a bibliography containing citations, using either the Modern Language Association (MLA) or American Psychological Association (APA) style in the “OPTIONAL Bibliography” field on the BSCC-Submittable application page. The bibliography may not exceed 2,218 total characters (includes punctuation, numbers, spaces, and any text). In Microsoft Word, this is approximately one (1) page in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing.

Required Attachments

In addition to addressing the Proposal Narrative criteria, the following attachments must be completed and uploaded in the identified fields in the BSCC-Submittable application portal at the time of submission:

- Project Work Plan (Appendix B).
- Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement (Appendix F)
- Governing Board Resolution (Optional)

Proposal Narrative Rating Factors

Section 1: Need (Percent Value – 15%)

Within this section, address the criteria that defines the Need Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

Need: The applicant described a need(s) that is pertinent to the intent of the grant. The elements that comprise the Need Rating Factor are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.	
1.1	Describe the need(s) to be addressed including how the need is related to the target population and the intent of the grant program.
1.2	Identify the conditions or elements that contribute to the need (e.g., service area, geographic location, accessibility).
1.3	Relevant local qualitative and/or quantitative data in support of the need are provided.
1.4	Demonstrate a compelling justification for the grant funds.

Section 2: Equipment (Percent Value – 20%)

Within this section address the criteria that defines the Equipment Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

Equipment: The applicant described equipment that is pertinent to the intent of the grant. The elements that comprise the Equipment Rating Factor are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.

2.1	<p>Describe the vehicles to be purchased with grant funds (if applicable). The descriptions should include:</p> <ul style="list-style-type: none"> • the number of vehicles to be purchased. • the number of vehicles currently in service operating as mobile probation service centers. • the type of vehicle that will be purchased and the equipment with which it will come equipped with at the time of purchase. • how secure data connectivity will be provided within the vehicle. • the specific characteristics the vehicle must have to address the safety of both probationers and agency staff. • any vehicle characteristics that may impact drivability (e.g., license required to operate, size, maneuverability, stability). • how the vehicle will be maintained (i.e., contract with county maintenance, motor pool, public works). • training of agency staff to use the vehicle and its installed equipment.
2.2	<p>Describe the equipment, telecommunications, and other technology (other than vehicles) that will be purchased. The description should include for each item:</p> <ul style="list-style-type: none"> • the number of items to be purchased. • the number of items currently owned and own the additional items will benefit the agency, if applicable. • why the item is required to provide mobile probation services.

Section 3: Implementation (Percent Value – 35%)

Within this section, address the criteria that defines the Implementation Rating Factor (see table below) in a cohesive, comprehensive, and concise narrative format.

Implementation: The applicant described how the purchases will be used to address the identified need(s). The elements that comprise the Implementation Rating Factor are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.

3.1	<p>Describe how the vehicles, equipment, telecommunication, and other technology to be purchased will be used to address the identified need(s). The description should include:</p> <ul style="list-style-type: none"> • where it will be used. This may include geographical areas (e.g., city, zip code), specific locations (e.g., outside of the courthouse, jail, encampment area), or venues (e.g., community events). • how its use will benefit the target population. • the anticipated number of individuals within the target population, and by location (if applicable), who will benefit from its use. • how the proposed purchases help to achieve the goal of the grant program
3.2	<p>Describe any partnerships or coordination with other agencies necessary to implement the use of the purchased equipment as intended to benefit the target population. Describe the plan to coordinate with these agencies.</p>
3.3	<p>Describe the data that will be gathered and reported to show that the purchases addressed the need(s) identified in Project Need and the intent of the grant</p>
3.4	<p>Provide a Project Work Plan (Appendix B) that:</p> <ul style="list-style-type: none"> • identifies the project's goals and measurable objectives (see Appendix C) for definitions) that address the identified need(s) and intent of the grant. • identifies how the goals will be achieved in terms of activities, responsible staff/partners, and start and end dates. • is appropriate for the proposed project.

Proposal Budget Instructions

As part of the application process, applicants are required to complete and upload a Proposal Budget Table and Budget Narrative (Budget Attachment) in the budget section of the BSCC-Submittable application page. The Budget Attachment is provided on the [BSCC website](#).

Applicants should be aware that budgets will be subject to review and approval by the BSCC staff to ensure all proposed costs listed within the budget narrative are allowable and eligible for reimbursement. Regardless of any ineligible costs that may need to be addressed post award, the starting budget for the reimbursement invoices and the total amount requested will be the figures used for the Standard Grant Agreement

Applicants are solely responsible for the accuracy and completeness of the information entered in the Proposal Budget Table and Budget Narrative. Detailed instructions for completing the Budget Attachment are listed on the Instructions tab of the Excel workbook. All project costs must be directly related to the objectives and activities of the project. The Budget Table must cover the entire grant period.

For additional guidance related to grant budgets, refer to the [BSCC Grant Administration Guide](#).

Budget Rating Factor

Section 4: Budget (Percent Value – 30%)

The following items are rated as part of this section and must be addressed by the applicant in the Budget Attachment.

<p>Budget: The applicant provided a complete Budget Attachment (Proposal Budget Table and Budget Narrative) for the proposed project. The elements against which the Budget Attachment will be rated are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that will be evaluated. The response will be evaluated with a single rating based on a scale of 0-5.</p>	
4.1	Provide a complete Budget (Proposal Budget Table and Budget Narrative) as appropriate for the proposed project.
4.2	Provide Budget Narrative that: <ul style="list-style-type: none"> • explains and supports each identified expense. • justifies expenses as appropriate for the proposed project, identified need, and the intent of the grant.

PART III: APPENDIXES

Appendixes

This section includes the following appendixes:

- Appendix A: Assembly Bill 178
- Appendix B: Project Work Plan
- Appendix C: Glossary of Terms
- Appendix D: County Population Index
- Appendix E: Sample Grant Agreement
- Appendix F: Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement
- Appendix G: Governing Board Resolution

Appendix A: Assembly Bill 178

5227-123-0001—For local assistance, Board of
State and Community Corrections
..... 20,000,000

Schedule:

	4945-Corrections Planning and Grant Programs	
(1)	20,000,000

Provisions:

- Of the funds appropriated in this item, \$20,000,000 shall be available to fund a competitive grant program for county probation departments to establish mobile probation service centers. These grants shall allow county probation departments to purchase vehicles, equipment, telecommunications, and other technology needed to operate mobile probation service centers to assist probationers, particularly those individuals who are unhoused and struggling with meeting probation requirements.
- 1.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB178

Appendix B: Project Work Plan

This Project Work Plan identifies measurable goals and objectives, activities and services, the responsible parties, and a timeline. Completed plans should (1) identify the project's top goals and objectives; (2) identify how the top goals will be achieved in terms of the activities, responsible staff/partners, and start and end dates; and (3) provide goals and objectives with a clear relationship to the need and intent of the grant. Please provide a project workplan in the below fields.

(1) Goal:			
Objectives (A., B., etc.)	A. B. C.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
1. 2. 3.			

(2) Goal:			
Objectives (A., B., etc.)	A. B. C.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
1. 2. 3.			

(3) Goal:			
Objectives (A., B., etc.)	A. B. C.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
1.			
2.			
3.			

(4) Goal:			
Objectives (A., B., etc.)	A. B. C.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
1.			
2.			
3.			

Appendix C: Glossary of Terms

Goals and Objectives

Goals and objectives are terms in common use, sometimes used interchangeably because both refer to the intended results of program activities. Goals are longer-term than objectives, more broadly stated and govern the specific objectives to which program activities are directed.

In proposals, goals are defined by broad statements of what the program intends to accomplish, representing the long-term intended outcome of the program.¹

Examples of goal statements:²

- To reduce the number of serious and chronic juvenile offenders.
- To divert nonviolent juvenile offenders from state juvenile correctional institutions.
- To restore the losses suffered by the victims of crimes.

Objectives are defined by statements of specific, measurable aims of program activities.³ Objectives detail the tasks that must be completed to achieve goals.⁴ Descriptions of objectives in the proposals should include three elements:⁵

1. Direction – the expected change or accomplishment (e.g., improve, maintain);
2. Timeframe – when the objective will be achieved; and
3. Target Population– who is affected by the objective.

Examples of program objectives:⁶

- By the end of the program, young, drug-addicted juveniles will recognize the long-term consequences of drug use.
 - To place eligible juveniles in an intensive supervision program within two weeks of adjudication to ensure offender accountability and community safety.
- To ensure that juvenile offenders carry out all of the terms of the mediation agreements they have worked out with their victims by program completion.

¹ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)*. Retrieved from <http://www.jrsa.org/njiec/publications/program-evaluation.pdf>. See also New York State Division of Criminal Justice Services. *A Guide to Developing Goals and Objectives for Your Program*. Retrieved from .

² *Id.* at p. 4.

³ National Center for Justice Planning. Overview of Strategic Planning. *Where Do We Want to Be? Goals and Objectives*. Retrieved from <http://ncjp.org/strategic-planning/overview/where-do-we-want-be/goals-objectives>.

⁴ *Id.*; see *supra* fn 1.

⁵ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)* p. 5. Retrieved from <http://www.jrsa.org/njiec/publications/program-evaluation.pdf>.

⁶ *Id.*

Appendix D: County Population Index

Source: California Department of Finance, Population Estimates, January 1, 2022

Large Counties (700,001+)		Medium Counties (200,001-700,000)	
Alameda	1,651,979	Butte	201,608
Contra Costa	1,156,555	Marin	257,135
Fresno	1,011,273	Merced	284,338
Kern	909,813	Monterey	433,716
Los Angeles County	9,861,224	Placer	409,025
Orange	3,162,245	San Luis Obispo	280,721
Riverside	2,435,525	Santa Barbara	445,164
Sacramento	1,576,618	Santa Cruz	266,564
San Bernardino	2,187,665	Solano	447,241
San Diego	3,287,306	Sonoma	482,404
San Francisco	842,754	Stanislaus	549,466
San Joaquin	784,298	Tulare	475,014
San Mateo	744,662	Yolo	221,165
Santa Clara	1,894,783		
Ventura	833,652		
Small Counties (<200,001)			
Alpine	1,200	Mendocino	89,999
Amador	40,297	Modoc	8,690
Calaveras	45,049	Mono	13,379
Colusa	21,807	Napa	136,179
Del Norte	27,218	Nevada	101,242
El Dorado	190,465	Plumas	18,942
Glenn	28,750	San Benito	65,479
Humboldt	135,168	Shasta	180,531
Imperial	179,329	Sierra	3,229
Inyo	18,978	Siskiyou	43,830
Kings	152,023	Sutter	99,145
Lake	67,407	Tehama	65,052
Lassen	30,274	Trinity	16,023
Madera	157,396	Tuolumne	55,291
Mariposa	17,045	Yuba	82,275

Appendix E: Sample Grant Agreement

STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES

SCO ID:

STANDARD AGREEMENT

STD 213 (Rev 03/2019)

AGREEMENT NUMBER

BSCC XXX-22

PURCHASING AUTHORITY NUMBER (If Applicable)

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

BOARD OF STATE AND COMMUNITY CORRECTIONS

CONTRACTOR NAME

XXX

2. The term of this Agreement is:

START DATE

MAY 1, 2023

THROUGH END DATE

SEPTEMBER 30, 2027

3. The maximum amount of this Agreement is:

\$000,000.00

4. The parties agree to comply with the terms and conditions of the following exhibits, attachments, and appendices which are by this reference made a part of the Agreement.

EXHIBITS	TITLE	PAGES
Exhibit A	Scope of Work	x
Exhibit B	Budget Detail and Payment Provisions	x
Exhibit C	General Terms and Conditions (04/2017)	4
Exhibit D	Special Terms and Conditions	x
Attachment 1*	Mobile Probation Service Centers Grant Program Request for Proposals	*
Attachment 2	Mobile Probation Service Centers Grant Program Grant Proposal	xx
Appendix A	Mobile Probation Service Centers Grant Program Scoring Panel	x

* This item is hereby incorporated by reference and can be viewed at: [enter web address](#)

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

CONTRACTOR

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

GRANTEE NAME

CONTRACTOR BUSINESS ADDRESS

XXX

CITY

XXX

STATE

XX

ZIP

XXX

PRINTED NAME OF PERSON SIGNING

XXX

TITLE

XXX

CONTRACTOR AUTHORIZED SIGNATURE



DATE SIGNED

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME

BOARD OF STATE AND COMMUNITY CORRECTIONS

CONTRACTING AGENCY ADDRESS

2590 Venture Oaks Way, Suite 200

CITY

Sacramento

STATE

CA

ZIP

95833

PRINTED NAME OF PERSON SIGNING

RICARDO GOODRIDGE

TITLE

Deputy Director

CONTRACTING AGENCY AUTHORIZED SIGNATURE



DATE SIGNED

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL: EXEMPT PER SCM, VOLUME 1, CH. 4.06

EXHIBIT A: SCOPE OF WORK

1. GRANT AGREEMENT – Mobile Probation Service Centers Grant Program

This Grant Agreement is between the State of California, Board of State and Community Corrections (hereafter referred to as BSCC) and **grantee name** (hereafter referred to as the Grantee).

2. PROJECT SUMMARY AND ADMINISTRATION

- A. The Mobile Probation Service Centers Grant Program was established in the State Budget Act of 2022 (Assembly Bill 178, Chapter 43, Statutes of 2022). Mobile Probation Service Centers Grant Program funds must be used to purchase vehicles, equipment, telecommunications, and other technology needed to operate mobile probation service centers to assist probationers, particularly those individuals who are unhoused and struggling with meeting probation requirements.
- B. Grantee agrees to administer the project in accordance with Attachment 1: Mobile Probation Service Centers Grant Program Request for Proposals (incorporated by reference) and Attachment 2: Mobile Probation Service Centers Grant Program Grant Proposal, which is attached and hereto and made part of this agreement.

3. PROJECT OFFICIALS

- A. The BSCC's Executive Director or designee shall be the BSCC's representative for administration of the Grant Agreement and shall have authority to make determinations relating to any controversies that may arise under or regarding the interpretation, performance, or payment for work performed under this Grant Agreement.
- B. The Grantee's project officials shall be those identified as follows:

Authorized Officer with legal authority to sign:

Name:

Title:

Address:

Phone:

Email:

Designated Financial Officer authorized to receive warrants:

Name:

Title:

Address:

Phone:

Email:

Project Director authorized to administer the project:

Name:

Title:

Address:

Phone:

Email:

EXHIBIT A: SCOPE OF WORK

- C. Either party may change its project representatives upon written notice to the other party.
- D. By signing this Grant Agreement, the Authorized Officer listed above warrants that he or she has full legal authority to bind the entity for which he or she signs.

4. DATA COLLECTION

Grantees will be required to comply with all data collection and reporting requirements as described in Attachment 1: Mobile Probation Service Centers Grant Program Request for Proposals and Attachment 2: Mobile Probation Service Centers Grant Program Grant Proposal.

5. REPORTING REQUIREMENTS

- A. Grantees will submit three (3) annual progress reports and one (1) end of project report to the BSCC. These reports, which will describe progress made on program objectives and include required data, shall be submitted according to the following schedule:

Annual Progress Report Periods:

1. May 1, 2023 to June 30, 2024
2. July 1, 2024 to June 30, 2025
3. July 1, 2025 to June 30, 2026

Due no later than:

- August 15, 2024
- August 15, 2025
- August 15, 2026

Other

4. End of Project Report

Due no later than:

- September 30, 2027

Grantees that are unable to demonstrate that they are making sufficient progress toward project goals and objectives and show that funds are being spent in accordance with the Grant Agreement could be subject to a withholding of funds.

6. PROJECT RECORDS

- A. The Grantee shall establish an official file for the project. The file shall contain adequate documentation of all actions taken with respect to the project, including copies of this Grant Agreement, approved program/budget modifications, financial records and required reports.
- B. The Grantee shall establish separate accounting records and maintain documents and other evidence sufficient to properly reflect the amount, receipt, and disposition of all project funds, including grant funds and any matching funds by the Grantee and the total cost of the project. Source documentation includes copies of all awards, applications, approved modifications, financial records, and narrative reports.
- C. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under the grant, whether they are employed full-time or part-time. Time and effort reports are also required for all subcontractors and consultants.
- D. The grantee shall maintain documentation of donated goods and/or services, including the basis for valuation.

EXHIBIT A: SCOPE OF WORK

- E. Grantee agrees to protect records adequately from fire or other damage. When records are stored away from the Grantee's principal office, a written index of the location of records stored must be on hand and ready access must be assured.
- F. All Grantee records relevant to the project must be preserved a minimum of three (3) years after closeout of the grant project and shall be subject at all reasonable times to inspection, examination, monitoring, copying, excerpting, transcribing, and auditing by the BSCC or designees. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records must be retained until the completion of the action and resolution of all issues which arise from it or until the end of the regular three-year period, whichever is later.

7. CONFLICT OF INTEREST

- A. Existing law prohibits any grantee, subgrantee, partner or like party who participated on the Mobile Probation Service Centers Grant Program Scoring Panel from receiving funds awarded under the Mobile Probation Service Centers Grant Program RFP. Applicants who are awarded grants under this RFP are responsible for reviewing the Mobile Probation Service Centers Grant Program Scoring Panel roster (*Appendix A*) and ensuring that no grant dollars are passed through to any entity represented by the members of the Mobile Probation Service Centers Grant Program Scoring Panel.
- B. In cases of an actual conflict of interest with a Scoring Panel member, the Board may revoke the grant award and legal consequences could exist for the parties involved, including, but not limited to, repayment of the grant award.

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS**1. INVOICING AND PAYMENT (grantee will select one, quarterly or monthly invoicing)**

- A. The Grantee shall be paid quarterly in arrears by submitting an invoice (Form 201) to the BSCC that outlines actual expenditures claimed for the invoicing period.

Quarterly Invoicing Periods:

1. May 1, 2023 to June 30, 2023
2. July 1, 2023 to September 30, 2023
3. October 1, 2023 to December 31, 2023
4. January 1, 2024 to March 31, 2024
5. April 1, 2024 to June 30, 2024
6. July 1, 2024 to September 30, 2024
7. October 1, 2024 to December 31, 2024

Due no later than:

- August 15, 2023
November 15, 2023
February 15, 2024
May 15, 2024
August 15, 2024
November 15, 2024
February 14, 2025

Final Invoicing Period:

8. January 1, 2025 to March 15, 2025*

Due no later than:

April 30, 2025

**Note: No new expenses may be incurred after March 15, 2022.*

- A. The Grantee shall be paid monthly in arrears by submitting an invoice (Form 201) to the BSCC that outlines actual expenditures claimed for the invoicing period.

Monthly Invoicing Periods:

1. May 1, 2023 to May 31, 2023
2. June 1, 2023 to June 30, 2023
3. July 1, 2023 to July 31, 2023
4. August 1, 2023 to August 31, 2023
5. September 1, 2023 to September 30, 2023
6. October 1, 2023 to October 31, 2023
7. November 1, 2023 to November 30, 2023
8. December 1, 2023 to December 31, 2023
9. January 1, 2024 to January 31, 2024
10. February 1, 2024 to February 29, 2024
11. March 1, 2024 to March 31, 2024
12. April 1, 2024 to April 30, 2024
13. May 1, 2024 to May 31, 2024
14. June 1, 2024 to June 30, 2024
15. July 1, 2024 to July 31, 2024
16. August 1, 2024 to August 31, 2024
17. September 1, 2024 to September 30, 2024
18. October 1, 2024 to October 31, 2024
19. November 1, 2024 to November 30, 2024
20. December 1, 2024 to December 31, 2024
21. January 1, 2025 to January 31, 2025

Due no later than:

- July 15, 2023
August 15, 2023
September 15, 2023
October 15, 2023
November 15, 2023
December 15, 2023
January 15, 2024
February 15, 2024
March 15, 2024
April 15, 2024
May 15, 2024
June 15, 2024
July 15, 2024
August 15, 2024
September 15, 2024
October 15, 2024
November 15, 2024
December 15, 2024
January 15, 2025
February 14, 2025
March 15, 2025

Final Invoicing Period:

22. February 1, 2025 to March 15, 2025*

Due no later than:

April 30, 2025

**Note: No new expenses may be incurred after March 15, 2022.*

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

- B. All project expenses must be incurred by the end of the purchase period, March 15, 2025, and included on the final invoice due April 30, 2025. Project expenditures incurred after March 15, 2025 will not be reimbursed.
- C. Grantee shall submit an invoice to the BSCC each invoicing period, even if grant funds are not expended or requested during the invoicing period.
- D. Upon the BSCC's request, supporting documentation must be submitted for project expenditures. Grantees are required to maintain supporting documentation for all expenditures on the project site for the life of the grant and make it readily available for review during BSCC site visits. See Exhibit A. Scope of Work, Item 6. Project Records.

2. GRANT AMOUNT AND LIMITATION

- A. In no event shall the BSCC be obligated to pay any amount in excess of the grant award. Grantee waives any and all claims against the BSCC, and the State of California on account of project costs that may exceed the sum of the grant award.
- B. Under no circumstance will a budget item change be authorized that would cause the project to exceed the amount of the grant award identified in this Grant Agreement. In no event shall changes be authorized for the Administrative Salaries and Benefits line item that would result in that item exceeding ten percent (10%) of the grant award.

3. BUDGET CONTINGENCY CLAUSE

- A. This grant agreement is valid through Grant name funding generated from the General Fund. The Grantee agrees that the BSCC's obligation to pay any sum to the grantee under any provision of this agreement is contingent upon the availability of sufficient funding granted through the passage of Assembly Bill 178 (Chapter 43, Statutes of 2022) also known as the California Budget Act of 2022. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Grant Agreement does not appropriate sufficient funds for the program, this Grant Agreement shall be of no further force and effect. In this event, the BSCC shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this Agreement and Grantee shall not be obligated to perform any provisions of this Grant Agreement.
- B. If Mobile Probation Service Centers funding is reduced or falls below estimates contained within the Mobile Probation Service Centers Request for Proposals, the BSCC shall have the option to either cancel this Grant Agreement with no liability occurring to the BSCC or offer an amendment to this agreement to the Grantee to reflect a reduced amount.
- C. If BSCC cancels the agreement pursuant to Paragraph 3(B) or Grantee does not agree to an amendment in accordance with the option provided by Paragraph 3(B), it is mutually agreed that the Grant Agreement shall have no further force and effect. In this event, the BSCC shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this Agreement and Grantee shall not be obligated to perform any provisions of this Grant Agreement except that Grantee shall be required to maintain all project records required by Paragraph 6 of Exhibit A for a period of three (3) years following the termination of this agreement.

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS**4. PROJECT COSTS**

- A. The Grantee agrees to comply with the BSCC Grant Administration Guide requirements as posted on the BSCC website (currently the BSCC Grant Administration Guide July 2020) including any updated version that may be posted during term of the grant agreement. BSCC will notify grantees whenever an updated version is posted. The BSCC Grant Administration Guide is available at:
https://www.bscc.ca.gov/s_correctionsplanningandprograms/
- B. The provisions of the BSCC Grant Administration Guide are incorporated by reference into this agreement and Grantee shall be responsible for adhering to the requirements set forth therein. To the extent any of the provisions of the BSCC Grant Administration Guide and this agreement conflict, the language in this agreement shall prevail.
- C. Grantee is responsible for ensuring that statements of expenditures submitted to the BSCC claim actual expenditures for eligible project costs.
- D. Grantee shall, upon demand, remit to the BSCC any grant funds not expended for eligible project costs or an amount equal to any grant funds expended by the Grantee in violation of the terms, provisions, conditions or commitments of this Grant Agreement.
- E. Grant funds must be used to support new program activities or to augment existing funds that expand current program activities. Grant funds shall not replace (supplant) any federal, state and/or local funds that have been appropriated for the same purpose. Violations can result in recoupment of monies provided under this grantor suspension of future program funding through BSCC grants.

5. PROMPT PAYMENT CLAUSE

Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

6. WITHHOLDING OF GRANT DISBURSEMENTS

- A. The BSCC may withhold all or any portion of the grant funds provided by this Grant Agreement in the event the Grantee has materially and substantially breached the terms and conditions of this Grant Agreement.
- B. At such time as the balance of state funds allocated to the Grantee reaches five percent (5%), the BSCC may withhold that amount as security, to be released to the Grantee upon compliance with all grant provisions, including:
- 1) submittal and approval of the final invoice;
 - 2) submittal and approval of the final progress report; and
- C. The BSCC will not reimburse Grantee for costs identified as ineligible for grant funding. If grant funds have been provided for costs subsequently deemed ineligible, the BSCC may either withhold an equal amount from future payments to the Grantee or require repayment of an equal amount to the State by the Grantee.

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

- D. In the event that grant funds are withheld from the Grantee, the BSCC's Executive Director or designee shall notify the Grantee of the reasons for withholding and advise the Grantee of the time within which the Grantee may remedy the failure or violation leading to the withholding.
- E.

7. EXECUTIVE ORDER N-6-22 – RUSSIA SANCTIONS

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and individuals. "Economic Sanctions" refers to sanctions imposed by the U.S. government in response to Russia's actions in Ukraine, as well as any sanctions imposed under state law. The EO directs state agencies to terminate contracts with, and to refrain from entering any new contracts with, individuals or entities that are determined to be a target of Economic Sanctions. Accordingly, should the State determine Contractor is a target of Economic Sanctions or is conducting prohibited transactions with sanctioned individuals or entities, that shall be grounds for termination of this agreement. The State shall provide Contractor advance written notice of such termination, allowing Contractor at least 30 calendar days to provide a written response. Termination shall be at the sole discretion of the State.

8. PROJECT BUDGET

Budget Line Items	Grant Funds
1. Salaries and Benefits	\$0
2. Services and Supplies	\$0
3. Professional Services or Public Agency Subcontracts	\$0
4. Equipment/Fixed Assets	\$0
5. Other (Travel, Training, etc.)	\$0
6. Indirect Costs	\$0
TOTALS	\$0

EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

1. **APPROVAL:** This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
2. **AMENDMENT:** No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. **ASSIGNMENT:** This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
4. **AUDIT:** Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
5. **INDEMNIFICATION:** Contractor agrees to indemnify, defend and hold harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement. This obligation shall survive any termination of this agreement.
6. **DISPUTES:** Contractor shall continue with the responsibilities under this Agreement during any dispute.
7. **TERMINATION FOR CAUSE:** The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.

EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

- 8. INDEPENDENT CONTRACTOR:** Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.
- 9. RECYCLING CERTIFICATION:** The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post-consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).
- 10. NON-DISCRIMINATION CLAUSE:** During the performance of this Agreement, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)
- Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.
- 11. CERTIFICATION CLAUSES:** The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 04/2017 (<https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language>) are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

- 12. TIMELINESS:** Time is of the essence in this Agreement.
- 13. COMPENSATION:** The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.
- 14. GOVERNING LAW:** This contract is governed by and shall be interpreted in accordance with the laws of the State of California.
- 15. ANTITRUST CLAIMS:** The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.
- A. The Government Code Chapter on Antitrust claims contains the following definitions:
- 1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.
 - 2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.
- B. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.
- C. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.
- D. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.
- 16. CHILD SUPPORT COMPLIANCE ACT:** For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:

EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

- A. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
- B. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

17. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

18. PRIORITY HIRING CONSIDERATIONS: If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

19. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:

- A. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Gov. Code § 14841.)
- B. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

20. LOSS LEADER: If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

EXHIBIT D: SPECIAL TERMS AND CONDITIONS**1. GRANTEE'S GENERAL RESPONSIBILITY**

- A. Grantee agrees to comply with all terms and conditions of this Grant Agreement. Review and approval by the BSCC is solely for the purpose of proper administration of grant funds, and shall not be deemed to relieve or restrict the Grantee's responsibility.
- B. Grantee is responsible for the performance of all project activities identified in Attachment 1: Mobile Probation Service Centers Grant Program Request for Proposals and Attachment 2: Mobile Probation Service Centers Grant Program Grant Proposal.
- C. Grantee shall immediately advise the BSCC of any significant problems or changes that arise during the course of the project.

2. GRANTEE ASSURANCES AND COMMITMENTS

- A. Compliance with Laws and Regulations

This Grant Agreement is governed by and shall be interpreted in accordance with the laws of the State of California. Grantee shall at all times comply with all applicable State laws, rules and regulations, and all applicable local ordinances.

- B. Fulfillment of Assurances and Declarations

Grantee shall fulfill all assurances, declarations, representations, and statements made by the Grantee in Attachment 1: Mobile Probation Service Centers Grant Program Request for Proposals and Attachment 2: Mobile Probation Service Centers Grant Program Grant Proposal, documents, amendments, approved modifications, and communications filed in support of its request for grant funds.

- C. Permits and Licenses

Grantee agrees to procure all permits and licenses necessary to complete the project, pay all charges and fees, and give all notices necessary or incidental to the due and lawful proceeding of the project work.

3. POTENTIAL SUBCONTRACTORS

- A. In accordance with the provisions of this Grant Agreement, the Grantee may subcontract for services needed to implement and/or support program activities. Grantee agrees that in the event of any inconsistency between this Grant Agreement and Grantee's agreement with a subcontractor, the language of this Grant Agreement will prevail.
- B. Nothing contained in this Grant Agreement or otherwise, shall create any contractual relation between the BSCC and any subcontractors, and no subcontract shall relieve the Grantee of his responsibilities and obligations hereunder. The Grantee agrees to be as fully responsible to the BSCC for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Grantee. The Grantee's obligation to pay its subcontractors is an independent obligation from the BSCC's obligation to make payments to the Grantee. As a result, the BSCC shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor.

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

- C. Grantee shall ensure that all subcontractors comply with the eligibility requirements stated in the ARG Rehabilitation of Existing Property or Building Project RFP and described in Appendix B.
- D. Grantee assures that for any subcontract awarded by the Grantee, such insurance and fidelity bonds, as is customary and appropriate, will be obtained.
- E. Grantee agrees to place appropriate language in all subcontracts for work on the project requiring the Grantee's subcontractors to:

- 1) Books and Records

Maintain adequate fiscal and project books, records, documents, and other evidence pertinent to the subcontractor's work on the project in accordance with generally accepted accounting principles. Adequate supporting documentation shall be maintained in such detail so as to permit tracing transactions from the invoices, to the accounting records, to the supporting documentation. These records shall be maintained for a minimum of three (3) years after the acceptance of the final grant project audit under the Grant Agreement, and shall be subject to examination and/or audit by the BSCC or designees, state government auditors or designees, or by federal government auditors or designees.

- 2) Access to Books and Records

Make such books, records, supporting documentations, and other evidence available to the BSCC or designee, the State Controller's Office, the Department of General Services, the Department of Finance, California State Auditor, and their designated representatives during the course of the project and for a minimum of three (3) years after acceptance of the final grant project audit. The Subcontractor shall provide suitable facilities for access, monitoring, inspection, and copying of books and records related to the grant-funded project.

4. PROJECT ACCESS

Grantee shall ensure that the BSCC, or any authorized representative, will have suitable access to project activities, sites, staff and documents at all reasonable times during the grant period including those maintained by subcontractors. Access to program records will be made available by both the grantee and the subcontractors for a period of three (3) years following the end of the grant of the project.

5. ACCOUNTING AND AUDIT REQUIREMENTS

- A. Grantee agrees that accounting procedures for grant funds received pursuant to this Grant Agreement shall be in accordance with generally accepted government accounting principles and practices, and adequate supporting documentation shall be maintained in such detail as to provide an audit trail. Supporting documentation shall permit the tracing of transactions from such documents to relevant accounting records, financial reports and invoices.

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

- B. The BSCC reserves the right to call for a program or financial audit at any time between the execution of this Grant Agreement and three years following the end of the grant period. At any time, the BSCC may disallow all or part of the cost of the activity or action determined to not be in compliance with the terms and conditions of this Grant Agreement or take other remedies legally available.

6. DEBARMENT, FRAUD, THEFT OR EMBEZZLEMENT

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to grantees that have been:

1. debarred by any federal, state, or local government entities during the period of debarment; or
2. convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

All Grantees must have on file with the BSCC a completed and signed Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft and Embezzlement (Required as Appendix E of the original Proposal Package).

7. MODIFICATIONS

No change or modification in the project will be permitted without prior written approval from the BSCC. Changes may include modification to project scope, changes to performance measures, compliance with collection of data elements, and other significant changes in the budget or program components contained in the Attachment 1: Mobile Probation Service Centers Grant Program Request for Proposals and Attachment 2: Mobile Probation Service Centers Grant Program Grant Proposal. Changes shall not be implemented by the project until authorized by the BSCC.

8. TERMINATION

- A. This Grant Agreement may be terminated by the BSCC at any time after grant award and prior to completion of project upon action or inaction by the Grantee that constitutes a material and substantial breach of this Grant Agreement. Such action or inaction includes but is not limited to:

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

- 1) substantial alteration of the scope of the grant project without prior written approval of the BSCC;
 - 2) refusal or inability to complete the grant project in a manner consistent with Attachment 1: Mobile Probation Service Centers Grant Program Request for Proposals and Attachment 2: Mobile Probation Service Centers Grant Program Grant Proposal, or approved modifications;
 - 3) failure to meet prescribed assurances, commitments, recording, accounting, auditing, and reporting requirements of the Grant Agreement.
- B. Prior to terminating the Grant Agreement under this provision, the BSCC shall provide the Grantee at least 30 calendar days written notice stating the reasons for termination and effective date thereof. The Grantee may appeal the termination decision in accordance with the instructions listed in Exhibit D: Special Terms and Conditions, Number 9. Settlement of Disputes.

9. SETTLEMENT OF DISPUTES

- A. The parties shall deal in good faith and attempt to resolve potential disputes informally. If the dispute persists, the Grantee shall submit to the BSCC Corrections Planning and Grant Programs Division Deputy Director a written demand for a final decision regarding the disposition of any dispute between the parties arising under, related to, or involving this Grant Agreement. Grantee's written demand shall be fully supported by factual information. The BSCC Corrections Planning and Grant Programs Division Deputy Director shall have 30 days after receipt of Grantee's written demand invoking this Section "Disputes" to render a written decision. If a written decision is not rendered within 30 days after receipt of the Grantee's demand, it shall be deemed a decision adverse to the Grantee's contention. If the Grantee is not satisfied with the decision of the BSCC Corrections Planning and Grant Programs Division Deputy Director, the Grantee may appeal the decision, in writing, within 15 days of its issuance (or the expiration of the 30-day period in the event no decision is rendered), to the BSCC Executive Director, who shall have 45 days to render a final decision. If the Grantee does not appeal the decision of the BSCC Corrections Planning and Grant Programs Division Deputy Director, the decision shall be conclusive and binding regarding the dispute and the Contractor shall be barred from commencing an action in court, or with the Victims Compensation Government Claims Board, for failure to exhaust Grantee's administrative remedies.
- B. Pending the final resolution of any dispute arising under, related to or involving this Grant Agreement, Grantee agrees to diligently proceed with the performance of this Grant Agreement, including the providing of services in accordance with the Grant Agreement. Grantee's failure to diligently proceed in accordance with the State's instructions regarding this Grant Agreement shall be considered a material breach of this Grant Agreement.
- C. Any final decision of the State shall be expressly identified as such, shall be in writing, and shall be signed by the Executive Director, if an appeal was made. If the Executive Director fails to render a final decision within 45 days after receipt of the Grantee's appeal

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

for a final decision, it shall be deemed a final decision adverse to the Grantee's contentions. The State's final decision shall be conclusive and binding regarding the dispute unless the Grantee commences an action in a court of competent jurisdiction to contest such decision within 90 days following the date of the final decision or one (1) year following the accrual of the cause of action, whichever is later.

- D. The dates of decision and appeal in this section may be modified by mutual consent, as applicable, excepting the time to commence an action in a court of competent jurisdiction.

10. UNION ACTIVITIES

For all agreements, except fixed price contracts of \$50,000 or less, the Grantee acknowledges that applicability of Government Code §§16654 through 16649 to this Grant Agreement and agrees to the following:

- A. No State funds received under the Grant Agreement will be used to assist, promote or deter union organizing.
- B. Grantee will not, for any business conducted under the Grant Agreement, use any State property to hold meetings with employees or supervisors, if the purpose of such meetings is to assist, promote or deter union organizing, unless the State property is equally available to the general public for holding meetings.
- C. If Grantee incurs costs or makes expenditures to assist, promote or deter union organizing, Grantee will maintain records sufficient to show that no reimbursement from State funds has been sought for these costs, and that Grantee shall provide those records to the Attorney General upon request.

11. WAIVER

The parties hereto may waive any of their rights under this Grant Agreement unless such waiver is contrary to law, provided that any such waiver shall be in writing and signed by the party making such waiver.

APPENDIX A: MOBILE PROBATION SERVICE CENTERS GRANT PROGRAM SCORING PANEL

Scoring Panel

Name, Title Agency Address	Name, Title Agency Address
Name, Title Agency Address	Name, Title Agency Address
Name, Title Agency Address	Name, Title Agency Address
Name, Title Agency Address	Name, Title Agency Address

SAMPLE

Appendix F: Certification of Compliance with BSCC Polices on Debarment, Fraud, Theft and Embezzlement

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to applicants that have been:

1. debarred by any federal, state, or local government entities during the period of debarment; or
2. convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

By checking the following boxes and signing below, applicant affirms that:

I/We are not currently debarred by any federal, state, or local entity from applying for or receiving federal, state, or local grant funds.

I/We have not been convicted of any crime involving theft, fraud, or embezzlement of federal, state, or local grant funds within the last three years. We will notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

I/We will hold subgrantees and subcontractors to these same requirements.

A grantee may make a request in writing to the Executive Director of the BSCC for an exception to the debarment policy. Any determination made by the Executive Director shall be made in writing.

AUTHORIZED SIGNATURE (This document must be signed by the person who is authorized to sign the Grant Agreement.)			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	EMAIL ADDRESS
STREET ADDRESS	CITY	STATE	ZIP CODE
APPLICANT'S SIGNATURE (Blue Ink or e-signature Only) X			DATE

Appendix G: Governing Board Resolution

Before grant funds can be reimbursed, a grantee must either (1) submit a resolution from its Governing Board that delegates authority to the individual authorized to execute the grant agreement or (2) provide sufficient documentation indicating that the prospective grantee has been vested with plenary authority to execute grant agreements (e.g., County Board of Supervisors delegating such authority to an Agency head).

Below is assurance language that, at a minimum, must be included in the resolution submitted to the Board of State and Community Corrections.

WHEREAS the ***(insert name of Local Government)*** desires to participate in the Mobile Probation Service Centers Grant Program funded through the State Budget Act and administered by the Board of State and Community Corrections (hereafter referred to as the BSCC).

NOW, THEREFORE, BE IT RESOLVED that the ***(insert title of designated official)*** be authorized on behalf of the ***(insert name of Governing Board)*** to submit the grant proposal for this funding and sign the Grant Agreement with the BSCC, including any amendments thereof.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

BE IT FURTHER RESOLVED that the ***(insert name of Local Government)*** agrees to abide by the terms and conditions of the Grant Agreement as set forth by the BSCC.

Passed, approved, and adopted by the ***(insert name of Governing Board)*** in a meeting thereof held on ***(insert date)*** by the following:

Ayes:

Notes:

Absent:

Signature: _____ Date: _____

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Agenda Item G

MEETING DATE: April 13, 2023 **AGENDA ITEM:** G

TO: BSCC Chair and Members

FROM: Ian Silva, Field Representative, ian.silva@bscc.ca.gov

SUBJECT: Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funding Recommendations: **Requesting Approval**

Summary

This agenda item requests Board approval of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program awards, as recommended by the JAG Scoring Panel (Attachment G-1). If the Board approves the proposed list of grantees, \$47,316,384 will be distributed among the 26 successful applicant counties. These grantees would consist of eight large counties, nine medium counties, and nine small counties. The grant agreement term for these contracts would be from June 1, 2023, to December 31, 2026. A list of applicants recommended for funding is provided in Attachment G-2, and corresponding proposal summaries are provided in Attachment G-3.

Background

The Board of State and Community Corrections is the designated state administrative agency for the JAG Program (Pen. Code § 6024, subd. (f)), which is federally funded through the Bureau of Justice Assistance.

On September 8, 2022, the Board approved the posting of the Request for Proposals (RFP) on the BSCC website for a 30-day public comment period, during which no comments from the public were received. The RFP was then released on October 14, 2022, with a proposal due December 2, 2022 (Attachment G-4), making \$47,316,384 available competitively to California counties.

The RFP was based on the 2018 JAG RFP updated to incorporate the 2022 Multi-Year State Strategy that was presented to the Board on July 25, 2022. The State Strategy:

- (1) Provides equal emphasis to Program Purpose Area (PPAs):
 - ▶ PPA 1: Law enforcement programs
 - ▶ PPA 2: Prosecution and court programs
 - ▶ PPA 3: Prevention and education programs
 - ▶ PPA 5: Drug treatment and enforcement programs
 - ▶ PPA 8: Mental health programs and related law enforcement and corrections programs
- (2) Considers the needs of small, medium, and large counties.
- (3) Bases funding on local flexibility, on the needs of the juvenile and adult justice communities, and on input from a balanced array of stakeholders.

- (4) Requires applicants to:
- a. incorporate evidence-based principles and programs for all funded projects.
 - b. demonstrate a collaborative strategy based on the community engagement model that involves multiple stakeholders in the project or problem addressed.
- (5) Funded programs should:
- a. emphasize reducing recidivism, racial and ethnic disparities, and violence.
 - b. incorporate trauma-informed care and be culturally informed, competent, and responsive.
 - c. prioritize mental health needs and the avoidance of system involvement within each PPA.
 - d. prioritize community-based organizations as service providers.

The RPF allocated the available funding across small, medium, and large-sized counties based on county population. Counties competed within their size category for the following available amounts:

- Small counties: \$9,463,277
- Medium counties: \$14,194,915
- Large counties: \$23,658,192

The BSCC received 30 proposals requesting approximately \$55,274,754 in funding. After a technical review, 29 proposals met the submission criteria and were provided to the Scoring Panel for funding consideration. On January 12 and 18, 2023, BSCC staff provided the Scoring Panel with training on the proposal reading and rating process established in the RFP. Once all ESC scores were submitted, BSCC staff generated a ranked list of all proposals that were considered for funding.

The Scoring Panel has recommended funding for 26 counties, consisting of eight large counties, nine medium counties, and nine small counties. All nine small county projects met the minimum scoring threshold, which left \$3,572,904 in the small county allocation. As specified in the RFP, the recommendation reallocates these funds to the medium county category and then to the large county category, as follows:

- \$738,293 to fully fund Placer County to the requested \$2,145,000;
- \$1,935,333 to fully fund Sonoma County to the requested \$1,935,333;
- \$789,004 to fully fund Sacramento County to the requested \$3,136,875; and
- \$110,274 to partially fund Alameda County to the amount of \$110,274.

Attachment G-2 lists the counties recommended for funding and the corresponding funding amounts. Attachment G-3 lists the project summaries of the recommended awardees. If the Board approves the award recommendations, BSCC staff will conduct a grantee orientation once all grant awards are executed. The grant projects will begin on June 1, 2023.

Recommendation/Action Needed

On behalf of the Justice Assistance Grant Scoring Panel, staff recommends that the Board take the following actions:

1. Approve the proposed list of counties for \$47,316,384 for grants that will run from June 1, 2023, to December 31, 2026.¹
2. Authorize staff to continue to make awards from the rank-ordered list if any applicant is unable to accept the award or relinquishes the award, first by offering it to any partial awardee and then to the next highest-ranked applicant(s);
3. Authorize staff to continue to make awards from the rank-ordered list if staff determine during the award-making process that an applicant recommended funding is ineligible, if a grantee becomes ineligible during the grant cycle, or if the grant award is relinquished during the grant cycle; and
4. Dissolve the Byrne Justice Assistance Grant Scoring Panel upon approval of the funding recommendations.

Attachments

- G-1: Justice Assistance Grant Scoring Panel Roster
- G-2: Justice Assistance Grants Proposals Recommended for Funding
- G-3: Justice Assistance Grant Proposal Summaries
- G-4: Justice Assistance Grant Request for Proposals

¹ These grants will be funded from available Fiscal Years 2020, 2021, and 2022 JAG funding.

Attachment G-1



Edward Byrne Memorial Justice Assistance Grant (JAG) Program 2022 Scoring Panel Membership Roster

	Name	Title	Organization/Agency
1	Linda Penner (Chair)	Chairperson	Board of State and Community Corrections
2	Michelle Brown	Chief Probation Officer (Ret.)	San Bernardino County Probation
3	Ari Freilich	State Policy Director	Giffords Law Center to Prevent Gun Violence
4	Nicole Kirkaldy	Program Coordinator	Restorative Justice Partnership, Yolo County District Attorney's Office
5	Galit Lipa	Executive Director	Indigent Defense Improvement Division, Office of the State Public Defender
6	Ray Mizyed	Deputy Probation Officer (Ret.)	Alameda County Probation Department
7	Brian Slominski	Captain	Ventura County Sheriff's Office
8	Dorothy Thrush	Chief Operations Officer, Public Safety Group (Ret.)	Chief Administrative Office, County of San Diego

Attachment G-2

2023 JAG PROPOSALS RECOMMENDED FOR FUNDING**Small County Proposals in Ranked Order**

Allocated Funding: \$9,463,277 (20% of available funding)

Rank	Applicant	Amount Requested	Recommended Allocation
1	Nevada County	\$617,000	\$617,000
2	Shasta County Probation	\$660,000	\$660,000
3	Mendocino County Public Defender Office	\$660,000	\$660,000
4	Madera County Sheriff's Office	\$660,000	\$660,000
5	Lassen County Sheriff's Office	\$658,758	\$658,758
6	Humboldt County Sheriff's Office	\$660,000	\$660,000
7	County of El Dorado	\$660,000	\$660,000
8	Mariposa County Probation Department	\$654,615	\$654,615
9	County of Tehama	\$660,000	\$660,000
		Total	\$5,890,373

Eleven (11) proposals competed for funding within the Small County category. The proposals in rank order 10 and 11 did not receive at least 60 percent of the total points available. Because these proposals did not meet the scoring threshold, they were not recommended for funding within the Small County category.

Rank	Applicant	Amount Requested	Recommended Allocation
10	County of Lake	\$652,440	
11	County of Kings	\$660,000	

Unspent Funding for the Small County Proposals: \$3,572,904

Medium County Proposals in Ranked Order

Allocated Funding: \$14,194,915 (30% of available funding)

Rank	Applicant	Amount Requested	Recommended Allocation
1	Yolo County District Attorney	\$2,145,000	\$2,145,000
2	County of San Luis Obispo Behavioral Health	\$2,145,000	\$2,145,000
3	County of Stanislaus	\$2,145,000	\$2,145,000
4	Solano County Juvenile Probation	\$1,354,365	\$1,354,365
5	County of Santa Barbara Office of the Public Defender	\$715,000	\$715,000
6	County of Butte	\$2,145,000	\$2,145,000
7	Santa Cruz County Sheriff's Office	\$2,138,843	\$2,138,843
8	County of Placer	\$2,145,000	*\$2,145,000
9	County Administrator, Sonoma County	\$1,935,333	**\$1,935,333
		Total	\$16,868,541

Ten (10) proposals competed for funding within the Medium County category. The proposal in rank order 10 did not receive at least 60 percent of the total points available. Because this proposal did not meet the scoring threshold, it was not recommended for funding within the Medium County category.

* Funding transferred from the Small County category to fully fund Rank 8, County of Placer, is \$738,293.

** Funding transferred from the Small County category to fully fund Rank 9, Sonoma County Administrator, is \$1,935,333.

Rank	Applicant	Amount Requested	Recommended Allocation
10	Merced County Probation Department	\$2,145,000	

Large County Proposals in Ranked Order

Allocated Funding: \$23,658,192 (50 % of available funding)

Rank	Applicant	Amount Requested	Recommended Allocation
1	San Joaquin County Office of the Administrator	\$3,130,751	\$3,130,751
2	Los Angeles County Chief Executive Office	\$6,000,000	\$6,000,000
3	Fresno County	\$2,837,831	\$2,837,831
4	County of San Mateo	\$3,067,989	\$3,067,989
5	San Diego County Public Defender	\$3,136,875	\$3,136,875
6	Ventura County Sheriff's Office	\$3,136,875	\$3,136,875
7	Sacramento County Public Defender	\$3,136,875	*\$3,136,875
8	Alameda County Probation Department	\$3,112,339	**\$110,274
		Total	\$24,557,470

Eight (8) proposals competed for funding in the Large County category. All proposals achieved the minimum of 60 percent of the total points possible to be considered for funding.

* Funding transferred from the Small County Proposal Funding Category to fully fund Rank 7, Sacramento County, is \$789,004.

** Funding transferred from the Small County Proposal Funding Category to partially fund Rank 8, Alameda County, is \$110,274.

Attachment G-3

Large Counties

1. Alameda County \$110,274

- **JAG Program Purpose Area(s):** (3) Prevention and Education Programs
- **Lead Agency:** Alameda County Probation Department

The Alameda County Probation Department (ACPD) is proposing to partner with the Deputy Sheriffs' Activities League and the OK Program on a three-year project—Activate Oakland—to expand opportunities for recreation, neighborhood beautification, employment, and community engagement in West and East Oakland, and thereby prevent and reduce crime, reduce recidivism, and reduce racial/ethnic disparities in juvenile justice system involvement. The project seeks to support healthy, active lifestyles for neighborhood youth, beautify blighted neighborhoods, build community cohesion, and increase public safety.

2. Fresno County \$2,837,831

- **JAG Program Purpose Area(s):** (3) Prevention and Education Programs
- **Lead Agency:** Fresno County Probation Department

The proposal will provide evidence-based case management services to the targeted population. The target population is ages 18-30, committed to the Fresno County Jail for a minimum of sixty days, non-AB109, affiliated or previously affiliated with gangs, and at medium to high risk to reoffend. Case Management services will address the participants' stabilization and criminogenic needs. The goal is to achieve successful re-re-entry for each of the participants into their community.

3. Los Angeles County \$6,000,000

- **JAG Program Purpose Area(s):** (2) Prosecution and Court Programs
- **Lead Agency:** Los Angeles County Public Defender

This project aims to interrupt cycles of poverty and incarceration in Los Angeles County (LAC) by addressing the drivers and collateral consequences of legal system involvement through client holistic advocacy. Requested funding will facilitate the continuity and an expansion of a promising pilot project currently operating within Los Angeles County Public Defender Office (PDO), designed to improve access to critical social services and improve outcomes for low-income individuals facing misdemeanor and low-level felony charges. It will also support the replication of this program within LAC's conflict indigent defense agencies.

4. Sacramento County \$3,136,875

- **JAG Program Purpose Area(s):** (2) Prosecution and Court Programs; (3) Prevention and Education Programs; (5) Drug Treatment and Enforcement Programs; (8) Mental Health Programs and Related Law Enforcement and Corrections Programs
- **Lead Agency:** Sacramento County Public Defender

To create a Juvenile Pre-Trial Program based within the Office of the Public Defender's Juvenile Division to work with justice & community partners evaluating youth upon entry into the juvenile justice system to connect them to specifically tailored services, including mental health, substance abuse, gender identity, educational services & more. Utilizing early intervention service

connection improves outcomes of juvenile justice involved youth, resulting in less youth being detained, shorter probationary periods, lower recidivism, reduced community violence & addresses the underlying issues causing the behavior for which the youth was brought into the system.

5. San Diego County **\$3,136,875**

- **JAG Program Purpose Area:** (2) Prosecution and Court Programs
- **Lead Agency:** San Diego County Public Defender

To respond to the continuing need for pre-arraignment representation, San Diego County proposes the Pre-trial Advocacy and Community Connections Program (PACC), which addresses the JAG Program Purpose Area (PPA) of Prosecution, Courts, Defense, and Indigent Defense Innovation. JAG funding will be dedicated to providing critical intervention by identifying, contacting, and counseling individuals in the window of time post-arrest and pre-arraignment. PACC's goal is to increase positive outcomes for defendants, connect defendants with resources at the outset of a criminal case, reduce financial burden of over-detention, and reduce disparity in the jail population.

6. San Joaquin County **\$3,130,751**

- **JAG Program Purpose Area(s):** (2) Prosecution and Court Programs
- **Lead Agency:** San Joaquin District Attorney's Office

Project Navigate Constructive Change is a pre-trial diversion program using a problem-solving court model. The program targets indigent, youthful defendants with first-time felony charges. Program interventions are offered under the leadership of a mental health clinician and include unique adaptations to evidence-based and promising practices that are being tested for effectiveness in reducing system involvement and lowering recidivism.

7. San Mateo County **\$3,067,989**

- **JAG Program Purpose Area(s):** Mental Health Programs and Related Law Enforcement and Corrections Programs
- **Lead Agency:** County of San Mateo

San Mateo County proposes to expand its Community Wellness and Crisis Response Team initiative to improve public safety and mental health by creating cross-sector collaboration and coordination among law enforcement and mental health services agencies throughout the county. First launched in 2021 as a pilot, the co-response program establishes the presence of a full-time mental health clinician within city police agencies, to be dispatched on 911 calls with a known or suspected mental health component. For the expanded project, we are working with the East Palo Alto, Menlo Park and San Bruno police departments, and clinical partners BHRS and StarVista.

8. Ventura County **\$3,136,875**

- **JAG Program Purpose Area(s):** (1) Law Enforcement Programs; (3) Prevention and Education Programs
- **Lead Agency:** Ventura County Sheriff's Office

Since 2014, Transformation Works Ventura County (TWVC) has used a law enforcement and intensive case management services approach. TWVC conducts violent crime suppression activities, which target gang suppression activities, and simultaneously diverts at-promise youth (ages 12-24) from a violent crime lifestyle and into case managed education, employment, mentorship, and support services needed to reduce violent crime involvement. Participants include gang members willing to leave the gang lifestyle, potential gang members, justice-involved youth, and other at-promise youth, who are referred by local law enforcement and community organizations or self-referred.

Medium Counties

1. Butte County

\$2,145,000

- **JAG Program Purpose Area(s):** (3) Prevention and Court Programs; (5) Drug Treatment and Enforcement Programs
- **Lead Agency:** Butte County Probation Department

The Butte County Probation Department (BCPD) will utilize Edward Byrne Memorial Justice Assistance Grant (JAG) Program funding to continue the Community Alliance Program (CAP) to provide Substance Use Disorder Treatment (SUDT), placement in Sober Living Environments (Recovery Residences) to support continued sobriety, and to provide educational opportunities and employment support to probationers. The CAP will identify both male and female offenders, 18 years or older, pre/post release from County jail to re-enter local communities using a dynamic assessment to identify the highest criminogenic needs of each individual.

2. Placer County

\$2,145,000

- **JAG Program Purpose Area(s):** (1) Law Enforcement Programs; (3) Prevention and Education Programs; (5) Drug Treatment and Enforcement Programs
- **Lead Agency:** Placer County Sheriff's Office

Placer County's Collaborative Trauma-Informed Prevention and Education Project will deliver trauma-informed care, illegal drug enforcement, mental health and substance abuse services, and youth-centered education to our community. Programs and services will be delivered in partnership with law enforcement, community-based organizations, regional drug task forces, and local schools. The overall goal of the project is to combat the mental health crisis and drug epidemics that contribute to childhood trauma and its long-term impacts on the citizens of Placer County.

3. San Luis Obispo County

\$2,145,000

- **JAG Program Purpose Area(s):** (2) Prosecution and Court Programs
- **Lead Agency:** County of San Luis Obispo Behavioral Health

San Luis Obispo County's Behavioral Health Department in partnership with the Probation Department is seeking to continue our JAG Mental Health Treatment Court project and implement enhanced treatment programming and supports. The project will provide increased interventions to participants who score high to very high on the LS/CMI for substance use and risk to reoffend. Chosen goals and interventions include, increased substance use treatment, warm hand off to more intensive mental health treatment, increased probation community visits and support to housing providers who accept our SMI participants.

4. Santa Barbara County **\$715,000**

- **JAG Program Purpose Area(s):** (1) Law Enforcement Programs; (2) Prosecution and Court Programs; (5) Drug Treatment and Enforcement Programs
- **Lead Agency:** Santa Barbara County Sheriff's Office

The Holistic Reentry, Early Access, and Diversion for You project (READY) is an innovative project weaving together the Public Defender, Probation, and Good Samaritan Shelter to begin the assessment, connection, and reentry of those booked into jail. Many individuals criminally charged require connection to mental health, medical, or crisis stabilization services. READY'S mission is to reduce the harm of pre-trial incarceration for those well suited to release. Further, as our communities of color are over-represented in jail due to displacement and lack of services, READY will provide connection to providers to address racial disparities across our community.

5. Santa Cruz County **\$2,138,843**

- **JAG Program Purpose Area(s):** (3) Prevention and Education Programs
- **Lead Agency:** Santa Cruz County Sheriff's Office

The Santa Cruz County Comprehensive School Safety Program is a multi-agency partnership led by the Santa Cruz County Sheriff's Office. With a team of two SROs; an Assistant Division Director assigned to the Probation Department; a County Office of Education Director of School Safety; and a team of Project Specialists housed at the local non-profit Community Action Board, the partnership works together to initiate, coordinate, and expand several evidence-based programs aimed at reducing juvenile delinquency, increasing school credit accruals, reducing on-campus bullying and harassment, and improving collaboration between school districts and law enforcement.

6. Solano County **\$1,354,365**

- **JAG Program Purpose Area(s):** (1) Law Enforcement Programs; Prosecution and Court Programs; (3) Prevention and Education Programs; (8) Mental Health Programs and Related Law Enforcement and Corrections Programs
- **Lead Agency:** Solano County Juvenile Probation

PReVENT (Prevention/Reduction of Violence & Empowering New Transitions) will provide Solano County justice-involved youth/families with equal access to services addressing identified priority needs: 1) Prevention/education programs for at-promise youth & pre-arrest diversion through a coordinated service center 2) Mental health services & 3) Prevention/education programs for at-promise youth. PReVENT will reduce recidivism and help families cope with problem behavior, before youth become justice-involved, through the establishment of a one-stop-shop Youth & Family Prevention, Intervention, & Resource Center that offers wraparound, trauma-informed services.

7. Sonoma County **\$1,935,333**

- **JAG Program Purpose Area(s):** (2) Prosecution and Court Programs
- **Lead Agency:** Sonoma County Public Defender's Office

Sonoma County's Holistic Defense Unit will improve public defender client's lives and make our community safer. The team will connect our clients with fundamental services they need, such as help successfully navigating California Department of Motor Vehicles (DMV) services, mental health and substance abuse treatment, finding alternatives to incarceration, working collaboratively with local partners to find transitional housing, and help finding employment. Clients who have access to these services will better re-enter their communities which will lead to safer communities. This unit will include (1) a DMV liaison, (2) a social worker, and (3) an attorney.

8. Stanislaus County **\$2,145,000**

- **JAG Program Purpose Area(s):** (2) Prosecution and Court Programs
- **Lead Agency:** Stanislaus County Public Defender

The Early Representation Partnership (ERP) ERP will allow meaningful access to counsel during the critical period immediately after arrest and prior to arraignment. This will allow the Stanislaus County Public Defender's Office (SCPDO), in partnership with the Stanislaus County Sheriff's Office, to employ a team of advocates situated within the Stanislaus County Public Safety Center ("jail") to reach clients at the earliest opportunity, gathering and confirming information relevant to custodial status at arraignment, including employment status, housing information, medical conditions, and other compelling information.

9. Yolo County **\$2,145,000**

- **JAG Program Purpose Area(s):** (2) Prosecution and court Programs
- **Lead Agency:** Yolo County District Attorney's Office

Restorative Justice Partnership (RJP) is Yolo County's flagship prosecutor-led adult criminal diversion program. RJP empowers victims, offenders, and the local community members to resolve misdemeanor and felony offenses through a facilitated restorative justice conference. RJP substantially expanded program eligibility in 2019, and achieved the goal of diverting 10% of filed felonies. This project will maintain the expanded program while addressing identified gaps in mental health service capacity by shifting resources to fund additional social services staff to act as mental health liaisons and provide supportive case management to this population.

Small Counties

1. El Dorado County **\$660,000**

- **JAG Program Purpose Area(s):** (2) Prosecution and Court Programs
- **Lead Agency:** County of El Dorado Public Defender's Office

Building on the prior work of the Early Diversion Program (funded by the Indigent Defense Grant), a Social Worker and a Paralegal will be the team which provides a higher level of services and support to clients at each step of the diversion process, including aftercare. The Social Work Team brings further innovation by starting a pilot program of reentry evaluations for detained clients, with an emphasis on the mild- to-moderate mentally ill, an underserved population. The Team plans to connect clients to services, benefits, and resources, to reduce recidivism and to encourage clients to choose wellness and recovery.

2. Humboldt County \$660,000

- **JAG Program Purpose Area(s):** (1) Law Enforcement Programs
- **Lead Agency:** Humboldt County Sheriff's Office

The agencies involved with this grant proposal will work collaboratively to increase law enforcement, prosecution, and community outreach resources to successfully reduce the illicit marijuana industry, dismantle and disrupt drug trafficking operations that are trafficking fentanyl, heroin, and methamphetamine throughout the county, and will support the victims of these industries through a variety of resources funded by this grant. This project involves collaboration of two law enforcement jurisdictions, the Humboldt County District Attorney's Office, a non-profit organization, and data analytics by California State Polytechnic University, Humboldt.

3. Lassen County \$658,758

- **JAG Program Purpose Area(s):** (1) Law Enforcement Programs; (2) Prevention and Education Programs
- **Lead Agency:** Lassen County Sheriff's Office

Lassen County is in high need for services that offer Prevention, Education, Pre-Arrest Diversion, and meaningful support to local youth. The area is rural but is a place many promising and valuable youth call "Home". Due to the rural location and limited resources, services for youth remain limited or non-existent. This barrier has created cycles of "Intergenerational Transfer of Criminal Tendencies" to youth, creating a high need for services for early intervention and overall support. This proposed Prevention and Education strategy seeks to reduce juvenile delinquency, school violence, and substance abuse with evidence based curriculum in schools.

4. Madera County \$660,000

- **JAG Program Purpose Area(s):** (1) Law Enforcement Programs
- **Lead Agency:** Madera County Sheriff's Office

The Madera County Fentanyl Trafficking and Overdose Prevention Project intends to hire a Sheriff's Deputy Investigator to enhance the capacity of the county's MADNET drug enforcement team by working with the Sheriff-Coroner's Office, District Attorney's Office, Probation Department, and neighboring law enforcement agencies to conduct investigations into overdose cases and prosecute drug suppliers/distributors responsible for providing drugs that caused the user's injury or death. This project aims to employ a more effective means to combat the fentanyl and opiate crisis in Madera County by targeting the source of the drugs instead of the users/victims.

5. Mariposa County \$654,615

- **JAG Program Purpose Area(s):** (1) Law Enforcement Programs
- **Lead Agency:** Mariposa County Probation Department

The Drug Enforcement Team (DET) is a multi-jurisdictional collaborative which enforces state and local marijuana and other controlled substances laws. The team will continue to eradicate

illegal marijuana gardens and the manufacturing, transport and distribution of marijuana and other illegal drugs by adults and juveniles.

6. Mendocino County

\$660,000

- **JAG Program Purpose Area(s):** (2) Prosecution and Court Programs; (5) Drug Treatment and Enforcement Programs; (8) Mental Health Programs and Related Law Enforcement and Correction Programs
- **Lead Agency:** Mendocino County Public Defender

The Public Defender requests a case worker, a paralegal, and an attorney; and the Alternate Defender requests a half-time staff assistant to address various priority areas of need relating to in- and out-patient substance use treatment and behavioral health treatment, co-occurring facilities, and staff Mendocino's Adult Drug Court [ADC] and Behavioral Health Court [BHC]. The grant personnel will (1) connect and monitor clients in these treatment programs; (2) connect and monitor clients in co-occurring treatment facilities; (3) help clients access necessary social services to reduce recidivism; and (4) help staff ADC and BHC and serve as mental health liaisons.

7. Nevada County

\$617,000

- **JAG Program Purpose Area(s):** (1) Law Enforcement Programs; (8) Mental Health Programs and Related Law Enforcement Programs
- **Lead Agency:** Nevada County Sheriff's Office

The Nevada County Sheriff's Office (NCSO) in partnership with Nevada County Behavioral Health (NCBH) and Sierra Mental Wellness Group (SMWG), established a Co-Responder Mobile Crisis Team (MCT) pilot project in 2020 upon identifying a critical need for mobile crisis services. The original MCT consists of a Crisis Clinician, contracted by NCBH with SMWG, partnered with a full time NCSO Deputy Sheriff, in a co-responder model to conduct crisis intervention in the field. The program was expanded in 2021 to add a second team. Our original pilot team funding is sunsetting in June 2023 and we are seeking new funding to continue the critically needed program.

8. Shasta County

\$660,000

- **JAG Program Purpose Area(s):** (3) Prevention and Education Programs
- **Lead Agency:** Shasta County Probation Department

If awarded, Shasta County Probation will contract with local teen centers and community-based organizations to provide evidenced-based, best practice, or promising practice prevention and intervention services to at risk youth. An in-custody fine arts therapy program will be included and enhanced to include the design and development of a mural. Lastly, a partnership with a community-based organization will support the efforts of building resiliency in the community focuses on advancing efforts in increasing awareness and education on Adverse Childhood Experiences, 40 developmental assets, protective factors, and Hope Science.

9. Tehama County**\$660,000**

- **JAG Program Purpose Area(s):** (1) Law Enforcement Programs
- **Lead Agency:** Tehama County Sheriff's Office

The Tehama Major Crimes Unit (TMCU) will provide Tehama County law enforcement agencies a centralized major crimes unit under the leadership of the TMCU Steering Committee and a Tehama County Sheriff's Office Lieutenant that will provide vital assistance to local law enforcement municipalities through highly trained, specialized investigators to effectively combat the rise of major crimes in the county. The collaboration will mitigate the lack of resources by individual departments, decrease violent crime rate, increase drug enforcement efforts and increase community awareness and support to our law enforcement agencies.

Attachment G-4



Edward Byrne Memorial Justice Assistance Grant Program

Request for Proposals Instruction Packet

Eligible Applicants: California Counties

Grant Service Period: June 1, 2023 to June 30, 2026

RFP Released: October 14, 2022

Letters of Intent Due: November 18, 2022

Proposals Due: December 2, 2022



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PART I: GRANT INFORMATION

Contact Information

This Request for Proposal (RFP) Instruction Packet provides the information necessary to prepare an Application to the Board of State and Community Corrections (BSCC) for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Any questions concerning the RFP must be submitted by email to: JAG2022@bscc.ca.gov.

The BSCC will accept and respond to written questions about this RFP until November 21, 2022. A frequently asked questions and answers (FAQs) document will be posted to the BSCC website and periodically updated through November 21, 2022.

Background Information

The BSCC is the designated state administering agency for the JAG Program, which is federally funded through the Bureau of Justice Assistance. The JAG program is the primary provider of federal criminal justice funding to state and local jurisdictions. In general, JAG funds may be used to hire personnel and/or purchase equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more pre-identified Program Purpose Areas (PPA). Additional information about California's PPAs is provided on pages 4-5.

Federal Requirements

The JAG Program is authorized by Title I of Public Law No. 90-351 (generally codified at [34 U.S.C. 10151-10726](#)), including subpart 1 of part E (codified at [34 U.S.C. 10151-10158](#)); see also [28 U.S.C. 530C \(a\)](#). If selected for funding, in addition to implementing the funded project consistent with the Office of Justice Programs (OJP) approved application, grantees must comply with all award requirements (including all award conditions), and applicable federal statutes and regulations.

Proposal Due Date and Submission Instructions

Proposals must be received by **5:00 P.M. (PST) on Friday, December 2, 2022**. The JAG Program Application and all required attachments are available on the [BSCC website](#). To apply, applicants must create a free Submittable account – or use an existing account – when prompted. After an account is established, applicants may apply and submit all required documents using the BSCC-Submittable Application. Additional application details are provided in the Proposal Narrative and Budget Instructions Section and on the [BSCC website](#).

NOTE: The BSCC-Submittable Application **will not** allow submissions after 5:00 p.m. (PST) on December 2, 2022. Please allow sufficient time to begin and submit your application. If the BSCC does not receive a submission by 5:00 p.m. (PST) on December 2, 2022, the proposal **will not** be considered for funding. Applicants are strongly advised to submit proposals in advance of the due date and time to avoid disqualification.

Bidder's Conference

Prospective applicants are invited to attend a virtual Bidders' Conference. Attendance at the virtual Bidders' Conference is not a requirement. The purpose of the JAG Bidders' Conference is to answer technical questions from prospective bidders (applicants) and provide clarity on RFP instructions. Topics may include but are not limited to proposal submission instructions, Program Purpose Areas, eligibility, funding, and an overview of the evaluation requirements. There is no preference given to applicants who attend the Bidders' Conference. Details are listed below:

JAG Virtual Bidders' Conference

Monday, October 31, 2022, at 10:00 a.m.

Public access options for this meeting include:

Join by Zoom:

- <https://us02web.zoom.us/j/85299603195?pwd=QkYzVjBzWFcvb2JOY0dOb2h1M1kvQT09>
- Meeting ID: 852 9960 3195 | Passcode: 049446

Call In:

- 1-669-900-9128
- Meeting ID: 852 9960 3195 | Passcode: 049446

Notice of Intent to Apply

Applicants interested in applying for the JAG Program are asked (but not required) to submit a non-binding letter indicating their intent to apply. These letters will aid the BSCC in planning for the proposal evaluation process. Please submit the letter as a Microsoft Word or PDF file.

There is no formal template for the Letter of Intent, but it should be submitted via email and include the following information:

1. Name of the applicant entity;
2. Name and title of a contact person with the applicant entity;
3. A brief statement indicating the applicant's intent to submit a proposal.

Failure to submit a Letter of Intent is not grounds for disqualification. Prospective applicants that submit a Letter of Intent and decide later not to apply will not be penalized. Please email your non-binding Letter of Intent to Apply by **Friday, November 18, 2022**. Please identify the email subject line as "JAG Program Letter of Intent to Apply" and submit the letter to: JAG2022@bscc.ca.gov.

BSCC Executive Steering Committee Process

To ensure successful program design and implementation, the BSCC uses Executive Steering Committees (ESC) to inform decision making related to the Board's programs. The BSCC's ESCs are composed of subject matter experts, community partners, and interested parties representing both the public and private sectors. The BSCC makes

every attempt to include a diverse representation on its ESCs, in breadth of experience, geography and demographics.

ESCs are convened and approved by the BSCC Board as the need arises to carry out specified tasks, including the development of RFPs for grant funds. Not only do the ESCs develop RFPs, but members of the ESC also read and rate the proposals submitted by prospective grantees. Once the proposal evaluation process is complete, ESCs submit grant award recommendations to the BSCC Board and the Board then approves, rejects, or revises those recommendations. Members of the ESCs are not paid for their time but are reimbursed for travel expenses incurred to attend meetings.

Scoring Panel

The BSCC convened a JAG Executive Steering Committee in 2018 to develop the RFP (Appendix A). For this RFP, a Scoring Panel will be convened to read and rate proposals and develop funding recommendations for the BSCC Board. A list of Scoring Panel members will be posted to the BSCC [website](#) no later than December 2022.

Conflicts of Interest

Existing law prohibits any grantee, subgrantee, partner, or like party who participated on the above referenced Scoring Panel from receiving funds from the grants awarded under this RFP. Applicants who are awarded grants under this RFP are responsible for reviewing the Scoring Panel membership and ensuring that no grant dollars are passed through to any entity represented by any member of the JAG Scoring Panel.

Description of the Grant

California State Strategy

The Bureau of Justice Assistance (BJA) requires states to develop a multi-year strategic plan for the JAG Program. Per BJA, the strategic planning process should include local governments and representatives of all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, and corrections personnel, as well as providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services.

In September 2020, the BSCC began the process of gathering information and data to inform an update to its Multi-Year State Strategy. In partnership with the National Criminal Justice Association, the BSCC gathered input from interested parties through a year-long public input process consisting of two virtual listening sessions, a written comment period, and a web-based survey. Findings from this information and data gathering process were documented in the 2021 Edward Byrne Memorial Justice Assistance Grant Program: Findings from the Information and Data Gathering Process to Inform an Update to the Multi-Year State Strategy.¹ The BSCC updated the Multi-Year State Strategy in 2022 to reflect the information gathered through this year-long process.

¹ Report findings are available at https://www.bscc.ca.gov/wp-content/uploads/Attachment-E-1-JAG-Findings-Info-and-Data-Gatherings-2021-Report-11_9_21.pdf. The report appendices is available at https://www.bscc.ca.gov/wp-content/uploads/Attachment-E-2-JAG-Findings-Info-and-Data-Gatherings-2021-Appendices-11_9_21.pdf

California will implement its updated Multi-Year State Strategy beginning with this round of JAG funding. The Multi-Year State Strategy will combine the information received from the most recent planning process with the Program Purpose Areas (PPA) that have been in place since 2013. Five PPAs have been identified. Mental health programs and related law enforcement and corrections programs, and Drug treatment and enforcement programs are the two new PPAs that emerged from the most recent strategic planning process. The Prevention and education programs PPA is an overlapping PPA that was identified in 2013 and in the most recent strategic planning process. Law enforcement programs and Prosecution and court programs are two ongoing PPAs from 2013.

California's 2022 Multi-Year State Strategy for the JAG Program

(1) Provides equal emphasis to Program Purpose Area (PPAs):

- ▶ PPA 1: Law enforcement programs
- ▶ PPA 2: Prosecution and court programs
- ▶ PPA 3: Prevention and education programs
- ▶ PPA 5: Drug treatment and enforcement programs
- ▶ PPA 8: Mental health programs and related law enforcement and corrections programs

(2) Considers the needs of small, medium, and large counties.

(3) Bases funding on local flexibility, on the needs of the juvenile and adult criminal justice communities, and on input from a balanced array of stakeholders.

(4) Requires applicants to:

- a. incorporate evidence-based principles and programs for all funded projects.
- b. demonstrate a collaborative strategy based on the community engagement model that involves multiple stakeholders in the project or problem addressed.

(5) Funded programs should:

- a. emphasize reducing recidivism, racial and ethnic disparities, and violence.
- b. incorporate trauma-informed care and be culturally informed, competent, and responsive.
- c. prioritize mental health needs and the avoidance of system involvement, within each PPA.
- d. prioritize community-based organizations as service providers.

Program Purpose Areas

California's Multi-Year State Strategy, as updated in 2022, identifies the current priority PPAs in the table below. Each of these PPAs includes underlying priority areas of need. Applicants are restricted to proposals that address one or more of these five JAG PPAs **and** include one or more related priority areas of need:

JAG PPAs and Priority Areas of Need

JAG PPA	Priority Areas of Need
Mental health programs and related law enforcement and corrections programs	<ul style="list-style-type: none"> • Crisis intervention teams
	<ul style="list-style-type: none"> • Co-responder initiatives (law enforcement and mental health clinicians working together to respond to calls for service involving a person experiencing a behavioral health crisis)
	<ul style="list-style-type: none"> • Residential in-patient behavioral health treatment programs • General mental health services
Drug treatment and enforcement programs	<ul style="list-style-type: none"> • Co-occurring treatment (e.g., substance use and mental illness or other chronic health conditions) • Community-based substance use residential treatment • Community-based substance use outpatient treatment
Prevention and education programs	<ul style="list-style-type: none"> • School violence • At-promise youth • Mental health education • Job-specific training and certification programs
Law enforcement programs	<ul style="list-style-type: none"> • Violent crime reduction initiatives • Drug enforcement • Crisis intervention/mental health/suicide prevention • Pre-arrest diversion • Mental health training for law enforcement
Prosecution and court programs	<ul style="list-style-type: none"> • Problem solving courts (e.g., mental health, veterans, drug, reentry) • Gun/gang prosecution • Violent crime prosecution and defense • Innovations in indigent defense • Mental health liaisons

Eligibility

Eligible applicants are California's 58 Counties. Applications must be submitted by the Board of Supervisors or the Chief County Administrative Officer. Eligible applicants **may not** submit more than one (1) proposal for funding consideration. However, two (2) or more counties may submit a collaborative proposal. The jurisdictions comprising the collaborative application are not required to be contiguous.

Lead Public Agency

All applicants are required to designate a Lead Public Agency (LPA) to serve as the coordinator for all grant activities. The LPA is a governmental agency with local authority within the applicant county. The applicant may choose to fill the role of LPA itself or it may designate a department, agency, or office under its jurisdiction to serve as the LPA. The role of the LPA is to coordinate with local government agencies and non-governmental organizations to ensure successful implementation of the grant program. The LPA is responsible for data collection and management, invoices, meeting coordination (virtual and/or in-person) and will serve as the primary point of contact with the BSCC.

Grant Period

Successful proposals will be funded for a three-year grant service period commencing on June 1, 2023 and ending on June 30, 2026. However, an additional six (6) months (July 1, 2026, through December 31, 2026) will be included in the term of the contract for the sole purposes of:

- Finalizing and submitting a required Local Evaluation Report, and
- Finalizing and submitting a required financial audit.

The total grant agreement term will cover June 1, 2023 to December 31, 2026 for a total of 42 months.

Funding Information and Thresholds

This RFP makes \$47,316,384 available competitively. This figure includes \$13,779,065 in federal fiscal year (FFY) 2020, \$16,541,030 in FFY 2021, and \$16,996,289 in FFY 2022.

In accordance with the 2018 JAG ESC, funding will be allocated across small, medium, and large sized counties based on county population (see Appendix B, County Population Index). This means small counties will compete against small counties, medium against medium counties, and large against large counties. Los Angeles County will compete in the "Large County" category.

Applicants may apply for any dollar amount up to and including the maximum grant amount as shown below. Applicants are strongly encouraged to apply for only the amount of funding needed to implement the project for the entire 42-month grant period. Proposals will be scored, in part, on the reasonableness of the proposed budget.

Funding Distribution and Maximum Grant Amounts				
Funding Categories		Population Size	Maximum Grant Amount*	Available Funding
(1)	Small Counties	< 200,001	\$660,000	\$9,463,277
(2)	Medium Counties	200,001-700,000	\$2,145,000	\$14,194,915
(3)	Large Counties	700,001+	\$3,136,875	\$23,658,192
The County of Los Angeles may apply for up to \$6,000,000 for the entire grant period within the Large County Category.				
Total Funding Available for Competitive Grants				\$47,316,384

*Total amount for the entire 42-month grant period

Los Angeles County

The County of Los Angeles is more than three times the size of the next largest county in the State of California. Los Angeles County may apply for up to \$6,000,000 for the entire 42-month grant period.

Multi-County Partnerships Funding Considerations

JAG applicants may apply for funding as part of a multi-county partnership. In those instances, the following funding considerations apply:

A. Counties in the Same Category

Multi-county partnerships that consist of counties from within the same category (small, medium, or large) may apply for up to the maximum funding threshold in that category, multiplied by the number of counties partnering on the proposal.

For Example:

- Four (4) small counties may apply for up to \$2,640,000 [funding threshold for small counties (\$660,000) x 4 = \$2,640,000];
- Three (3) medium counties may apply for up to \$6,435,000 [funding threshold for medium counties (\$2,145,000) x 3 = \$6,435,000]; and,
- Two (2) large counties may apply for up to \$6,273,750 [funding threshold for large counties (\$3,136,875) x 2 = \$6,273,750].

B. Counties in Different Categories

To preserve the integrity of the funding distribution formula, multi-county partnerships that consist of counties from within different categories (small, medium, or large) will default to the maximum funding threshold of the largest category participating in the partnership, multiplied by the number of counties from that category that are partnering on the proposal.

For Example:

- One (1) small county partnering with one (1) medium county may apply for up to \$2,145,000 (default to medium; one medium county; \$2,145,000 x 1);

- One (1) small county partnering with two (2) medium counties may apply for \$4,290,000 (default to medium; two medium counties; \$2,145,000 x 2); and,
- One (1) medium county partnering with (1) large county may apply for up to \$3,136,875 (default to large; one large county; \$3,136,875 x 1).

C. Counties Partnering with Los Angeles County

Multi-county partnerships that include Los Angeles County may only apply for up to the maximum funding threshold in the category, or \$6,000,000.

To preserve the integrity of the funding distribution formula, multi-county partnerships that consist of counties from within different categories (small, medium, or large) for rating purposes will default to the largest category participating in the partnership.

JAG Funding Prohibitions

The JAG statute, [34 U.S.C. § 10152\(d\)](#), specifically identifies a list of prohibited items. JAG funds provided under this part may NOT be used, directly or indirectly, to provide any of the following matters: (1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety. (2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order: Vehicles, vessels, or aircraft; Luxury items; Real estate; Construction projects (other than penal or correctional institutions); Any similar matters. For more information, please view the [JAG Prohibited Expenditure Guidance](#).

Match Requirement

The JAG Program does not have a match requirement.

Non-Governmental Organizations

Criteria for Non-Governmental Organizations Receiving Grant Funds

The JAG RFP includes requirements that apply to non-governmental organizations that receive funds under this grant.² Grantees are responsible for ensuring that any contracted third parties continually meet these requirements as a condition of receiving grant funds. The RFP describes these requirements as follows:

Criteria for Non-Governmental Organizations (NGOs)

Any non-governmental organization that receives JAG funding (as either a subgrantee or subcontractor) must:

- Have been duly organized, in existence, and in good standing for at least six (6) months prior to the effective date of its fiscal agreement with the BSCC or with JAG grantee;
 - Non-governmental entities that have recently reorganized or have merged with other qualified non-governmental entities that were in existence prior to the six-month date are also eligible, provided all necessary agreements have been executed and filed with the California Secretary of State prior to the start date of the grantee subcontractor fiscal agreement;
- Be a nonprofit and recognized by the Internal Revenue Service as a 501(c)(3) organization;
- Be registered with the California Secretary of State's Office;
- Have a valid Employer Identification Number (EIN) or Taxpayer ID (if sole proprietorship);
- Have a valid business license, if applicable;
- Have any other state or local licenses or certifications necessary to provide the services requested (e.g., facility licensing by the Department of Health Care Services), if applicable; and
- Have a physical address within California.
 - An agent for service of process with a California address is insufficient.

All applicants must submit Appendix C, Criteria for NGOs that Receive BSCC Grant Funds as part of the complete proposal package. All grantees must submit an updated Appendix C throughout the life of the grant agreement for any additional NGOs that may receive JAG funds through subcontracts after awards are made. The BSCC will not reimburse for costs incurred by NGOs that do not meet the BSCC's requirements.

²Non-Governmental Organizations (NGOs) include community-based organizations, faith-based organizations, non-profit organizations/501(c)(3)s, for profit service providers, evaluators (except government institutions such as universities), grant management companies and any other non-governmental agency or individual.

NOTE: These criteria do not apply to government organizations (e.g., counties, cities, school districts, etc.).

JAG Local Steering Committee

In order to apply for JAG funding, applicants must form a local JAG Steering Committee comprised of stakeholders representing diverse disciplines who have experience and expertise in the prospective interventions to be addressed by the JAG proposal. The JAG Steering Committee will determine the community needs and reflect them in a Project Work Plan (Appendix D).

JAG Steering Committee Membership Requirements

The JAG Steering Committee will represent a significant cross-section of juvenile and/or criminal justice stakeholders, depending on the intervention chosen, within the applicant county. The local JAG Steering Committee composition will be diverse to include a balanced representation of both traditional and non-traditional stakeholders.

Examples of non-traditional stakeholders could include community-based and faith-based organizations, educators, social service providers, family member of a criminal justice involved person, job developers, advocacy groups, or citizens. Examples of traditional stakeholders could include law enforcement, district attorney, probation, courts, and other city and county departments. The county will determine the total number of members to serve on the JAG Steering Committee.

Stakeholders identified for membership on the JAG Steering Committee shall possess a working knowledge of the problem areas being discussed within the identified JAG priorities. The JAG Steering Committee will work collaboratively to identify the needs of the community as they relate to the JAG priorities and to create and develop a comprehensive project plan with the overall goal of reducing violent crime and recidivism within their county.

- The applicant must describe how it ensured full and equal participation and voting rights for all members of the JAG Steering Committee throughout this process.
- The applicant must describe the process that took place to engage membership for the JAG Steering Committee as well as any working relationships that existed with members prior to the development of the JAG Steering Committee
- The applicant may use an existing group, or a subcommittee of an existing group, as its JAG Steering Committee but must address all requirement listed in this section.
- The applicant must describe the expertise of each of the Steering Committee members and how they relate to the intervention being proposed in the submitted JAG application.
- Attach a member roster containing the names, titles, organizational affiliations, and business contact information for each JAG Steering Committee member (Appendix E: JAG Steering Committee Roster).

JAG Steering Committee Responsibilities

The JAG Steering Committee will be an active in the development, implementation, and oversight of the local JAG project. The JAG Steering Committee will be used to:

- Identify priorities and the community needs. At a minimum, this should include community outreach.
- Determine the intervention (PPA) type needed to address the local need.
- Develop the local strategies to address the local community need.

- Identify the projects and/or services to be provided to address the community need.
- Develop written operational policies/procedures for the Local JAG Steering Committee to include but not be limited to meeting frequency of not less than once a year, maintenance of agendas and meeting minutes. The written policy/procedure should also include strategies for inclusion of the local community members at the meetings. Applicants may add any other information that they would like.
- Provide ongoing oversight of the project

It is the applicant's discretion to determine the size of the JAG Steering Committee and meeting frequency.

Letter of Agreements and Operational Agreements

As part of the necessary collaboration that must occur for the JAG Program to be successful, applicants must engage a wide range of stakeholders. There may be two levels of participation within a JAG Program. The level of participation will determine what type of documentation must be included with the proposal.

(1) Letter of Agreement (less formal)

For each partner agency that participates as a part of the local JAG Steering Committee, and/or partners that provide in-kind services, the applicant must include a signed Letter of Agreement. This shall serve as an acknowledgement of the partnership that will exist, wherein no funds will be exchanged. A sample Letter of Agreement can be found in Appendix F.

(2) Operational Agreement (more formal)

For each subcontractor, consultant, or service provider that will be paid for services under the grant agreement – including community-based or faith-based organizations – the applicant must include a draft Operational Agreement. This shall serve as a formal agreement between the two parties indicating that there will be some type of contract or interagency agreement for services and acknowledging the exchange of funds.

The draft Operational Agreement should include:

- A description of the subcontractor, consultant or service provider's commitment to network and coordinate with other agencies and the applicant;
- Placeholders for the names of anticipated project staff;
- Placeholders for original signatures, titles, and the agency names;
- Effective performance period dates; and
- The amount of JAG funds designated to the agency.

Signatures may be obtained after the proposal due date, a sample Operational Agreement can be found in Appendix G.

Evidence-Based, Innovative and Promising Strategies

The BSCC is committed to supporting a focus on better outcomes in the criminal justice system and for those involved in it. Applicants are therefore required to use data to drive decision-making in the development, implementation, and appraisal of their overall projects. Applicants should be able to demonstrate that their proposal is linked to the implementation of practices and strategies supported by data. In developing a proposal, applicants should focus on the following three (3) basic principles:

1. Is there evidence or data to suggest that the intervention or strategy is likely to work, i.e., produce a desired benefit?

For example, was the intervention or strategy you selected used by another jurisdiction with documented positive results? Is there published research on the intervention you are choosing to implement showing its effectiveness? Is the intervention or strategy being used by another jurisdiction with a similar problem and similar target population?

2. Once an intervention or strategy is selected, will you be able to demonstrate that it is being carried out as intended?

For example, does this intervention or strategy provide for a way to monitor quality control or continuous quality improvement? If this intervention or strategy was implemented in another jurisdiction, are there procedures in place to ensure that that you are following the model closely (so that you are more likely to achieve the desired outcomes)?

3. Is there a plan to collect evidence or data that will allow for an evaluation of whether the intervention or strategy worked?

For example, will the intervention or strategy you selected allow for the collection of data or other evidence so that outcomes can be measured at the conclusion of the project? Do you have processes in place to identify, collect and analyze that data/evidence?

Applicants are encouraged to develop an overall project that incorporates these principles but is tailored to fit the needs of the communities they serve. Innovation and creativity are encouraged.

The State Strategy for the JAG Program adopted by the BSCC states that all funded projects are required to incorporate evidence-based principles and programs. Based on this, applicants shall identify the evidence-based principles and programs in their applications for JAG funds.

“Innovative,” for purposes of this RFP, shall be broadly construed to include programs or strategies that are “new” in the county or area where applied or represent expanded or reconfigured programs targeting additional populations or needs in the applicant county. Innovative programs or strategies described in the proposal must be linked to one or more components of an evidence-based practice.

“Promising,” for purposes of this RFP, shall be broadly construed to include crime-reduction and recidivism-reduction programs or strategies that have been implemented elsewhere with evidence of success, but with evidence that is not yet strong enough to

conclude that the success was due to the program, or that it is highly likely to work if carried out in the applicant's circumstances. The difference between evidence-based and promising approaches is a difference in degree that depends on the number of situations in which a program or strategy has been tested and the rigor of the evaluation methods that were used. Applicants seeking to implement "promising" programs or strategies should be able to describe the documentation, data and evidence available to support the approach and why it is best suited to the needs and objectives described in the proposal.

Evidence, which may vary in terms of its novelty or its strength, is relevant to the assessment of a program's potential benefits, whether described as innovative, promising, or evidence based.

Data Collection, Reporting, and Evaluation Requirements

Projects selected for funding will be required to submit a Local Evaluation Plan and Local Evaluation Report. See Attachment H for key definitions related to project evaluation.

Applicants are strongly encouraged to use outside evaluators to ensure objective and impartial evaluations. Specifically, applicants are encouraged to partner with institutions of higher learning universities, state universities and community colleges.

Required Set-Aside for Evaluation Efforts

Grantees are required to set aside at least 5 percent of the total grant award for data collection and evaluation efforts, to include the development of the Local Evaluation Plan and a Final Local Evaluation Report. Applicants are strongly encouraged to use outside evaluators to ensure objective and impartial evaluations. Specifically, public agency applicants are encouraged to partner with state universities or community colleges for evaluations.

Local Evaluation Plan

The purpose of the Local Evaluation Plan is to ensure that projects funded by the BSCC can be evaluated. Grantees will be expected to include a detailed description of how the public agency applicant will assess the effectiveness of the proposed program in relationship to each of its goals and objectives identified in the proposal. A relationship between the goals and objectives identified in the proposal should be apparent in the Local Evaluation Plan.

The Local Evaluation Plan should describe the evaluation design or model that will be used to evaluate the effectiveness of the project component(s), with the project goals and the project objectives clearly stated. Applicants should also address process and outcome evaluations. Once submitted, any modifications to the Local Evaluation Plan must be approved in advance by the BSCC. More detailed instructions on the LEP will be made available to successful applicants.

The Local Evaluation Plan is due no later than December 31, 2023.

Final Local Evaluation Report

Following project completion, grantees are required to complete a Local Evaluation Report. The Local Evaluation Report must be in a format prescribed by the BSCC. The purpose of the Local Evaluation Report is to determine whether the overall project

(including each individual component) was effective in meeting the goals laid out in the Local Evaluation Plan. To do this, the grantee must assess and document the effectiveness of the activities that were implemented within each individual project component. These activities should have been identified in the previously submitted Local Evaluation Plan.

More detailed instructions on the Local Evaluation Report will be made available to successful applicants. The Local Evaluation Report is due no later than December 31, 2026.

Research Involving Human Subjects

To the extent the Local Evaluation Plan or Final Local Evaluation Report involves research in which either: (1) data is obtained through intervention or interaction with an individual or (2) identifiable private information is obtained from program participants, the evaluation must comply with the requirements of 28 C.F.R. Part 46. This includes compliance with all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent. For additional information on whether 28 C.F.R. Part 46 applies to your local evaluation plan, please see the [OJP Research Decision Tree.pdf](#)

Evaluation Dissemination

The BSCC will make public the Local Evaluation Plan and the Final Local Evaluation Report from each grantee. Reports may be posted to the BSCC website and/or developed into a Summary Final Report to be shared with the Administration, the Legislature, and the public.

Projects selected for funding are encouraged to make public (e.g., post online, disseminate, share at meetings) the Final Local Evaluation Report to the community and the grantee's Governing Board (e.g., Board of Supervisors, City Council, etc.). If the grantee plans to publish the Final Local Evaluation Report, it must be submitted to the BSCC for review prior to publication

Reducing Racial and Ethnic Disparity

Research shows that youth and adults of color are significantly overrepresented in the criminal justice system in California. BSCC supports efforts to reduce racial and ethnic disparities and encourages others to do the same. The BSCC has undertaken several activities to ensure that California addresses this concern including trainings. Applicants should, as relevant, describe how grant activities will impact youth of color who are subject to justice or child welfare system involvement.

For additional information about reducing racial and ethnic disparity (R.E.D.), prospective applicants may contact the R.E.D. Coordinator, Field Representative Timothy Polasik, at Timothy.Polasik@bscc.ca.gov.

General Grant Requirements

Grant Agreement

Applicants approved for funding by the BSCC Board are required to enter into a Grant Agreement with the BSCC. Grantees must agree to comply with all terms and conditions of the Grant Agreement. See Appendix I for a sample BSCC Grant Agreement.

The Grant Agreement start date is expected to be June 1, 2023. Grant Agreements are considered fully executed only after they are signed by both the grantee and the BSCC and the BSCC is in receipt of all required attachments including documentation of signing authority. Work, services, and encumbrances cannot begin prior to the Grant Agreement start date. Any work, services and encumbrances that occur after the start date but prior to Grant Agreement execution may not be reimbursed. Grantees and all subgrantees are responsible for maintaining their Grant Agreement, all invoices, records, and relevant documentation for the life of the grant cycle plus three (3) years after the final payment under the contract.

Federal Award Conditions

Please refer to Appendix I to review the FFY 2020, 2021, and 2022 federal award conditions. Federal conditions are subject to change with subsequent funding years. Additional information about the statues and regulations impacting the JAG Program can be found at: <https://www.bja.gov>

Governing Board Resolution

Successful applicants will be required to submit a Resolution from their Governing Board before the grant award can be finalized and funds awarded. A signed resolution is not required at the time of proposal submission, but applicants are advised that no financial invoices will be processed for reimbursement until the Governing Board Resolution has been received by the BSCC. A sample Governing Board Resolution can be found in Attachment J.

Audit Requirements

All grantees are required to have an audit completed within 180 days following the completion of the grant period, as specified below. Reasonable and necessary extensions to the due date may be granted by the BSCC, if requested. A grantee that willfully fails to submit an audit as required may be deemed ineligible for future BSCC grant funds pending compliance with the audit requirements of this grant.

The Grantee must provide to the BSCC copies of reports generated from either: The annual City/County Single Audit (as submitted to the State Controller's Office), or A Grant-Specific audit. The audit must cover the entire grant period. The BSCC reserves the right to call for a program or financial audit at any time between the execution of the contract and three years following the end of the grant period.

Debarment, Fraud, Theft or Embezzlement

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to applicants that have been:

1. Debarred by any federal, state, or local government entities during the period of debarment; or
2. Convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state, or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

All applicants must complete Appendix K certifying they are compliant with the BSCC's policies on debarment, fraud, theft, and embezzlement.

Invoices

Disbursement of grant funds occurs on a reimbursement basis for costs incurred during a reporting period. The State Controller's Office (SCO) will issue the warrant (check) to the individual designated on the Applicant Information Form as the Financial Officer for the grant. Grantees must submit invoices to the BSCC on either a monthly or quarterly basis through an online process no later than 45 days following the end of the invoicing period. Grantees will make their choice between monthly or quarterly invoicing prior to grant agreement execution.

Grantees must maintain adequate supporting documentation for all costs claimed on invoices. BSCC staff will conduct a desk review process which requires grantees to submit electronic documentation to support all grant funds claimed during the invoicing period. In addition, BSCC staff will conduct on-site monitoring visits that will include a review of documentation maintained as substantiation for project expenditures with grant funds.

Additional information about invoicing can be found in the BSCC Grant Administration Guide, located on the BSCC [website](#).

Quarterly Progress Reports

Grant award recipients are required to submit quarterly progress reports (QPRs) to the BSCC. QPRs are a critical element in the BSCC's monitoring and oversight process. Grantees that are unable to demonstrate that they are making sufficient progress toward project goals and objectives and show that funds are being spent in accordance with the Grant Agreement could be subject to the withholding of funds. Once grants are awarded, the BSCC will work with grantees to create QPRs.

Supplanting

Supplanting is the deliberate reduction in the amount of federal, state, or local funds being appropriated to an existing program or activity because grant funds have been awarded for the same purposes. Supplanting is strictly prohibited for all BSCC grants. JAG funds shall be used to support new program activities or to augment or expand existing program activities but shall not be used to replace existing funds.

It is the responsibility of the grantee to ensure that supplanting does not occur. The grantee must keep clear and detailed financial records to show that grant funds are used only for allowable costs and activities

Travel

Travel is usually warranted when personal contact by project staff is the most appropriate method of conducting project-related business. Travel to and from training conferences may also be allowed. The most economical method of transportation, in terms of direct expenses to the project and the employee's time away from the project, must be used. Projects are required to include sufficient per diem and travel allocations for project-related personnel, as outlined in the Grant Award, to attend any mandated BSCC training conferences or workshops outlined in the terms of the program.

Units of Government

Units of government may follow either their own written travel and per diem policy or the State's policy. Units of government that plan to use cars from a state, county, city, district carpool, or garage may budget either the mileage rate established by the carpool or garage, or the state mileage rate, not to exceed the loaning agency rate.

Non-Governmental Organizations (NGOs)

An NGO receiving BSCC funds must use the State travel and per diem policy, unless the Grantee's written travel policy is more restrictive than the State's, in which case it must be used. Reimbursement is allowed for the cost of commercial carrier fares, parking, bridge, and road tolls, as well as necessary taxi, bus, and streetcar fares.

Out-of-State Travel

Out-of-state travel is restricted and only allowed in exceptional situations. Grantees must receive written BSCC approval prior to incurring expenses for out-of-state travel. Even if previously authorized in the Grant Award, Grantees must submit to the BSCC a separate formal request (on Grantee letterhead) for approval. Out-of-state travel requests must include a detailed justification and budget information. In addition, California prohibits travel, except under specified circumstances, to states that have been found by the California Attorney General to have discriminatory laws. The BSCC will not reimburse for travel to these states unless the travel meets a specific exception under Government Code section 11139.8, subdivision (c). For additional information, please see: <https://oag.ca.gov/ab1887>.

Compliance Monitoring Visits

The BSCC staff will monitor each project to assess whether the project is in compliance with grant requirements and making progress toward grant objectives. As needed,

monitoring visits may also occur to provide technical assistance on fiscal, programmatic, evaluative, and administrative requirements. For your reference, the Comprehensive Monitoring Visit checklist can be found on our [website](#).

Grantee Orientation

Following the start of the grant period, BSCC staff will conduct a Grantee Orientation (July 2023, date to be determined). The purpose of this mandatory session is to review the program requirements, invoicing and budget modification processes, data collection and reporting requirements, as well as other grant management and monitoring activities. Typically, the Project Director, Financial Officer, and Day-to-Day Contact must attend. Grantees are also strongly encouraged to include the individual tasked with Data Collection and Evaluation and a minimum of one community partner.

If an in-person training is scheduled, it will be for one day in the Sacramento region. Grant recipients may use grant funds for travel-related expenditures such as airfare, mileage, meals, lodging and other per diem costs. Applicants should include anticipated costs in the budget section of the proposal under the “Other” category. Award recipients will be provided additional details regarding the Grantee Orientation, in June 2023.

Overview of the RFP Process

Confirmation of Receipt of Proposal

Upon submission of a proposal, applicants will receive a confirmation email from the BSCC stating that the proposal has been received.

Disqualification - **PLEASE REVIEW CAREFULLY**



The following will result in an automatic disqualification:

- Electronic proposal packet is not received by 5:00 p.m. PST on December 2, 2022
- Applicant does not meet the Eligibility Criteria
- Proposal does not address required Program Purpose Areas
- Funding request exceeds allowable amounts
- Budget Attachment (Excel document) is incomplete, or the total amount included in the budget table does not match the requested amount included elsewhere in the application.
- Proposal Package does not contain the following sections:
 - Proposal Narrative
 - Required Attachments
 - Budget Attachment (in Excel)
- Electronic attachments are illegible
- Electronic attachments will not open or are corrupted

NOTE: Disqualification means that the proposal will not move forward to the Scoring Panel for the Proposal Rating Process, and, therefore, will NOT be considered for funding.

Proposal Rating Process

Unless disqualified, proposals will advance to the Scoring Panel for funding consideration. Proposals will be evaluated in accordance with the BSCC's *Grant Proposal Evaluation Process* ([link](#)) and as described below. The Scoring Panel will read and assign points to each proposal in accordance with the prescribed rating factors listed in the table below. Scoring Panel members will base their points on how well an applicant addresses the items listed under each rating factor within the Proposal Narrative and Budget Sections.

At the conclusion of this process, applicants will be notified of the Board's funding recommendations. It is anticipated that the Board will act on the recommendations at its meeting in April 2023. Public agency applicants and partners are not to contact members of the Scoring Panel or the BSCC Board to discuss proposals.

Rating Factors

The Rating Factors that will be used and the maximum points allocated to each factor are shown in the table below. Applicants are asked to address each of these factors as a part of their proposal. A percent of total value is assigned to each Rating Factor, correlating to its importance within the overall project (see Percent of Total Value column).

	Rating Factors	Point Range	Percent of Total Value	Weighted Rating Factor Score*
1	Project Need	0-5	5%	10
2	Project Description	0-5	35%	70
3	Collaboration	0-5	10%	20
4	Capability and Qualifications	0-5	20%	40
5	Project Evaluation and Monitoring	0-5	15%	30
6	Project Budget	0-5	15%	30
Maximum Proposal Score:			100%	200

Raters will rate an applicant's response to each Rating Factor on a scale from 0 to 5, according to the Six-Point Rating Scale shown below. For each Rating Factor, the rating point received is then weighted according to the "Percent of Total Value" column associated with the Rating Factor to arrive at the final Weighted Rating Factor Score. The Weighted Rating Factor Scores are then added together for a final overall proposal score. The maximum possible proposal score is 200.

Six Point Rating Scale

Not Responsive 0	Poor 1	Fair 2	Satisfactory 3	Good 4	Excellent 5
The response fails to address the criteria.	The response addresses the criteria in a very inadequate way.	The response addresses the criteria in a non-specific or unsatisfactory way.	The response addresses the criteria in an adequate way.	The response addresses the criteria in a substantial way.	The response addresses the criteria in an outstanding way.

Minimum Scoring Threshold

A proposal must meet a threshold of **60 percent**, or a minimum score of **120** total points to be qualified for funding.

BSCC Funding Decisions

Applicants will compete for funds within their applicable funding category (see Funding Distribution and Maximum Grant Amounts, page 6). Once the proposals have been scored and ranked, BSCC will move down the ranked lists to fund all qualified applicants in each of the three (3) funding categories until all funds in that category are exhausted. Applicants that fall at the cut-off point may be offered a partial award if there are not sufficient remaining funds to make a full award.

If funding remains in one or more categories, the following will occur:

- Funds remaining in Category (1), after all qualified applicants in that category have been fully funded, will be used to fund any additional qualified applicants in Category (2).
- Funds remaining in Category (2), after all qualified applicants in that category have been funded, will be used to fund any additional qualified applicants first in Category (3) and then Category (1).
- Funds remaining in Category (3), after all qualified applicants in that category have been funded, will be used to fund any additional qualified applicants in first Category (2) and then Category (1).

If an applicant or grantee relinquishes an award, BSCC has authority to offer that award to the next qualifying applicant (s) on the ranked list.

Summary of Key Dates

The following table shows a timeline of key dates related to the JAG Program.

Activity	Date
Release Request for Proposals	October 14, 2022
Bidders' Conference	October 31, 2022
Letter of Intent Due to the BSCC	November 18, 2022
Proposals Due to the BSCC	December 2, 2022
Proposal Rating Process and Development of Funding Recommendations	December 2022 - March 2023
BSCC Board Considers Funding Recommendations	April 2023
Notices to Applicants	April 2023
Grant Period Begins	June 1, 2023
Mandatory New Grantee Orientation	July 2023
Grant Service Project Period Ends	June 30, 2026
Final Evaluation Report & Financial Audit Due and Grant Ends	December 31, 2026

PART II: PROPOSAL INSTRUCTIONS

This document/section contains the necessary information for completing the Edward Byrne Memorial Justice Assistance Grant Program Application. The Application is provided on the BSCC website at: http://www.bscc.ca.gov/s_bsccjag/.

Proposal Narrative and Budget Instructions

The six rating factors will be addressed in the Proposal Narrative and the Proposal Budget sections, as shown below:

	Rating Factor	Percent Value	Addressed In:
1	Project Need	5%	Proposal Narrative
2	Project Description	35%	
3	Collaboration	10%	
4	Capability and Qualifications	20%	
5	Project Evaluation and Monitoring	15%	
6	Proposal Budget (Budget Tables & Narrative)	15%	Proposal Budget

Proposal Narrative Instructions

The Proposal Narrative must be submitted as part of the JAG Grant Program Application on the [BSCC website](#). Applicants will be re-directed to the BSCC-Submittable application page, which includes a field in which to submit the Proposal Narrative. Required attachments must also be uploaded on the BSCC-Submittable application page in the identified fields.

The Proposal Narrative must address Project Need, Project Description, Collaboration, Capability and Qualification, and the Project Evaluation and Monitoring Rating Factors. Please title each section with the Rating Factor that is being addressed. For example:

Project Need
Applicant response

Project Description
Applicant response

The Proposal Narrative may not exceed 33,556 total characters (includes punctuation, numbers, spaces, and any text). In Microsoft Word, this is approximately 15 pages in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing. A character counter is automatically enabled that shows the number of characters used and the remaining number of characters before the limit is met. If the limit is exceeded, a red prompt will appear with the message "**You have exceeded the character limit**". Applicants

will be prohibited from submitting the JAG Grant Program Application until they comply with the character limit requirements.

It is up to the applicant to determine the length of the response for each Rating Factor. As a guide, the percent of total point value for each section is listed next to each header. Do not include website links, charts, tables or, graphs when responding.

Applicants *may* include a bibliography containing citations, using either the Modern Language Association (MLA) or American Psychological Association (APA) style in the “OPTIONAL Bibliography” field on the BSCC-Submittable application page. The bibliography may not exceed 2,218 total characters (includes punctuation, numbers, spaces, and any text). In Microsoft Word, this is approximately 1 page in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing.

Required Attachments

In addition to addressing the Proposal Narrative criteria, the following attachments must be completed and uploaded in the identified fields on the BSCC-Submittable application page at the time of submission:

- Criteria for NGOs Receiving BSCC Grant Funds (Appendix C)
- Project Work Plan (Appendix D)
- JAG Steering Committee Roster (Appendix E)
- Letter of Agreement - if applicable (Appendix F)
- Operational Agreement - if applicable (Appendix G)
- Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement (Appendix K)
- Governing Board Resolution (Optional)

Section 1: Project Need (Percent Value - 5%)

Address the rating factor for Project Need in narrative form as defined below. The response will be evaluated with a single rating based on a scale of 0-5.

Project Need: The applicant described a community need that is pertinent to the intent of the grant program. The elements that comprise the Project Need are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the <u>quality of the response</u> to each that will be evaluated.	
1.1	Describe the need(s) to be addressed including how the need(s) is related to one or more of the JAG Program Purpose Areas and corresponding Priority Areas of Need.
1.2	Identify service gaps that contribute to the need (e.g., programs, accessibility, service area, geographic location).
1.3	Describe current racial and ethnic disparities, violence, and/or recidivism (if applicable) which demonstrate the need for the proposed project.
1.4	Relevant local qualitative and/or quantitative data with endnote citations in support of the need are provided.
1.5	Demonstrate a compelling justification for the grant funds.

Section 2: Project Description (Percent Value - 35%)

Address the rating factor for Project Description in narrative form as defined below. The response will be evaluated with a single rating based on a scale of 0-5.

<p>Project Description: The applicant provided a description of the project that is related to the need(s). The elements that comprise the Project Description are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed, it is the <u>quality of the response</u> to each that will be evaluated.</p>	
2.1	<p>Describe the proposed project. Description should include:</p> <ul style="list-style-type: none"> • the intervention(s) being proposed for implementation. • the proposed project goals, measurable objectives, and impact. • the proposed services/interventions of the project including how the services will be delivered and the length and duration. • how the proposed project will address the Project Need, the intent of the JAG Program, and the identified Program Purpose Areas and corresponding Priority Areas of Need. • how the project will address the racial and ethnic disparities, violence, and/or recidivism (if any) identified in Project Need. • how the proposed project will, if applicable, incorporate trauma-informed care and be culturally informed, competent, and responsive. • how the proposed project will, if applicable, prioritize mental health needs and the avoidance of system involvement. • a complete Project Work Plan (see Appendix D).
2.2	<p>For project participants, describe:</p> <ul style="list-style-type: none"> • the target population (e.g., gender, age, offense history, criminogenic factors), including why and how it was selected. • the plan for identifying, accessing, selecting, and serving individuals from the target population who are eligible and appropriate for participation. • plans to overcome any inability to access and/or serve those individuals. • the strategy/strategies for maintaining sustained engagement. • the plan for determining which services a participant receives; for example, risk/needs assessment.
2.3	<p>Describe relevant evidence, findings, or research to support the selection of the proposed services/interventions. Description should include:</p> <ul style="list-style-type: none"> • whether the intervention is evidence-based, innovative, or promising (according to the definitions on page 12). • how the outcomes achieved elsewhere support using the proposed practices in the applicant's jurisdiction to achieve the goals and objectives described in the proposal. • how the intervention is appropriate for the proposed target population. • steps taken to ensure that the support factors required or necessary for the intervention can be mobilized in the local setting.

Section 3: Collaboration (Percent Value - 10%)

Address the rating factor for Collaboration in narrative form as defined below (see RFP, JAG Local Steering Committee, page 10). The response will be evaluated with a single rating based on a scale of 0-5.

Collaboration: The applicant described the collaboration of the Local JAG Steering Committee that is related to the proposed project. The elements that comprise Collaboration are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed, it is the <u>quality of the response</u> to each that will be evaluated.	
3.1	Provide a roster for the Local JAG Steering Committee, to include names, titles, and organizational affiliations (see Appendix E). Include a Letter of Agreement for each member (see Appendix F).
3.2	Describe the process used to identify, recruit, and engage steering committee members.
3.3	Demonstrate that there is full and balanced representation from both traditional and non-traditional stakeholder groups.
3.4	Describe how full participation and voting rights were ensured for all members throughout the process.
3.5	Describe the process used to identify the problem area(s) and develop the Project Need.
3.6	Describe the process used to establish and maintain collaboration as it relates to supporting this proposed project.
3.7	Describe the steering committee's ongoing role throughout the project.

Section 4: Capability and Qualifications (Percent Value - 20%)

Address the rating factor for Capability and Qualification in narrative form as defined below. The response will be evaluated with a single rating based on a scale of 0-5.

Capability and Qualification: The applicant described its capability and qualifications to conduct the proposed project. The elements that comprise the Capability and Qualification section are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed, it is the <u>quality of the response</u> to each that will be evaluated.	
4.1	Describe applicant's ability to conduct the proposed project(s).
4.2	List the project partners that will provide services (agencies, community-based organizations, contractors, stakeholders, private and/or public), including a description of the services to be provided, the partners' credentials, involved personnel, justification for choice, and the value the partners add to the proposed project. If applicable, address the prioritization of community-based organizations as service providers.
4.3	Describe applicant's/partners' experience and capability to conduct the project(s).
4.4	Describe staff allocations and assignments for the separate project components.
4.5	Describe the experience and qualifications of key project staff to provide and manage services.

4.6	Describe management structure and decision-making process for the project.
4.7	Describe the readiness for development and implementation for the proposed project.

Section 5: Project Evaluation and Monitoring (Percent Value - 15%)

Address the rating factor for Project Monitoring and Evaluation in narrative form as defined below (see RFP, *Data Collection, Reporting and Evaluation Requirements* section, page 13). The response will be evaluated with a single rating based on a scale of 0-5.

Project Evaluation and Monitoring: The applicant described how it will monitor and evaluate the effectiveness of the proposed project. The elements that comprise the Project Monitoring and Evaluation section are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed, it is the <u>quality of the response</u> to each that will be evaluated.	
5.1	Describe the plan to determine the staff and/or entity that will conduct the project evaluation and how monitoring activities will be incorporated in the various phases of the project; for example, start-up, implementation, service delivery period, etc.
5.2	Identify the process and outcome indicators that are quantifiable and in line with the intent of the proposal and the objectives listed in the Project Work Plan.
5.3	Describe the preliminary plan for how to collect and evaluate baseline and outcome data related to the process and outcome indicators identified in 5.2. Describe a plan for entering into data sharing agreements, if necessary.

Proposal Budget Instructions

Section 6: Proposal Budget (Percent Value - 15%)

As part of the application process, applicants are required to complete and upload a Proposal Budget and Budget Narrative (JAG Budget Attachment) in the identified field on the BSCC-Submittable application page. The JAG Budget Attachment is provided on the BSCC website at http://www.bscc.ca.gov/s_bsccjaq/.

Applicants should be aware that budgets will be subject to review and approval by the BSCC staff to ensure all proposed costs listed within the budget narrative are allowable and eligible for reimbursement. Regardless of any ineligible costs that may need to be addressed post award, the starting budget for the reimbursement invoices and the total amount requested will be the figures used for the Standard Grant Agreement.

Applicants are solely responsible for the accuracy and completeness of the information entered in the Budget Table and Budget Narrative. Detailed instructions for completing the Budget Attachment are listed on the Instructions tab of the Excel workbook. All project costs must be directly related to the objectives and activities of the project. The Budget Table must cover the entire grant period.

For additional guidance related to grant budgets, refer to the [BSCC Grant Administration Guide](#)

The following items are rated as a part of this section and must be addressed by the applicant in the Budget Attachment. The response will be evaluated with a single rating based on a scale of 0-5.

Proposal Budget: The applicant provided a complete Budget Attachment (Proposal Budget and Budget Narrative) for the proposed project. The elements against which the Budget Attachment will be rated are listed below. Addressing each element does not itself merit a high rating; rather, although each element is to be addressed, it is the quality of the response to each that will be evaluated.

6.1	<p>Provide complete and detailed budget information in each section of the Budget Attachment (link below) which includes:</p> <ul style="list-style-type: none"> • Expenses that are appropriate for the project's goals and planned activities. • An explanation justifying each expense tied to the services offered and target population served. • Describe within each budget section how the expenditures are being applied to the benefit of project participants.
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PART III: APPENDIXES

JAG Appendixes

This section includes the following appendixes:

- Appendix A: 2018 JAG Executive Steering Committee
- Appendix B: 2021 County Population Index
- Appendix C: Criteria for Non-Governmental Organizations Receiving BSCC Grant Funds
- Appendix D: Project Work Plan
- Appendix E: JAG Steering Committee Roster
- Appendix F: Sample Letter of Agreement
- Appendix G: Sample Operational Agreement
- Appendix H: Definition of Terms
- Appendix I: Sample Grant Agreement
- Appendix J: Sample Governing Board Resolution
- Appendix K: Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft and Embezzlement

Appendix A: 2018 JAG Executive Steering Committee

	Name	Title	Organization/Agency
1	Linda Penner (Chair)	Chairperson	Board of State and Community Corrections
2	Mark Delgado	Executive Director	Los Angeles County's Countywide Criminal Justice Coordination Committee, Los Angeles County
3	Eric Durnell	Ph. D. Candidate	Social Psychology, California State University San Francisco, San Francisco County
4	David Fernandez	Senior Special Agent	California Department of Corrections and Rehabilitations, Sacramento County
5	Robin Lipetzky	Public Defender	Contra Costa County
6	Lyle Martin	Police Chief	Bakersfield Police Department, Kern County
7	Steven Meinrath	Attorney	Sacramento County
8	Debbie Paolinelli	Assistant County Administrative Officer	Fresno County
9	Jonathan Raven	Chief Deputy District Attorney	Yolo County
10	Darren Thompson	Sheriff-Coroner	San Benito County
11	Erik Upson	Police Chief	Benicia Police Department, Solano County
12	Erica Webster	Master's Candidate	Luskin School of Public Affairs, University of California Los Angeles
13	Charles White, Ph. D.	Director, Criminal Justice	Azusa Pacific University, San Diego County

Appendix B: County Population Index

Source: California Department of Finance, Population Estimates, January 1, 2022

Large Counties (700,001+)		Medium Counties (200,001-700,000)	
Alameda	1,651,979	Butte	201,608
Contra Costa	1,156,555	Marin	257,135
Fresno	1,011,273	Merced	284,338
Kern	909,813	Monterey	433,716
Los Angeles County	9,861,224	Placer	409,025
Orange	3,162,245	San Luis Obispo	280,721
Riverside	2,435,525	Santa Barbara	445,164
Sacramento	1,576,618	Santa Cruz	266,564
San Bernardino	2,187,665	Solano	447,241
San Diego	3,287,306	Sonoma	482,404
San Francisco	842,754	Stanislaus	549,466
San Joaquin	784,298	Tulare	475,014
San Mateo	744,662	Yolo	221,165
Santa Clara	1,894,783		
Ventura	833,652		
Small Counties (<200,001)			
Alpine	1,200	Mendocino	89,999
Amador	40,297	Modoc	8,690
Calaveras	45,049	Mono	13,379
Colusa	21,807	Napa	136,179
Del Norte	27,218	Nevada	101,242
El Dorado	190,465	Plumas	18,942
Glenn	28,750	San Benito	65,479
Humboldt	135,168	Shasta	180,531
Imperial	179,329	Sierra	3,229
Inyo	18,978	Siskiyou	43,830
Kings	152,023	Sutter	99,145
Lake	67,407	Tehama	65,052
Lassen	30,274	Trinity	16,023
Madera	157,396	Tuolumne	55,291
Mariposa	17,045	Yuba	82,275

Appendix C: Criteria for Non-Governmental Organizations Receiving BSCC Grant Funds

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program Request for Proposals (RFP) includes requirements that apply to non-governmental organizations that receive funds under this grant. All grantees are responsible for ensuring that any contracted third parties continually meet these requirements as a condition of receiving JAG funds. The RFP describes these requirements as follows:

Any non-governmental organization that receives JAG funding (as either subgrantee or subcontractor) must:

- Have been duly organized, in existence, and in good standing for at least six (6) months prior to the effective date of its fiscal agreement with the BSCC or with the JAG grantee;
 - Non-governmental entities that have recently reorganized or have merged with other qualified non-governmental entities that were in existence prior to the six-month date are also eligible, provided all necessary agreements have been executed and filed with the California Secretary of State prior to the start date of the grantee subcontractor fiscal agreement;
- Be a nonprofit and recognized by the Internal Revenue Service as a 501(c)(3) organization;
- Be registered with the California Secretary of State's Office;
- Have an Employer Identification Number (EIN) or Taxpayer ID (if sole proprietorship);
- Have a valid business license, if applicable;
- Have any other state or local licenses or certifications necessary to provide the services requested (e.g., facility licensing by the Department of Health Care Services), if applicable; and
- Have a physical address in the State of California.
 - An agent for service of process with a California address is insufficient.

In the table below, provide the name of the Grantee and list all contracted parties.

Grantee:

Name of Contracted Party	Address	Email / Phone	Meets All Requirements
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

Grantees are required to update this list and submit it to the BSCC any time a new third-party contract is executed after the initial assurance date. Grantees shall retain (on-site) applicable source documentation for each contracted party that verifies compliance with the requirements listed in the JAG RFP. These records will be subject to the records and retention language found in Appendices A and C of the Standard Agreement.

Unless prior approval is obtained, the BSCC prohibits disbursement or reimbursement to any NGO that does not meet the requirements listed above and for which the BSCC does not have a signed grantee assurance on file.

A signature below is an assurance that all requirements listed above have been met.

AUTHORIZED SIGNATURE (This document must be signed by the person who is authorized to sign the Grant Agreement.)			
NAME OF AUTHORIZED OFFICER	TITLE		TELEPHONE
STREET ADDRESS	CITY	STATE	ZIP CODE
EMAIL ADDRESS			

Appendix D: Project Work Plan Instructions

JAG applicants must complete a Project Work Plan. This Project Work Plan identifies measurable goals and objectives, activities and services, the responsible parties, and a timeline (see template below).

Completed Project Work Plans should (1) identify the project's top goals and objectives; (2) identify how the top goals will be achieved in terms of the activities, responsible staff/partners, and start and end dates; and (3) provide goals, objectives, and measures with a clear relationship to the need and intent of the grant. Applicants must use the Project Work Plan Template provided below.

This Project Work Plan does not count toward the fifteen (15) numbered page limit for the Proposal Narrative. There are no margin, spacing or font restrictions for the Project Work Plan.

(1) Goal:			
Objectives (A., B., C...):	A. B. C.		
Project activities that support the identified goal and objectives:	Responsible staff/ partners	Timeline	
		Start Date	End Date
1. 2. 3.			
List data and sources to be used to measure outcomes:			
(2) Goal:			
Objectives (A., B., C...):	A. B. C.		
Project activities that support the identified goal and objectives:	Responsible staff/ partners	Timeline	
		Start Date	End Date
1. 2. 3.			
List data and sources to be used to measure outcomes:			
(3) Goal:			
Objectives (A., B., C...):	A. B. C.		
Project activities that support the identified goal and objectives:	Responsible staff/ partners	Timeline	
		Start Date	End Date
1. 2. 3.			
List data and sources to be used to measure outcomes:			

Appendix F: Sample Letter of Agreement

Sample only

To be used for agencies/organizations listed as members of the Local JAG Steering Committee and/or that will provide in-kind services via partnership

Date

[Partners Name]
[Partners Address]

[Recipients Name]
[City of]
[Address]

Dear [City Official]:

This letter of agreement between [Partners Name] and [County of] explains the support and services provided for the proposed JAG project, including (membership on the Local JAG Steering Committee, a partnership to include..., etc.).

[Explain Local JAG Steering Committee membership, services or support, dates, timelines, etc.],

Regards,

Signature

Appendix G: Sample Operational Agreement

Sample only

To be used for subcontractors, consultants and/or community-based organizations identified in the budget pages

Draft only – signatures not required at time of proposal submission

This Operational Agreement stands as evidence that the **(Applicant Agency)** and the **(Partner Agency)** intend to work together toward the goals outlined in the Project Work Plan. Both agencies believe that implementation of the **(Name of JAG Program)**, as described within this proposal, will further these goals. Each agency agrees to participate in the JAG Program, if selected for funding, as outlined herein.

The **(Applicant Agency)** project will closely coordinate JAG services and activities with the **(Partner Agency)** through:

- Project staff being readily available to **(Partner Agency)** for service provision through describe arrangements with the Agency.
- Regularly scheduled meetings (how often) between (persons/positions) to discuss strategies, timetables and implementation of mandated services. Specifically:
 - (List specific activities that will be undertaken between the two agencies or other specifics of the agreement.)
 - XXX
 - XXX
- Effective grant performance period dates.
- Amount of JAG state funds designated to the Partner Agency.

We the undersigned, as authorized representatives of **(Applicant Agency)** and **(Partner Agency)** do hereby approve this document.

Name and Title
Agency Name

Date

Name and Title
Partner Name

Date

Appendix H: Definition of Terms

Collaboration

The basic manner in which different and potentially competing agencies, people and organizations work together in an intellectual effort to identify the needs of the community. These same people will then work collaboratively together to develop the intervention proposal to be used to solve the community need. Counties must rely on the collaborative process – in the form of the JAG Steering Committee – to determine the distribution of how funding will be allocated between programs and strategy that serve one or more of the JAG priorities.

Goals and Objectives

Goals and objectives are terms in common use, sometimes used interchangeably because both refer to the intended results of program activities. Goals are longer-term than objectives, more broadly stated and govern the specific objectives to which program activities are directed.

In proposals, goals are defined by broad statements of what the program intends to accomplish, representing the long-term intended outcome of the program.³

Examples of goal statements:⁴

- To reduce the number of serious and chronic juvenile offenders.
- To divert nonviolent juvenile offenders from state juvenile correctional institutions.
- To restore the losses suffered by the victims of crimes.

Objectives are defined by statements of specific, measurable aims of program activities.⁵ Objectives detail the tasks that must be completed to achieve goals.⁶ Descriptions of objectives in the proposals should include three elements:⁷

1. Direction – the expected change or accomplishment (e.g., improve, maintain);
2. Timeframe – when the objective will be achieved; and
3. Target Population– who is affected by the objective.

Examples of program objectives:⁸

- By the end of the program, young, drug-addicted juveniles will recognize the long-term consequences of drug use.
 - To place eligible juveniles in an intensive supervision program within two weeks of adjudication to ensure offender accountability and community safety.
- To ensure that juvenile offenders carry out all of the terms of the mediation agreements they have worked out with their victims by program completion.

Project Evaluation:

³ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)*. Retrieved from <http://www.jrsa.org/njiec/publications/program-evaluation.pdf>. See also New York State Division of Criminal Justice Services. *A Guide to Developing Goals and Objectives for Your Program*. Retrieved from <http://www.criminaljustice.ny.gov/ofpa/goalwrite.htm>.

⁴ *Id.* at p. 4.

⁵ National Center for Justice Planning. Overview of Strategic Planning. *Where Do We Want to Be? Goals and Objectives*. Retrieved from <http://ncjp.org/strategic-planning/overview/where-do-we-want-be/goals-objectives>.

⁶ *Id.*; see *supra* fn 1.

⁷ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)* p. 5. Retrieved from <http://www.jrsa.org/njiec/publications/program-evaluation.pdf>.

⁸ *Id.*

Process Evaluation⁹

The purpose of the process evaluation is to assess how program activities are being carried out in accordance with goals and objectives. Process measures are designed to answer the question: “What is the program actually doing and is this what we planned it to do?”

Examples of process measures could include:

- Project staff have been recruited, hired and trained according to the proposal.
- Activities/strategies have been implemented on time according to the proposal.
- Number of interagency agreements entered into by the program compared to the number planned.
- Number of trainings conducted.
- Number of neighborhood meetings conducted.

Outcome Evaluation¹⁰

The purpose of the outcome evaluation is to identify whether the program “worked” in terms of achieving its goals and objectives. Outcome measures are designed to answer the question: “What results did the program produce?”

Examples of outcome measures include:

- Results of pre/post surveys (e.g., changes in the reported confidence/trust in law enforcement among community members).
- Implementation of regular, ongoing community forums where law enforcement/community dialogue takes place.
- Changes in policies at the Lead Agency level to reflect procedural justice principles.

In an evidence-based practice approach, outcome evaluations must include not only the measures but also analysis of the extent to which the measured results can be attributed to the program rather than to coincidence or alternative explanations.

Recidivism

Recidivism is defined as conviction of a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction.¹¹

Steering Committee

A working group of professional individuals from diverse disciplines who use critical thinking skills and compromise to work toward common goals.

Trauma-Informed Care¹²

According to the Substance Abuse and Mental Health Services Administration, “A program, organization, or system that is trauma-informed:

- Realizes the widespread impact of trauma and understands potential paths for recovery;

⁹Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)* p. 7. Retrieved from <http://www.jrsa.org/njiec/publications/program-evaluation.pdf>.

¹⁰ *Id* at pp. 7-8.

¹¹ Pen. Code, § 6046.1 subd. (d). “Committed” refers to the date of offense, not the date of conviction.

¹² Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services. *Trauma-informed Approach and Trauma-Specific Interventions*. Retrieved July 22, 2016, from <http://www.samhsa.gov/nctic/trauma-interventions>

- Recognizes the signs and symptoms of trauma in clients, families, staff, and others involved with the system;
- Responds by fully integrating knowledge about trauma into policies, procedures, and practices; and
- Seeks to actively resist re-traumatization

SAMHSA's concept of trauma-informed care is guided by six key principles:

- Safety
- Trustworthiness and transparency
- Peer support
- Collaboration and mutuality
- Empowerment, voice and choice
- Cultural, historical, and gender issues

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Appendix I: Sample Grant Agreement

STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES

SCO ID: 5227-BSCCxxx22

STANDARD AGREEMENT
STD 213 (Rev 03/2019)

AGREEMENT NUMBER

BSCC xxx-22

PURCHASING AUTHORITY NUMBER (If Applicable)

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

BOARD OF STATE AND COMMUNITY CORRECTIONS

CONTRACTOR NAME

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

2. The term of this Agreement is:

START DATE

JUNE 1, 2023

THROUGH END DATE

DECEMBER 31, 2026

3. The maximum amount of this Agreement is:

\$

4. The parties agree to comply with the terms and conditions of the following exhibits, attachments, and appendices which are by this reference made a part of the Agreement.

EXHIBITS	TITLE	PAGES
Exhibit A	Scope of Work	4
Exhibit B	Budget Detail and Payment Provisions	4
Exhibit C	GIA 610: General Terms and Conditions (Interagency Agreements)	1
Exhibit D	Special Terms and Conditions	4
Exhibit E	2019, 2020, 2021, and 2022 JAG Federal Award Conditions	80
Attachment 1	2022 JAG Request for Proposals	
Attachment 2	2022 JAG Application for Funding	xx
Appendix A	JAG Executive Steering Committee	1

Items shown with an asterisk (), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at: www.bscc.ca.gov

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

CONTRACTOR

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

GRANTEE NAME

CONTRACTOR BUSINESS ADDRESS	CITY	STATE	ZIP
PRINTED NAME OF PERSON SIGNING	TITLE		
CONTRACTOR AUTHORIZED SIGNATURE	DATE SIGNED		
			

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME

BOARD OF STATE AND COMMUNITY CORRECTIONS

CONTRACTING AGENCY ADDRESS 2590 Venture Oaks Way, Suite 200	CITY Sacramento	STATE CA	ZIP 95833
PRINTED NAME OF PERSON SIGNING RICARDO GOODRIDGE	TITLE Deputy Director		
CONTRACTING AGENCY AUTHORIZED SIGNATURE	DATE SIGNED		



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EXHIBIT A: SCOPE OF WORK

1. GRANT AGREEMENT

This Grant Agreement is between the State of California, Board of State and Community Corrections (hereafter referred to as BSCC) and xxx County (hereafter referred to as the Grantee or Contractor).

2. PROJECT SUMMARY AND ADMINISTRATION

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 5) drug treatment and enforcement programs; and 8) mental health programs and related law enforcement and corrections programs.

This JAG award will be used to support criminal justice initiatives that fall under one or more of the allowable program areas above. Funded programs or initiatives may include multijurisdictional drug and gang task forces, crime prevention and domestic violence programs, courts, corrections, treatment, justice information sharing initiatives, or other programs aimed at reducing crime and/or enhancing public/officer safety.

Grantee agrees to administer the project in accordance with Attachment 1: 2022 JAG Request for Proposals (by reference) and Attachment 2: 2022 JAG Application for Funding, which is attached and hereto and made part of this agreement.

3. PROJECT OFFICIALS

A. The BSCC's Executive Director or designee shall be the BSCC's representative for administration of the Grant Agreement and shall have authority to make determinations relating to any controversies that may arise under or regarding the interpretation, performance, or payment for work performed under this Grant Agreement.

B. The Grantee's project officials shall be those identified as follows:

Authorized Officer with legal authority to sign:

Name:

Title:

Address:

Phone:

Designated Financial Officer authorized to receive warrants:

Name:

Title:

Address:

Phone:

Email:

Project Director authorized to administer the project:

Name:

EXHIBIT A: SCOPE OF WORK

Title:
Address:
Phone:
Email:

- C. Either party may change its project representatives upon written notice to the other party.
- D. By signing this Grant Agreement, the Authorized Officer listed above warrants that he or she has full legal authority to bind the entity for which he or she signs.

4. DATA COLLECTION

Grantees will be required to comply with all data collection and reporting requirements as described in Attachment 1: 2022 JAG Request for Proposals (by reference) and Attachment 2: 2022 JAG Application for Funding

5. REPORTING REQUIREMENTS

- A. Grantee will submit quarterly progress reports, including results for the federal performance indicators, in a format prescribed by the BSCC. These reports, which will describe progress made on program objectives and include required data, shall be submitted according to the following schedule:

Quarterly Progress Report Periods	Due no later than:
1. June 1, 2023 to June 30, 2023	July 15, 2023
2. July 1, 2023 to September 30, 2023	October 15, 2023
3. October 1, 2023 to December 31, 2023	January 15, 2024
4. January 1, 2024 to March 31, 2024	April 15, 2024
5. April 1, 2024 to June 30, 2024	July 15, 2024
6. July 1, 2024 to September 30, 2024	October 15, 2024
7. October 1, 2024 to December 31, 2024	January 15, 2025
8. January 1, 2025 to March 31, 2025	April 15, 2025
9. April 1, 2025 to June 30, 2025	July 15, 2025
10. July 1, 2025 to September 30, 2025	October 15, 2025
11. October 1, 2025 to December 31, 2025	January 15, 2026
12. January 1, 2026 to March 31, 2026	April 15, 2026
13. April 1, 2026 to June 30, 2026	July 15, 2026

- B. The Local Evaluation Plan December 31, 2023
- C. The Local Evaluation Report December 31, 2026
- D. The grantee shall submit all other reports and data as required by the BSCC

6. PROJECT RECORDS

- A. The Grantee shall establish an official file for the project. The file shall contain adequate documentation of all actions taken with respect to the project, including copies of this Grant Agreement, approved program/budget modifications, financial records and required reports.
- B. The Grantee shall establish separate accounting records and maintain documents and other evidence sufficient to properly reflect the amount, receipt, and disposition of all project funds, including grant funds and any matching funds by the Grantee and the total cost of the project.

EXHIBIT A: SCOPE OF WORK

Source documentation includes copies of all awards, applications, approved modifications, financial records and narrative reports.

- C. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under the grant, whether they are employed full-time or part-time. Time and effort reports are also required for all subcontractors and consultants.
- D. The grantee shall maintain documentation of donated goods and/or services, including the basis for valuation.
- E. Grantee agrees to protect records adequately from fire or other damage. When records are stored away from the Grantee's principal office, a written index of the location of records stored must be on hand and ready access must be assured.
- F. All Grantee records relevant to the project must be preserved a minimum of three (3) years after closeout of the grant project and shall be subject at all reasonable times to inspection, examination, monitoring, copying, excerpting, transcribing, and auditing by the BSCC or designees. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records must be retained until the completion of the action and resolution of all issues which arise from it or until the end of the regular three-year period, whichever is later.

7. AUDIT

Grantee is required to complete an audit annually for each fiscal year/audit period, or fraction thereof, for the entire three-year grant cycle. Grantees may choose either a program-specific audit or a single federal audit. Federal guidelines allow grantees receiving \$750,000 or more in federal funds in a fiscal year to use their federal justice assistance grant funds to pay for the cost of the audit. Grantees falling below the \$750,000 threshold must use non-federal funds (i.e., match funds) to pay for audit costs. For purposes of this grant award grantee is required to check one of the boxes below to indicate how they will meet the audit requirement.

- In conformance with Federal Office of Management and Budget (OMB) CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and the California State Controller's Accounting Standards and Procedures, Chapter 23, Grant Accounting Index, the identified grant will be included in the City/County Single Federal Audit Report, which will be submitted to the BSCC within 30 days of the Grantee's receipt of the report or within nine months following the end of the audit period, whichever is earlier.

OR

- In conformance with Federal Office of Management and Budget (OMB) CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and the California State Controller's Accounting Standards and Procedures Chapter 23, Grant Accounting Index, the grantee will provide a Program-Specific Final Audit Report to the BSCC within 30 days of the Grantee's receipt of the report or within nine months following the end of the audit period, whichever is earlier.

OR

- In conformance with Federal Office of Management and Budget (OMB) CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, the non-governmental entity grantee does not expend \$750,000 or more in total federal awards during the fiscal year and is therefore, exempt from Federal audit requirements for this grant contract period. However, the entity understands that it must keep and maintain the grant records and make them available for review or audit by appropriate officials of the Federal

EXHIBIT A: SCOPE OF WORK

agency, pass-through agency (i.e., the Board of State and Community Corrections) and Governmental Accountability Office.

8. DATA UNIVERSAL NUMBERS SYSTEM (DUNS)

The Contractor/grantee (entity entering into contract with the BSCC) must maintain active registration of their Data Universal Numbers System (DUNS) number, used for this Grant Agreement, throughout the term of the contract. An active DUNS number is also required to remain in compliance with the Federal Funding Accountability and Transparency Act (FFATA), a reporting tool Federal prime awardees (i.e. prime contractors and prime grants recipients) use to capture and report subaward and executive compensation.

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EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

1. INVOICING AND PAYMENTS

- A. The Grantee shall be paid in quarterly in arrears by submitting an invoice (Form 201) to the BSCC that outlines actual expenditures claimed for the invoicing period.

Quarterly Invoicing Periods:

Due no later than:

- | | |
|--|-------------------|
| 1. June 1, 2023 to June 30, 2023 | August 15, 2023 |
| 2. July 1, 2023 to September 30, 2023 | November 15, 2023 |
| 3. October 1, 2023 to December 31, 2023 | February 15, 2024 |
| 4. January 1, 2024 to March 31, 2024 | May 15, 2024 |
| 5. April 1, 2024 to June 30, 2024 | August 15, 2024 |
| 6. July 1, 2024 to September 30, 2024 | November 15, 2024 |
| 7. October 1, 2024 to December 31, 2024 | February 15, 2025 |
| 8. January 1, 2025 to March 31, 2025 | May 15, 2025 |
| 9. April 1, 2025 to June 30, 2025 | August 15, 2025 |
| 10. July 1, 2025 to September 30, 2025 | November 15, 2025 |
| 11. October 1, 2025 to December 31, 2025 | February 15, 2026 |
| 12. January 1, 2026 to March 31, 2026 | May 15, 2026 |
| 13. April 1, 2026 to June 30, 2026 | August 15, 2026 |
| 14. July 1, 2026 to December 31, 2026* | January 31, 2027 |

**Note: Only expenditures associated with completion of the Final Local Evaluation Report may be included on this last invoice.*

- B. All project expenditures (excluding costs associated with the completion of the Final Local Evaluation Report) must be incurred by the end of the grant project period, June 30, 2026, and included on the invoice due August 15, 2026. Project expenditures incurred after June 30, 2026 will not be reimbursed.
- C. The Final Local Evaluation Report is due to BSCC by December 31, 2026. Expenditures incurred solely for the completion of the Final Local Evaluation Report will be reimbursed for the close-out period of July 1, 2026 through December 31, 2026 and must be submitted on the last invoice, due January 31, 2027. All fiscal supporting documentation for the Final Local Evaluation Report expenditures must be submitted to the BSCC with this final invoice
- D. The Grantee shall submit an invoice to the BSCC each invoicing period, even if grant funds are not expended or requested during the invoicing period.
- E. Supporting documentation must be submitted for expenditures upon BSCC's request. All supporting documentation must be maintained by the grantee on site and be readily available for review during BSCC site visits.

2. GRANT AMOUNT AND LIMITATION

- A. In no event shall the BSCC be obligated to pay any amount in excess of the grant award. Grantee waives any and all claims against the BSCC, the Federal Government, and the State of California on account of project costs that may exceed the sum of the grant award.
- B. Under no circumstance will a budget item change be authorized that would cause the project to exceed the amount of the grant award identified in this Grant Agreement.

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

3. BUDGET CONTINGENCY CLAUSE

- A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent year covered under this Grant Agreement does not appropriate funds for the purposes of this program, this Grant Agreement shall be of no further force and effect. In this event, the BSCC shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this Agreement and Grantee shall not be obligated to perform any provisions of this Grant Agreement.
- B. This Grant Agreement is valid and enforceable only if sufficient funds are made available by the United States Department of Justice, Office of Justice Programs. Grantee agrees that the BSCC's obligation to pay any sum to the Grantee under any provision of this agreement is contingent upon the availability of sufficient funds.
- C. If JAG funding is reduced or falls below estimates contained within the JAG Request for Proposals, the BSCC shall have the option to either cancel this Grant Agreement with no liability occurring to the BSCC or offer an amendment to this agreement to the Grantee to reflect a reduced amount.
- D. If BSCC cancels the agreement pursuant to Paragraph 3(B) or Grantee does not agree to an amendment in accordance with the option provided by Paragraph 3(B), it is mutually agreed that the Grant Agreement shall have no further force and effect. In this event, the BSCC shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this Agreement and Grantee shall not be obligated to perform any provisions of this Grant Agreement except that Grantee shall be required to maintain all project records required by Paragraph 6 of Exhibit A for a period of three (3) years following the termination of this agreement.

4. PROJECT COSTS

Grantee is responsible for ensuring that actual expenditures are for eligible project costs. "Eligible and "ineligible" project costs are set forth in the July 2020 BSCC Grant Administration Guide, which can be found under Grantee Resources, here:

https://www.bscc.ca.gov/s_correctionsplanningandprograms/

- A. The provisions of the BSCC Grant Administration Guide are incorporated by reference into this agreement and Grantee shall be responsible for adhering to the requirements set forth therein. To the extent any of the provisions of the BSCC Grant Administration Guide and this agreement conflict, the language in this agreement shall prevail.
- B. Grantee is responsible for ensuring that invoices submitted to the BSCC claim actual expenditures for eligible project costs.
- C. Grantee shall, upon demand, remit to the BSCC any grant funds not expended for eligible project costs or an amount equal to any grant funds expended by the Grantee in violation of the terms, provisions, conditions, or commitments of this Grant Agreement.
- D. Grant funds must be used to support new program activities or to augment existing funds that expand current program activities. Grant funds shall not replace (supplant) any federal, state and/or local funds that have been appropriated for the same purpose. Violations can result in recoupment of monies provided under this grantor suspension of future program funding through BSCC grants.

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

5. PROMPT PAYMENT CLAUSE

Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

6. WITHHOLDING OF GRANT DISBURSEMENTS

- A. The BSCC may withhold all or any portion of the grant funds provided by this Grant Agreement in the event the Grantee has materially and substantially breached the terms and conditions of this Grant Agreement.
- B. At such time as the balance of state funds allocated to the Grantee reaches five percent (5%), the BSCC may withhold that amount as security, to be released to the Grantee upon compliance with all grant provisions, including:
 - 1) submittal and approval of the final invoice;
 - 2) submittal and approval of the final progress report; and
 - 3) submittal and approval of any additional required reports.
- C. The BSCC will not reimburse Grantee for costs identified as ineligible for grant funding. If grant funds have been provided for costs subsequently deemed ineligible, the BSCC may either withhold an equal amount from future payments to the Grantee or require repayment of an equal amount to the State by the Grantee.
- D. In the event that grant funds are withheld from the Grantee, the BSCC’s Executive Director or designee shall notify the Grantee of the reasons for withholding and advise the Grantee of the time within which the Grantee may remedy the failure or violation leading to the withholding.

7. PROJECT BUDGET

Expending of grant funds is limited to: Year 1: no more than the amount requested for Year 1; Year 2: no more than the amount requested for Year 2 plus any carry over of unspent funds from Year 1 (use of carry over funds requires BSCC pre-approval); and Year 3: no more than the amount requested for Year 3 plus any pre-approved unspent carry over funds from Years 1 and 2.

Project Budget	
Line Item	Grant Funds
1. Salaries and Benefits	\$0
2. Services and Supplies	\$0
3. Professional Services	\$0
4. Non-Governmental Based (NGO) Contracts	\$0
5. Fixed Assets/Equipment	
6. Data Collection, Reporting and Evaluation <i>Must be at least 5 percent of the total grant award</i>	\$0

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

7. Other (<i>including training, travel, etc.</i>)	\$0
8. Indirect Costs	\$0
TOTAL	\$0

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EXHIBIT C: GIA 610: GENERAL TERMS AND CONDITIONS (INTERAGENCY AGREEMENTS)

1. **APPROVAL:** This Agreement is not valid until signed by both parties and approved by the Department of General Services, if required.
2. **AMENDMENT:** No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties, and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. **AUDIT:** The agency performing work under this Agreement agrees that the awarding department, the Department of General Services, the California State Auditor, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement if it exceeds \$10,000. The agency performing work agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of record retention is stipulated.
4. **PAYMENT:** Costs for this Agreement shall be computed in accordance with State and Administrative Manual Section 8752 and 8752.1.
5. **SUBCONTRACTING:** All subcontracting must comply with the requirements of the State Contracting Manual, Section 3.06.
6. **ADVANCED PAYMENT:** The parties to this interagency agreement may agree to the advancing of funds as provided in Government Code Sections 11257 through 11263.
7. **DISPUTES:** The agency performing work under this Agreement shall continue with the responsibilities under this Agreement during any dispute.
8. **TIMELINESS:** Time is of the essence in this Agreement.
9. **NON-PAYMENT OF INVOICES – FUND TRANSACTION REQUEST:** In accordance with Government Code Section 11255, the parties agree that when an invoice is not paid by the requested due date to the Contractor (agency providing the service) and the invoice is not disputed by the contracting Department (agency receiving the service), Contractor may send the contracting Department a 30-day notice that it intends to initiate a transfer of funds through a Transaction Request sent to the State Controller's Office. To facilitate a Transaction Request should one be needed, the contracting Department shall no later than 10 business days following execution of this agreement provide data to the Contractor for the appropriation to be charged including: fund number, organization code, fiscal year, reference, category, or program, and, if applicable, element, component, and task.

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

1. GRANTEE'S GENERAL RESPONSIBILITY

- A. Grantee agrees to comply with all terms and conditions of this Grant Agreement. Review and approval by the BSCC are solely for the purpose of proper administration of grant funds and shall not be deemed to relieve or restrict the Grantee's responsibility.
- B. Grantee is responsible for the performance of all project activities identified in Attachment 1: 2022 JAG Request for Proposals, and Attachment 2: 2022 JAG Application for Funding.
- C. Grantee shall immediately advise the BSCC of any significant problems or changes that arise during the course of the project.

2. GRANTEE ASSURANCES AND COMMITMENTS

- A. Compliance with Laws and Regulations
This Grant Agreement is governed by and shall be interpreted in accordance with the laws of the State of California. Grantee shall at all times comply with all applicable State laws, rules and regulations, and all applicable local ordinances.
- B. Compliance with Federal Laws and Regulations
The Grantee hereby assures and certifies compliance with all federal statutes, regulations, policies, guidelines and requirements, including any federal conditions, which are included in this Grant Agreement as Exhibit E.
- C. Fulfillment of Assurances and Declarations
Grantee shall fulfill all assurances, declarations, representations, and statements made by the Grantee in Attachment 1: 2022 JAG Request for Proposals, and Attachment 2: 2022 JAG Application for Funding, documents, amendments, approved modifications, and communications filed in support of its request for grant funds.
- D. Permits and Licenses
Grantee agrees to procure all permits and licenses necessary to complete the project, pay all charges and fees, and give all notices necessary or incidental to the due and lawful proceeding of the project work.

3. POTENTIAL SUBCONTRACTORS

- A. In accordance with the provisions of this Grant Agreement, the Grantee may subcontract for services needed to implement and/or support program activities. Grantee agrees that in the event of any inconsistency between this Grant Agreement and Grantee's agreement with a subcontractor, the language of this Grant Agreement will prevail.
- B. Nothing contained in this Grant Agreement or otherwise, shall create any contractual relation between the BSCC and any subcontractors, and no subcontract shall relieve the Grantee of his responsibilities and obligations hereunder. The Grantee agrees to be as fully responsible to the BSCC for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Grantee. The Grantee's obligation to pay its subcontractors is an independent obligation from the BSCC's obligation to make payments to the Grantee. As a result, the BSCC shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor.
- C. Grantee shall ensure that all subcontractors comply with the eligibility requirements stated in the JAG RFP and described in Appendix B.

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

- D. Grantee assures that for any subcontract awarded by the Grantee, such insurance and fidelity bonds, as is customary and appropriate, will be obtained.
- E. Grantee agrees to place appropriate language in all subcontracts for work on the project requiring the Grantee's subcontractors to:

- 1) Books and Records

Maintain adequate fiscal and project books, records, documents, and other evidence pertinent to the subcontractor's work on the project in accordance with generally accepted accounting principles. Adequate supporting documentation shall be maintained in such detail so as to permit tracing transactions from the invoices, to the accounting records, to the supporting documentation. These records shall be maintained for a minimum of three (3) years after the acceptance of the final grant project audit under the Grant Agreement and shall be subject to examination and/or audit by the BSCC or designees, state government auditors or designees, or by federal government auditors or designees.

- 2) Access to Books and Records

Make such books, records, supporting documentations, and other evidence available to the BSCC or designee, the State Controller's Office, the Department of General Services, the Department of Finance, California State Auditor, and their designated representatives during the course of the project and for a minimum of three (3) years after acceptance of the final grant project audit. The Subcontractor shall provide suitable facilities for access, monitoring, inspection, and copying of books and records related to the grant-funded project.

4. PROJECT ACCESS

Grantee shall ensure that the BSCC, or any authorized representative, will have suitable access to project activities, sites, staff and documents at all reasonable times during the grant period including those maintained by subcontractors. Access to program records will be made available by both the grantee and the subcontractors for a period of three (3) years following the end of the grant period.

5. ACCOUNTING AND AUDIT REQUIREMENTS

- A. All funds received by the Grantee shall be deposited into separate fund accounts which identify the funds and clearly show the manner of their disposition. Grantee agrees that accounting procedures for grant funds received pursuant to this Grant Agreement shall be in accordance with generally accepted government accounting principles and practices, and adequate supporting documentation shall be maintained in such detail as to provide an audit trail. Supporting documentation shall permit the tracing of transactions from such documents to relevant accounting records, financial reports and invoices.
- B. Federal Audit Requirement: Grantee is required to complete an audit annually for each fiscal year/audit period, or fraction thereof, for the entire three-year grant cycle. See Exhibit A: Scope of Work, Section 8. Audit, for federal audit requirements.
- C. The BSCC reserves the right to call for a program or financial audit at any time between the execution of this Grant Agreement and three years following the end of the grant period. At any time, the BSCC may disallow all or part of the cost of the activity or action determined to not be in compliance with the terms and conditions of this Grant Agreement or take other remedies legally available.

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

6. DEBARMENT, FRAUD, THEFT OR EMBEZZLEMENT

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to grantees that have been:

1. debarred by any federal, state, or local government entities during the period of debarment; or
2. convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

All Grantees must have on file with the BSCC a completed and signed Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft and Embezzlement (Required as Attachment E of the original Proposal Package).

7. MODIFICATIONS

No change or modification in the project will be permitted without prior written approval from the BSCC. Changes may include modification to project scope, changes to performance measures, compliance with collection of data elements, and other significant changes in the budget or program components contained in Attachment 1: 2022 JAG Request for Proposals, and Attachment 2: 2022 JAG Application for Funding.

8. TERMINATION

A. This Grant Agreement may be terminated by the BSCC at any time after grant award and prior to completion of project upon action or inaction by the Grantee that constitutes a material and substantial breach of this Grant Agreement. Such action or inaction includes but is not limited to:

- 1) substantial alteration of the scope of the grant project without prior written approval of the BSCC;
- 2) refusal or inability to complete the grant project in a manner consistent with Attachment 1: 2022 JAG Request for Proposals, and Attachment 2: 2022 JAG Application for Funding
- 3) failure to provide the required local match share of the total project costs; and
- 4) failure to meet prescribed assurances, commitments, recording, accounting, auditing, and reporting requirements of the Grant Agreement.

B. Prior to terminating the Grant Agreement under this provision, the BSCC shall provide the Grantee at least 30 calendar days written notice stating the reasons for termination and effective date thereof. The Grantee may appeal the termination decision in accordance with the instructions listed in Exhibit D: Special Terms and Conditions, Number 8. Settlement of Disputes.

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

9. SETTLEMENT OF DISPUTES

- A. The parties shall deal in good faith and attempt to resolve potential disputes informally. If the dispute persists, the Grantee shall submit to the BSCC Corrections Planning and Grant Programs Division Deputy Director a written demand for a final decision regarding the disposition of any dispute between the parties arising under, related to, or involving this Grant Agreement. Grantee's written demand shall be fully supported by factual information. The BSCC Corrections Planning and Grant Programs Division Deputy Director shall have 30 days after receipt of Grantee's written demand invoking this Section "Disputes" to render a written decision. If a written decision is not rendered within 30 days after receipt of the Grantee's demand, it shall be deemed a decision adverse to the Grantee's contention. If the Grantee is not satisfied with the decision of the BSCC Corrections Planning and Grant Programs Division Deputy Director, the Grantee may appeal the decision, in writing, within 15 days of its issuance (or the expiration of the 30-day period in the event no decision is rendered), to the BSCC Executive Director, who shall have 45 days to render a final decision. If the Grantee does not appeal the decision of the BSCC Corrections Planning and Grant Programs Division Deputy Director, the decision shall be conclusive and binding regarding the dispute and the Contractor shall be barred from commencing an action in court, or with the Victims Compensation Government Claims Board, for failure to exhaust Grantee's administrative remedies.
- B. Pending the final resolution of any dispute arising under, related to or involving this Grant Agreement, Grantee agrees to diligently proceed with the performance of this Grant Agreement, including the providing of services in accordance with the Grant Agreement. Grantee's failure to diligently proceed in accordance with the State's instructions regarding this Grant Agreement shall be considered a material breach of this Grant Agreement.
- C. Any final decision of the State shall be expressly identified as such, shall be in writing, and shall be signed by the Executive Director, if an appeal was made. If the Executive Director fails to render a final decision within 45 days after receipt of the Grantee's appeal for a final decision, it shall be deemed a final decision adverse to the Grantee's contentions. The State's final decision shall be conclusive and binding regarding the dispute unless the Grantee commences an action in a court of competent jurisdiction to contest such decision within 90 days following the date of the final decision or one (1) year following the accrual of the cause of action, whichever is later.
- D. The dates of decision and appeal in this section may be modified by mutual consent, as applicable, excepting the time to commence an action in a court of competent jurisdiction.

10. WAIVER

The parties hereto may waive any of their rights under this Grant Agreement unless such waiver is contrary to law, provided that any such waiver shall be in writing and signed by the party making such waiver.

2019 JAG Federal Award Conditions

The Grantee hereby assures and certifies compliance with all federal statutes, regulations, policies, guidelines and requirements, including the following:

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award. By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts all such assurances or certifications as if personally executed by the authorized recipient official.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The U.S. Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2019 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2019 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2019 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2017, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2017, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated

requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

9. Employment eligibility verification for hiring under the award¹³

1. The recipient (and any subrecipient at any tier) must—

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both—

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

¹³ Please note: this award condition is subject to a stipulated agreement between the State of California and DOJ in *California v. Barr*, No. 3:19-cv-6189-WHO, ECF No. 41 (N.D. Cal. June 3, 2020)

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email EVerify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

10. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

11. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

13. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a

parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or -subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

17. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

18. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

19. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

20. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high risk" for purposes of the DOJ high-risk grantee list.

21. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

23. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2019)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2019, are set out at <https://ojp.gov/funding/Explore/FY19AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

26. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Fraud Detection Office (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

27. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient—

- a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
- b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both—**a. it represents that—**

- (1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

28. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

29. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

30. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

[Intentionally Omitted: award conditions 31 through 41, as originally set out in the award document, per [OJP Notices No. 27](#), [No. 29](#), [No. 31](#), and [No. 33](#).]

42. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

43. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

44. Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

45. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

46. Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

47. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate

connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

48. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.

49. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

50. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

51. Verification and updating of recipient contact information

The recipient must verify its Point of Contact (POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

52. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

53. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

54. Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

55. "Methods of Administration" - monitoring compliance with civil rights laws and nondiscrimination provisions

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with applicable federal civil rights laws and nondiscrimination provisions. Within 90 days of the date of award acceptance, the recipient must submit to OJP's Office for Civil Rights (at CivilRightsMOA@usdoj.gov) written Methods of Administration ("MOA") for subrecipient monitoring with respect to civil rights requirements. In addition, upon request by OJP (or by another authorized federal agency), the recipient must make associated documentation available for review.

The details of the recipient's obligations related to Methods of Administration are posted on the OJP web site at <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm> (Award condition: "Methods of Administration" - Requirements applicable to States (FY 2017 Update)), and are incorporated by reference here.

56. Required attendance at BJA-sponsored events

The recipient (and its subrecipients at any tier) must participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.

57. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bja.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

58. Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

59. Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

60. Certification of body armor "mandatory wear" policies

If recipient uses funds under this award to purchase body armor, the recipient must submit a signed certification that law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

61. Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx>). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.

62. Reporting requirements

The recipient must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through OJP's GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

63. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

64. Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

65. Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2018

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2018), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through a Grant Adjustment Notice, the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

Nothing in this condition shall be understood to authorize the recipient (or any subrecipient at any tier) to use award funds to "supplant" State or local funds in violation of the recipient's certification (executed by the chief

executive of the State or local government) that federal funds will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

66. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS.

No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA.

Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

67. Encouragement of submission of "success stories"

BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to a My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If the recipient does not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once registered, one of the available areas on the My BJA page will be "My Success Stories." Within this box, there is an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.

68. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

69. Withholding of funds: Required certification from the chief executive of the applicant government

The recipient may not obligate, expend, or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

70. Withholding of funds: Budget narrative or information

The recipient may not obligate, expend, or draw down any award funds until the recipient submits, and OJP reviews and accepts, the required budget information or narrative for the award, and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

- 71.** The recipient may not obligate, expend, or draw down any award funds for indirect costs, unless and until either -- (1) the recipient submits to OJP a current, federally-approved indirect cost rate agreement, or (2) the recipient determines that it is eligible under the Part 200 Uniform Requirements to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and advises OJP in writing of both its eligibility and its election.

OJP will release this condition through a Grant Adjustment Notice (GAN), following receipt of a satisfactory submission.

- 72.** Withholding of funds: Disclosure of lobbying

The recipient may not obligate, expend, or draw down any funds under this award until it has provided to the grant manager for this OJP award a complete Disclosure of Lobbying Activities (SF-LLL) form, and OJP has issued a Grant Adjustment Notice to remove this special condition.

- 73.** Withholding of funds: Certification with respect to federal taxes

The recipient may not obligate, expend, or draw down any funds under this award until it has submitted to the program manager, in a format acceptable to OJP, a formal written certification directed to OJP and executed by an official with authority to sign on behalf of the recipient, that the recipient (unless an exemption applies by operation of law, as described below)-- (1) has filed all Federal tax returns required for the three tax years immediately preceding the tax year in which the certification is made; (2) has not been convicted of a criminal offense under the Internal Revenue Code of 1986; and (3) has not, more than 90 days prior to this certification, been notified of any unpaid federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding; and until a Grant Adjustment Notice (GAN) has been issued to remove this condition.

The certification must be dated, and must indicate the full name and title of the signer, as well as the full legal name of the recipient.

A recipient that is exempt from any legal requirement to file or pay federal taxes (such as a government entity exempt from federal income tax), and to which the elements of the above-specified certification would not apply, must advise OJP in writing -- in lieu of submitting the above-specified certification -- that it is not subject to any legal requirement to file or pay federal taxes.

- 74.** SORNA final agency decision – Appeals

The recipient acknowledges the final agency decision made by DOJ that recipient's jurisdiction did not substantially implement the Sex Offender Registration and Notification Act (Public Law 109-248, "SORNA") before the deadline, and understands that, as a result of that final agency decision, the amount of this JAG award was reduced, pursuant to 34 U.S.C. 20927. By accepting this specific award, the recipient voluntarily agrees that if it elects to file a judicial appeal of that final agency decision, which was integral in determining this particular funding amount, no such appeal may commence more than 6 months after the date of acceptance of this award.

- 75.** Withholding of funds: Required State Strategic Plan submission

The recipient may not obligate, expend, or draw down any award funds until the recipient submits a sufficient Statewide Strategic Plan (to include an Annual Report in each year in which the Statewide Strategic Plan is not fully updated), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

76. Withholding of funds: Disclosure of pending applications

The recipient may not obligate, expend, or draw down any award funds until: (1) it has provided to the grant manager for this OJP award either an "applicant disclosure of pending applications" for federal funding or a specific affirmative statement that no such pending applications (whether direct or indirect) exist, in accordance with the detailed instructions in the program solicitation, (2) OJP has completed its review of the information provided and of any supplemental information it may request, (3) the recipient has made any adjustments to the award that OJP may require to prevent or eliminate any inappropriate duplication of funding (e.g., budget modification, project scope adjustment), (4) if appropriate adjustments to a discretionary award cannot be made, the recipient has agreed in writing to any necessary reduction of the award amount in any amount sufficient to prevent duplication (as determined by OJP), and (5) a Grant Adjustment Notice has been issued to remove this condition.

DRAFT

2020 JAG Federal Award Conditions

The Grantee hereby assures and certifies compliance with all federal statutes, regulations, policies, guidelines and requirements, including the following:

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2020 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2020 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2020 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>. Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM. The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

9. Employment eligibility verification for hiring under the award¹⁴

1. The recipient (and any subrecipient at any tier) must—

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both—

(1) this award requirement for verification of employment eligibility, and

¹⁴ Please note: this award condition is subject to a stipulated agreement between the State of California and DOJ in *California v. Barr*, No. 3:19-cv-6189-WHO, ECF No. 41 (N.D. Cal. June 3, 2020)

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email EVerify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

10. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

11. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

13. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is

expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") – no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or -subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the

award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

17. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

18. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

19. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

20. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "highrisk" for purposes of the DOJ high-risk grantee list.

21. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

23. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020) The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY20AppropriationsRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the

recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

26. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

27. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient—

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both—

a. it represents that—

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or

contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

28. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

29. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

30. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

[Intentionally Omitted: award conditions 31 through 41, as originally set out in the award document, per [OJP Notices No. 41](#), [No. 42](#), [No. 43](#), and [No. 47](#).]

42. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

43. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

44. Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

45. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

46. Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

47. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall

employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

48. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.

49. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

50. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

51. Verification and updating of recipient contact information

The recipient must verify its Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

52. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

53. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

54. Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

55. "Methods of Administration" - monitoring compliance with civil rights laws and nondiscrimination provisions

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with applicable federal civil rights laws and nondiscrimination provisions. Within 90 days of the date of award acceptance, the recipient must submit to OJP's Office for Civil Rights (at CivilRightsMOA@usdoj.gov) written Methods of Administration ("MOA") for subrecipient monitoring with respect to civil rights requirements. In addition, upon request by OJP (or by another authorized federal agency), the recipient must make associated documentation available for review.

The details of the recipient's obligations related to Methods of Administration are posted on the OJP web site at <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm> (Award condition: "Methods of Administration" - Requirements applicable to States (FY 2017 Update)) and are incorporated by reference here.

56. Required attendance at BJA-sponsored events

The recipient (and its subrecipients at any tier) must participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.

57. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by

the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bja.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

58. Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

59. Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

60. Certification of body armor "mandatory wear" policies

If recipient uses funds under this award to purchase body armor, the recipient must submit a signed certification that law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award

may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

61. Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx>). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.

62. Reporting requirements

The recipient must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through OJP's GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

63. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

64. Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

65. JAG FY 2020 - Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2019 [BJA]

Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2019

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2019), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through a Grant Adjustment Notice, the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

66. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

67. Encouragement of submission of "success stories"

BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to a My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If the recipient does not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once registered, one of the available areas on the My BJA page will be "My Success Stories." Within this box, there is an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.

68. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

69. Withholding of funds: Required State Strategic Plan submission

The recipient may not obligate, expend, or draw down any award funds until the recipient submits a sufficient Statewide Strategic Plan (to include an Annual Report in each year in which the Statewide Strategic Plan is not fully updated), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

70. Withholding of funds: Required certification from the chief executive of the applicant government

The recipient may not obligate, expend, or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

71. SORNA final agency decision – Appeals

The recipient acknowledges the final agency decision made by DOJ that recipient's jurisdiction did not substantially implement the Sex Offender Registration and Notification Act (Public Law 109-248, "SORNA") before the deadline, and understands that, as a result of that final agency decision, the amount of this JAG award was reduced, pursuant to 34 U.S.C. 20927. By accepting this specific award, the recipient voluntarily agrees that if it elects to file a judicial appeal of that final agency decision, which was integral in determining this particular funding amount, no such appeal may commence more than 6 months after the date of acceptance of this award.

DRAFT

2021 JAG Award Federal Conditions

The Grantee hereby assures and certifies compliance with all federal statutes, regulations, policies, guidelines and requirements, including the following:

1. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2021 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2021 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2021 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

2. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach

3. Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2019, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after January 1, 2019, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

4. Safe policing and law enforcement subrecipients

If this award is a discretionary award, the recipient agrees that it will not make any subawards to State, local, college, or university law enforcement agencies unless such agencies have been certified by an approved independent credentialing body or have started the certification process. To become certified, law enforcement agencies must meet two mandatory conditions: (1) the agency's use of force policies adhere to all applicable federal, state, and local laws; and (2) the agency's use of force policies prohibit chokeholds except in situations where use of deadly force is allowed by law. For detailed information on this certification requirement, see <https://cops.usdoj.gov/SafePolicingEO>.

5. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

6. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" ([ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm](https://www.ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm)), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

7. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

8. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

9. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

10. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

11. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Post award Requirements" in the "DOJ Grants Financial Guide").

12. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

13. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

14. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

15. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

16. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

17. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

18. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2021)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2021, are set out at <https://ojp.gov/funding/Explore/FY21AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

19. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

20. Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

21. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

22. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

23. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

24. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

25. Restrictions on "lobbying"

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier

subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

26. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

27. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

28. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

29. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

30. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

31. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

32. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to

complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

33. Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

34. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

35. Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

36. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

37. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.

38. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

39. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

40. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

41. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

42. "Methods of Administration" - monitoring compliance with civil rights laws and nondiscrimination provisions

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with applicable federal civil rights laws and nondiscrimination provisions. Within 90 days of the date of award acceptance, the recipient must submit to OJP's Office for Civil Rights (at CivilRightsMOA@usdoj.gov written Methods of Administration ("MOA") for subrecipient monitoring with respect to civil rights requirements. In addition, upon request by OJP (or by another authorized federal agency), the recipient must make associated documentation available for review.

The details of the recipient's obligations related to Methods of Administration are posted on the OJP web site at <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm> (Award condition: "Methods of Administration" - Requirements applicable to States (FY 2017 Update)), and are incorporated by reference here.

43. The recipient understands that, in accepting this award, the Authorized Representative declares and certifies, among other things, that he or she possesses the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accepts (or adopts) all material requirements that relate to conduct throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.**44. Compliance with National Environmental Policy Act and related statutes**

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bja.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

45. Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

46. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit

quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

47. All State and Local JAG recipients must submit quarterly Federal Financial Reports (SF-425). Additionally, State JAG and Local JAG Category Two (\$25K or more) must submit semi-annual performance reports through JustGrants and Local JAG Category One (Less than \$25K) must submit annual performance reports through JustGrants. Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation

48. Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

49. Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2020

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2020), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via an Award Condition Modification (ACM)). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through an Award Condition Modification (ACM), the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

50. If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS. Booking agencies should work with their state CODIS agency to ensure all requirements are met for participation in Rapid DNA (see National Rapid DNA Booking Operational Procedures Manual).

51. Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law)

relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

52. Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

53. Certification of body armor "mandatory wear" policies

If recipient uses funds under this award to purchase body armor, the recipient must submit a signed certification that law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

54. Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx>). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.

55. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

56. Withholding - Certification with respect to Federal taxes - award exceeding \$5 million (updated Aug. 2017)

The recipient may not obligate, expend, or draw down any funds under this award until it has submitted to the program manager, in a format acceptable to OJP, a formal written certification directed to OJP and executed by an official with authority to sign on behalf of the recipient, that the recipient (unless an exemption applies by operation of law, as described below)-- (1) has filed all Federal tax returns required for the three tax years immediately preceding the tax year in which the certification is made; (2) has not been convicted of a criminal offense under the Internal Revenue Code of 1986; and (3) has not, more than 90 days prior to this certification, been notified of any unpaid federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding; and until an Award Condition Modification (ACM) has been issued to remove this condition.

57. BJA- JAG - SORNA Appeal Limits

The recipient acknowledges the final agency decision made by DOJ that recipient's jurisdiction did not substantially implement the Sex Offender Registration and Notification Act (Public Law 109-248, "SORNA") before the deadline, and understands that, as a result of that final agency decision, the amount of this JAG award was reduced, pursuant to 34 U.S.C. 20927. By accepting this specific award, the recipient voluntarily agrees that if it elects to file a judicial appeal of that final agency decision, which was integral in determining this particular funding amount, no such appeal may commence more than 6 months after the date of acceptance of this award.

58. BJA- JAG - Withholding of Funds for Chief Executive Certification

Withholding of funds: Required certification from the chief executive of the applicant government

The recipient may not expend or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and an Award Condition Modification has been issued to remove this condition.

2022 JAG Award Federal Conditions.

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

1. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2022)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2022, are set out at <https://ojp.gov/funding/Explore/FY22AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2022 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2022 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2022 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

4. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>.

5. Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after January 1, 2020, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

7. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" ([ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm](https://www.ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm)), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all

material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

8. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

9. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

10. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

11. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances,

discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

12. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

13. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

14. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

15. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact->

[Minors.htm](#) (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

17. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

18. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

19. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

20. Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

21. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

22. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law

Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

23. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

24. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

25. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

- 26.** Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

- 27.** Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

- 28.** Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

- 29.** Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at

<https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

30. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

- 31.** The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

32. Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

33. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

34. Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient (and any subrecipient at any tier) must document

planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

35. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

36. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.

37. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

38. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

39. The award recipient agrees to participate in a data collection process measuring program outputs and outcomes. The data elements for this process will be outlined by the Office of Justice Programs.

40. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

41. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the

recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

42. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

43. The recipient understands that, in accepting this award, the Authorized Representative declares and certifies, among other things, that he or she possesses the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accepts (or adopts) all material requirements that relate to conduct throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

44. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bj.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

45. Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

46. All State and Local JAG recipients must submit quarterly Federal Financial Reports (SF-425). Additionally, State JAG and Local JAG Category Two (\$25K or more) must submit semi-annual performance reports through JustGrants and Local JAG Category One (Less than \$25K) must submit annual performance reports through JustGrants. Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

47. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

48. Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

49. Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2021

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2021), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via an Award Condition Modification (ACM)). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through an Award Condition Modification (ACM), the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

- 50.** If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS. Booking agencies should work with their state CODIS agency to ensure all requirements are met for participation in Rapid DNA (see National Rapid DNA Booking Operational Procedures Manual).
- 51.** Recipients utilizing award funds for forensic genealogy testing must adhere to the United States Department of Justice Interim Policy Forensic Genealogical DNA Analysis and Searching (<https://www.justice.gov/olp/page/file/1204386/download>), and must collect and report the metrics identified in Section IX of that document to BJA.
- 52.** Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

- 53.** Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

- 54.** Certification of body armor "mandatory wear" policies, and compliance with NIJ standards

If recipient uses funds under this award to purchase body armor, the recipient must submit a signed certification that each law enforcement agency receiving body armor purchased with funds from this award has a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor

purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

Ballistic-resistant and stab-resistant body armor purchased with award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards, and is listed on the NIJ Compliant Body Armor Model List. In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information and the NIJ Compliant Body Armor List may be found by following the links located on the NIJ Body Armor page: <https://nij.ojp.gov/topics/equipment-and-technology/body-armor>

- 55.** Extreme risk protection programs funded by JAG must include, at a minimum: pre-deprivation and post-deprivation due process rights that prevent any violation or infringement of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive or procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). Such programs must include, at the appropriate phase to prevent any violation of constitutional rights, at minimum, notice, the right to an in-person hearing, an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses; the right to be represented by counsel at no expense to the government; pre-deprivation and post-deprivation heightened evidentiary standards and proof which mean not less than the protections afforded to a similarly situated litigant in Federal court or promulgated by the State's evidentiary body, and sufficient to ensure the full protections of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive and procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). The heightened evidentiary standards and proof under such programs must, at all appropriate phases to prevent any violation of any constitutional right, at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation; and penalties for abuse of the program.
- 56.** The recipient agrees that no funds under this grant award (including via subcontract or subaward, at any tier) may be used for unmanned aircraft systems (UAS), which includes unmanned aircraft vehicles (UAV), or for any accompanying accessories to support UAS.
- 57.** "Methods of Administration" - monitoring compliance with civil rights laws and nondiscrimination provisions

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with applicable federal civil rights laws and nondiscrimination provisions. Within 90 days of the date of award acceptance, the recipient must submit to OJP's Office for Civil Rights (at CivilRightsMOA@usdoj.gov) written Methods of Administration ("MOA") for subrecipient monitoring with respect to civil rights requirements. In addition, upon request by OJP (or by another authorized federal agency), the recipient must make associated documentation available for review.

The details of the recipient's obligations related to Methods of Administration are posted on the OJP web site at <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm> (Award condition: "Methods of Administration" - Requirements applicable to States (FY 2017 Update)), and are incorporated by reference here.

- 58.** Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIS), and are incorporated by reference here.

59. BJA- JAG - Withholding of funds for program narrative

Withholding of funds: Program narrative

The recipient may not expend or draw down any award funds until the recipient submits, and OJP reviews and accepts, the program narrative for this award, and an Award Condition Modification has been issued to remove this condition.

60. Withholding - Certification with respect to Federal taxes - award exceeding \$5 million (updated Aug. 2017)

The recipient may not obligate, expend, or draw down any funds under this award until it has submitted to the program manager, in a format acceptable to OJP, a formal written certification directed to OJP and executed by an official with authority to sign on behalf of the recipient, that the recipient (unless an exemption applies by operation of law, as described below)-- (1) has filed all Federal tax returns required for the three tax years immediately preceding the tax year in which the certification is made; (2) has not been convicted of a criminal offense under the Internal Revenue Code of 1986; and (3) has not, more than 90 days prior to this certification, been notified of any unpaid federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding; and until an Award Condition Modification (ACM) has been issued to remove this condition.

61. BJA- JAG - Withholding of Funds for Chief Executive Certification

Withholding of funds: Required certification from the chief executive of the applicant government

The recipient may not expend or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and an Award Condition Modification has been issued to remove this condition.

62. BJA- JAG - Withholding of Funds for State Strategic Plan submission

Withholding of funds: Required State Strategic Plan submission

The recipient may not expend or draw down any award funds until the recipient submits a sufficient Statewide Strategic Plan (to include an Annual Report in each year in which the Statewide Strategic Plan is not fully updated), and an Award Condition Modification has been issued to remove this condition.

63. BJA- JAG - SORNA Appeal Limits

The recipient acknowledges the final agency decision made by DOJ that recipient's jurisdiction did not substantially implement the Sex Offender Registration and Notification Act (Public Law 109-248, "SORNA") before the deadline, and understands that, as a result of that final agency decision, the amount of this JAG award was reduced, pursuant to 34 U.S.C. 20927. By accepting this specific award, the recipient voluntarily agrees that if it elects to file a judicial appeal of that final agency decision, which was integral in determining this particular funding amount, no such appeal may commence more than 6 months after the date of acceptance of this award.

- 64.** In accepting this award, the recipient agrees that grant funds cannot be used for Facial Recognition Technology (FRT) unless the recipient has policies and procedures in place to ensure that the FRT will be utilized in an appropriate and responsible manner that promotes public safety, and protects privacy, civil rights, and civil liberties and complies with all applicable provisions of the U.S. Constitution, including the Fourth Amendment's protection against unreasonable searches and seizures and the First Amendment's freedom of association and speech, as well as other laws and regulations. Recipients utilizing funds for FRT must make such policies and procedures available to DOJ upon request.

DRAFT

2022 JAG Executive Steering Committee

	Name	Title	Organization
1	Linda Penner (Chair)	Chairperson	Board of State and Community Corrections
2	Mark Delgado	Executive Director	Los Angeles County's Countywide Criminal Justice Coordination Committee, Los Angeles County
3	Eric Durnell	Ph. D. Candidate	Social Psychology, California State University, San Francisco, San Francisco County
4	David Fernandez	Senior Special Agent	California Department of Corrections and Rehabilitation, Sacramento County
5	Robin Lipetzky	Public Defender	Contra Costa County
6	Lyle Martin	Police Chief	Bakersfield Police Department, Kern County
7	Steven Meinrath	Attorney	Sacramento County
8	Debbie Paolinelli	Assistant County Administrative Officer	Fresno County
9	Jonathan Raven	Chief Deputy District Attorney	Yolo County
10	Darren Thompson	Sheriff-Coroner	San Benito County
11	Erik Upton	Police Chief	Benicia Police Department, Solano County
12	Erica Webster	Master's Candidate	Luskin School of Public Affairs, University of California Los Angeles, Los Angeles County
13	Charles White, Ph. D.	Director, Criminal Justice	Azusa Pacific University, San Diego County

Appendix J: Governing Board Resolution

Before grant funds can be reimbursed, a prospective grantee must either (1) submit a resolution from its Governing Board that delegates authority to the individual authorized to execute the grant agreement or (2) provide sufficient documentation indicating that the prospective grantee has been vested with plenary authority to execute grant agreements (e.g., a municipal ordinance or county ordinance/charter delegating such authority to a city manager or county executive officer or other governing board resolution delegating authority).

Below is sample language for a resolution. Applicants are encouraged to submit the resolution with their application.

WHEREAS the ***(insert name of Lead Agency)*** desires to participate in the Edward Byrne Memorial Justice Assistance Grant Program administered by the Board of State and Community Corrections (hereafter referred to as BSCC).

NOW, THEREFORE, BE IT RESOLVED that the ***(insert title of designated official)*** be authorized on behalf of the ***(insert name of Governing Board)*** to submit the grant proposal for this funding and sign the Grant Agreement with the BSCC, including any amendments thereof.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

BE IT FURTHER RESOLVED that the ***(insert name of Lead Agency)*** agrees to abide by the terms and conditions of the Grant Agreement as set forth by the BSCC.

Passed, approved, and adopted by the ***(insert name of Governing Board)*** in a meeting thereof held on ***(insert date)*** by the following:

Ayes:

Notes:

Absent:

Signature: _____ Date: _____

Typed Name and Title: _____

ATTEST: Signature: _____ Date: _____

Typed Name and Title: _____

Appendix K: Certification of Compliance with BSCC Polices On Debarment, Fraud, Theft and Embezzlement

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to applicants that have been:

1. debarred by any federal, state, or local government entities during the period of debarment; or
2. convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

By checking the following boxes and signing below, applicant affirms that:

I/We are not currently debarred by any federal, state, or local entity from applying for or receiving federal, state, or local grant funds.

I/We have not been convicted of any crime involving theft, fraud, or embezzlement of federal, state, or local grant funds within the last three years. We will notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

I/We will hold subgrantees and subcontractors to these same requirements.

A grantee may make a request in writing to the Executive Director of the BSCC for an exception to the debarment policy. Any determination made by the Executive Director shall be made in writing.

AUTHORIZED SIGNATURE (This document must be signed by the person who is authorized to sign the Grant Agreement.)			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	EMAIL ADDRESS
STREET ADDRESS	CITY	STATE	ZIP CODE
APPLICANT'S SIGNATURE (Blue Ink or e-signature Only)			DATE
X			

Agenda Item H

MEETING DATE: April 13, 2023

AGENDA ITEM: H

TO: BSCC Chair and Members

FROM: Helene Zentner, Field Representative, helene.zentner@bscc.ca.gov

SUBJECT: Proposition 64 Public Health and Safety Grant Program Cohort 3 Funding Recommendations: **Requesting Approval**

Summary

This agenda item requests Board approval of the Proposition 64 Public Health and Safety (Prop 64 PH&S) Grant Program Cohort 3 awards as recommended by the Cohort 3 Scoring Panel (Attachment H-1). The Prop 64 PH&S Grant Program is funded by an ongoing portion of tax revenue generated from the cultivation and retail sale of legal, adult-use cannabis or cannabis products in California.

The Prop 64 PH&S Grant Program Cohort 3 Request for Proposals (RFP) (Attachment H-2) was released on October 17, 2022, for a seven-week solicitation period. Forty proposals totaling just over \$101 million were received for the \$150 million available for the competitive grant. Of those 40 applications, only one did not meet the eligibility criteria described in section 34019 of the Revenue and Taxation Code¹ (Attachment H-3) and did not move forward in the rating process.

If the list of proposals recommended for funding (Attachment H-4) is approved, the five-year grant period would begin May 1, 2023, and end April 30, 2028. Proposals recommended for funding total \$93,787,468 and include 15 counties, 21 cities, and one city/county. The successful proposal summaries are provided in Attachment H-5. Successful proposals include cannabis enforcement activities such as illegal eradications, legal compliance monitorings, and licensing-process improvements; environmental analysis and remediation; youth substance-use prevention, intervention, and diversion programs; and educational campaigns targeting both youth and adults that address the public health and safety risks of under-age cannabis use.

Background

The Prop 64 PH&S Grant Program was established in November 2016 as part of a voter-approved initiative, The Control, Regulate and Tax Adult Use of Marijuana Act (AUMA). This initiative legalized the recreational use of cannabis in California for people aged 21 and older. As part of the initiative, a portion of tax revenue generated from the cultivation and retail sale of cannabis or cannabis products goes toward implementing AUMA within the State and provides funds for a variety of grant programs to assist in mitigating impacts due to the legalization of recreational cannabis. The Revenue and Taxation Code² (Attachment H-3) directs the Board of State and Community Corrections to make “grants to local governments to assist with law enforcement, fire protection, or other local programs addressing public

¹ Rev. & Tax. Code, § 34019, subd. (f)(3)(C).

² *Id.*

health and safety associated with the implementation of the Control, Regulate and Tax Adult Use of Marijuana Act.”³

The Cohort 1 Prop 64 PH&S Grant RFP process began in September 2019 with an Executive Steering Committee (ESC) led by Board Chair Linda Penner. The ESC developed the original RFP solicitation and rating criteria that resulted in 10 local governments receiving \$9.9 million of \$27.4 million available in funding.

A second solicitation for Prop 64 PH&S Grant funding began in late 2020 after an update in the Revenue and Taxation Code⁴ eligibility language allowed more jurisdictions to qualify for funding. To expedite this solicitation with the new eligibility criteria, BSCC used the original Cohort 1 RFP with non-substantive revisions and with the updated Revenue and Taxation Code to release a Prop 64 PH&S Cohort 2 RFP with almost \$52 million available. Cohort 2 resulted in 22 funded projects receiving almost \$21 million.

On November 9, 2021, the BSCC Board designated Board Member Guillermo Viera Rosa as Chair of the Cohort 3 ESC. Due to low interest in ESC membership, staff received Board approval on Sept. 8, 2022 (Attachment H-6) to modify the Cohort 3 timeline, make modifications to the Cohort 2 RFP to use for the Cohort 3 solicitation, and convene a Scoring Panel to read and rate the proposals.

Modifications to the Cohort 3 RFP (Attachment H-2) included, but were not limited to:

- General edits to dates for Cohort 3 timelines;
- The allocation of \$150,000,000 in Cohort 3 awards;
- An increase in the maximum amount available for funding for a single application from \$1 million to \$3 million;
- Each city, county, or city/county could apply individually;
- An increase in the grant term from three years to five years;
- Permission for jurisdictions already receiving funds to apply for this cohort;
- The removal of the formerly mandatory requirement that proposals serve Project Purpose Area 1- Youth Development/Youth Prevention and Intervention;
- An update of the rating criteria to align with current research language; and,
- A new online portal for proposal submission.

The Prop 64 Cohort 3 RFP (Attachment H-2) was made available for a 30-day written public comment period, in which only minor comments were received. The Cohort 3 RFP was released on October 17, 2022, BSCC staff provided a Bidders' Conference Webinar on November 9, 2022, and application submissions were due on December 2, 2022. The BSCC received 40 proposals, although one submission did not meet the eligibility criteria and did not move forward in the rating process.

Of the 39 proposals eligible to compete for the Prop 64 PH&S Grant funds: 17 proposals were submitted within the Large County funding category; seven proposals were submitted within the Medium County funding category; and 15 proposals were submitted within the Small County funding category.

³ *Id.*

⁴ *Id.*

On February 19, 2023, BSCC research staff trained the Scoring Panel on how to read and rate the proposals based on the criteria established in the RFP for Cohort 3. Once all scores were submitted by the raters, BSCC research staff made final the ranked list for funding allocations based on the established 50 percent scoring threshold established in the RFP. Two proposals failed to meet the threshold. The final list is provided as Attachment H-4.

Recommendation/Action Needed

On behalf of the Prop 64 PH&S Cohort 3 Scoring Panel, staff recommends the Board:

- Fully fund the 37 Proposition 64 Cohort 3 proposals (Attachment H-4) totaling \$93,787,468 for grant projects that will assist in mitigating local impacts due to the legalization of recreational cannabis in California.

Attachments

H-1: Prop 64 PH&S Grant Program Cohort 3 Scoring Panel Membership

H-2: Prop 64 PH&S Grant Program Cohort 3 Request for Proposals (RFP)

H-3: Revenue and Taxation Code Section 34019

H-4: List of Prop 64 PH&S Grant Program Cohort 3 Proposals Recommended for Funding

H-5: Prop 64 PH&S Grant Program Cohort 3 Proposal Summaries

H-6: September 8, 2022- Board Agenda Item E, Proposition 64 Health & Safety Grant Program, Cohort 3 Request for Proposals

Attachment H-1

**Proposition 64 Public Health & Safety (Prop 64 PH&S) Grant Program
Cohort 3 - Scoring Panel Membership**

	Name	Title	Organization /Agency
1	Guillermo Viera Rosa Chair	BSCC Board Member Director, Division. of Adult Parole	CA Department of Corrections and Rehabilitation
2	Devin Gray	Associate Governmental Program Analyst	Policy & Research Division Department of Cannabis Control
3	Jim Keddy	Director	Youth Forward
4	Ata Khan	Planning Manager	Development Services City of Pomona
5	Charles Smith	Commander	Law Enforcement Division Department of Cannabis Control
6	America Velasco	Pre-Trial Services Coordinator	Superior Court County of Solano

Attachment H-2



Proposition 64 Public Health and Safety Grant Program

REQUEST FOR PROPOSALS COHORT 3 INSTRUCTION PACKET

Eligible Applicants:
California Counties
California Cities

Grant Period: May 1, 2023 to April 30, 2028

RFP Released: October 17, 2022

Letters of Intent Due: November 18, 2022

Proposals Due: December 2, 2022



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CONFIDENTIALITY NOTICE

All documents submitted as a part of the Proposition 64 Public Health and Safety Grant Program proposal are public documents and may be subject to a request pursuant to the California Public Records Act. The BSCC cannot ensure the confidentiality of any information submitted in or with this proposal. (Gov. Code, §§ 6250 et seq.)

PART I: GRANT INFORMATION

Grant Program Background

In November of 2016, voters approved Proposition 64, the *Control, Regulate and Tax Adult Use of Marijuana Act* (AUMA). AUMA legalized the recreational use of marijuana in California for individuals 21 years of age and older. Proposition 64, in pertinent part, provides that a portion of the tax revenue from the cultivation and retail sale of cannabis or cannabis products will be appropriated:

To the Board of State and Community Corrections for making grants to local governments to assist with law enforcement, fire protection, or other local programs addressing public health and safety associated with the implementation of the Control, Regulate and Tax Adult Use of Marijuana Act. The board shall not make any grants to local governments that ban both indoor and outdoor commercial cannabis cultivation, or ban retail sale of cannabis or cannabis products pursuant to Section 26200 of the Business and Professions Code or as otherwise provided by law.

Total funding available for this Request for Proposals (RFP) for Cohort 3 is \$150,000,000. The total available grant funds in this RFP is contingent on timely deposits made available to the BSCC through the Proposition 64 Initiative (the Control, Regulate and Tax Adult Use of Marijuana Act) via the State and Local Government Law Enforcement Account through fiscal year 2021-22. Successful applicants will be funded for a five-year grant project cycle commencing on May 1, 2023 and ending on April 30, 2028.

Contact Information

This Request for Proposal (RFP) provides the information necessary to prepare a proposal to the BSCC for grant funds available through the Prop 64 PH&S Grant Program.

The BSCC staff cannot assist the applicant or its partners with the actual preparation of the proposal. Any technical questions concerning the RFP, the proposal process, or programmatic issues must be submitted by email to:
Prop64_Grant3@bscc.ca.gov.

The BSCC will accept and respond to questions about this RFP until December 2, 2022. Frequently asked questions and answers (FAQs) concerning the BSCC's RFP process, and the Prop 64 solicitation will be posted on the BSCC website and updated periodically through November 29, 2022.

Proposal Due Date and Submission Instructions

The Proposition 64 Public Health and Safety Grant Program, Cohort 3 Proposal Package submission is available through an online portal submission process. Applicants must submit proposals through the BSCC-Submittable online portal by **5:00 p.m. on December 2, 2022** at which time the portal will close and no longer accept applications.

Please allow sufficient time to begin and submit your application. If the BSCC does not receive a submission by 5:00 p.m. (PST) on December 2, 2022, the proposal **will not** be considered for funding. Applicants are strongly advised to submit proposals in advance of the due date and time to avoid disqualification.

Submission Instructions

READ THIS ENTIRE RFP DOCUMENT PRIOR TO INITIATING THE APPLICATION PROCESS. This RFP Instruction Packet contains all the necessary information to successfully complete and submit the Prop 64 application for Cohort 3.

As part of the online BSCC-Submittal Application process, applicants will be required to download several mandatory forms that must be completed, signed, and uploaded at specific prompts within the BSCC-Submittable Application prior to submission. These documents are available for download at: <http://www.bscc.ca.gov/proposition-64-public-health-safety-grant-program/>.

1. Letter of Eligibility
2. Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement
3. Criteria for Non-Governmental Organizations Receiving BSCC Funds
4. Letter(s) of Commitment – Sample
5. Project Work Plan
6. Governing Board Resolution – Sample (optional; not required for proposal submission)

The Prop 64 Grant Program, Cohort 3 RFP is accessible by clicking the “BSCC-Submittable Application” button located on the Prop 64 Grant Program Homepage at: <http://www.bscc.ca.gov/proposition-64-public-health-safety-grant-program/>. You will be prompted to create a free Submittable account and log-in (or sign into an existing account) prior to accessing the online RFP. Additional RFP instructions are provided within the BSCC-Submittable Application. Note: Most of the fields within the RFP require information to be entered; therefore, the system will not allow application submission if all mandatory fields are not completed.

Once you have successfully submitted the proposal through the BSCC-Submittable Application process, you will receive an email acknowledging your application has been received.

If you experience any challenges submitting your Prop 64 Grant Program Cohort 3 RFP, please email the BSCC at: Prop64_Grant3@bscc.ca.gov. Be advised that applicants contacting the BSCC at the close of the submission due date/time may not receive timely responses. Please allow sufficient time for BSCC staff to provide technical assistance.

Bidders' Conference - Virtual

Prospective applicants are invited – but not required – to attend a Bidders' Conference. The purpose of a Bidders' Conference is to answer technical questions from prospective bidders (applicants) and provide clarity on RFP instructions. There is no preference given to applicants who attend the Bidders' Conference. Details for the Bidders' Conference are listed below:

Proposition 64 Public Health and Safety Grant Program, Cohort 3 Bidders' Conference

Wednesday, November 9, 2022

1:30 p.m.

Via Zoom:

<https://us02web.zoom.us/j/88155648005?pwd=cm9SNzh3bjZaMGo4dXVBU0MwYjBydz09>

Meeting ID: 881 5564 8005

Passcode: 281824

We request that applicants who plan to attend the Bidders' Conference, RSVP by email with their name, title, and name of their agency/organization.

EMAIL RSVP to: Prop64_Grant3@bscc.ca.gov.

(Subject line: Prop 64 PH&S Grant Program Bidders' Conference)

Please note: The Prop 64 PH&S Grant Program Bidders' Conference will be recorded and posted to the BSCC website for future reference.

Lead Public Agency

All Prop 64 PH&S local government grantees are required to designate a Lead Public Agency (LPA) to serve as the coordinator for all grant activities. LPA means a governmental agency with local authority of or within that county or city. The applicant may choose to fill the role of LPA itself or it may designate a department, agency, or office under its jurisdiction to serve as the LPA. The role of the LPA is to coordinate with local government agencies and non-governmental organizations (if applicable) to ensure successful implementation of the grant program. The LPA is responsible for data collection and management, overseeing evaluative activities, and will serve as the primary point of contact with the BSCC.

Letter of Intent

Applicants interested in applying for the Prop 64 PH&S Grant Program, Cohort 3 are asked, but are not required, to submit a non-binding Letter of Intent. These letters will aid the BSCC in planning for the proposal review process.

There is no formal template for the letter, but it should include the following information:

- Name of the Applicant (city, county, or city and county),
- Name of the lead public agency (LPA),
- A brief statement indicating the county or city's intent to submit a proposal, and
- Name of a contact person.

Failure to submit a Letter of Intent is not grounds for disqualification. Similarly, prospective applicants that submit a Letter of Intent and decide later not to apply will not be penalized.

Please submit your non-binding Letter of Intent by November 18, 2022 via email:

Email Responses: Prop64_Grant3@bscc.ca.gov
(Subject line: Prop 64 Grant Letter of Intent)

Eligibility for Funding

Eligible applicants must be local governments that have not banned both indoor and outdoor commercial cannabis cultivation, or retail sale of marijuana or marijuana products.

Local governments awarded Proposition 64 PH&S Grant funds in previous RFPs are eligible to apply to this current solicitation (i.e., Cohort 3).

For purposes of this RFP, the following definitions apply:

“Local governments” means cities, counties, and cities and counties in the State of California.

“Ban the cultivation” means

Regulations, ordinances, or amendments to local government charters that prohibit both the:

- indoor commercial cannabis cultivation (including mixed light cultivation), and
 - outdoor commercial cannabis cultivation,
- within the local government's jurisdiction/authority that is not otherwise preempted by state law.

NOTE: Cultivation of cannabis is not banned by a local government if the local government restricts cultivation activities to specific locations pursuant to local zoning ordinances or if the local government requires licensure for specific commercial

cannabis cultivation activities provided that such restrictions do not result in the prohibition of all indoor commercial cultivation, and outdoor commercial cannabis cultivation, activities within the local government’s jurisdiction/authority (see Appendix A).

“Ban retail sale” means

- Regulations, ordinances, or amendments to local government charters that prohibit the local establishment or local operation of any or all businesses licensed under Division 10 (commencing with Section 26000) of the Business and Professions Code.
- Businesses must be allowed to have a physical presence (i.e., brick and mortar location) within the local government’s jurisdiction/authority.

NOTE: Retail sale of cannabis is not banned by a local government if the local government restricts the retail sale of cannabis to specific locations pursuant to local zoning ordinances, or if the local government requires licensure for specific retail sales activities provided that such restrictions do not result in the prohibition of all retail sales in the local government’s jurisdiction/authority (see Appendix A).

Cannabis delivery services operating within the jurisdiction of a local government without a physical retail presence (i.e., brick and mortar location(s)) within that jurisdiction does not make the local government eligible for Prop 64 funding.

Local governments in California must meet the above eligibility criteria by December 2, 2022 to be considered for funding under this Prop 64 PH&S Grant Program, Cohort 3 RFP and must maintain eligibility for the duration of the grant period.

Applicants are required to submit a Letter of Eligibility (as part of the RFP submittal process), detailing how the city, county, or city and county meets the above criteria, including the dates the regulations, ordinances, or amendments to local government charters became enacted/effective (see Appendix B). Jurisdictions *in the process* of legalizing the cultivation or retail sale of marijuana or marijuana products will be ineligible for current funding under this Prop 64 PH&S Grant Program, Cohort 3 RFP.

Additionally, if a grant award is made to a city, county, or city and county (eligible at the time of award) but becomes ineligible post-award, the contract with the Grantee will be terminated and any remaining funds will cease to be disbursed for the rest of the contract term.

Applicants may want to review the data compiled by the Department of Cannabis Control (DCC) for their jurisdiction at: <https://cannabis.ca.gov/cannabis-laws/where-cannabis-businesses-are-allowed/>. The BSCC will not use this data to determine ineligibility; however, the BSCC may consider the information contained on the DCC’s website to request additional eligibility information from the applicant.

Grant Program Description

The purpose of this grant program is to fund projects that assist with law enforcement efforts, fire protection efforts, or other local projects addressing public health and safety

associated with the implementation of the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA).

Eligibility to Apply

Eligible applicants for Prop 64 PH&S Grant Program awards are:

- California Counties – Applications must be submitted by the Board of Supervisors or the Chief County Administrative Officer;
- California Cities – Applications must be submitted by the City Council or the Administrative Office of the City;
- California City and County – Application must be submitted by the Board of Supervisors, the Chief Administrative Officer, or City Council;

Counties and cities previously awarded Proposition 64 PH&S Grant monies are eligible for Cohort 3 funding.

Eligible applicants **may not** submit more than one (1) proposal for funding consideration.

Eligible Activities

Applicants must propose activities/strategies that fall within the four (4) Project Purpose Areas (PPAs) defined below. Applicants may either implement new activities, strategies, or programs, *OR* expand existing activities, strategies, or programs (without the supplantation of funds – see Supplanting definition on page 12).

All project components and activities must link to the intent of the Prop 64 PH&S Initiative - local impacts due to the legalization of adult use recreational cannabis in California.

Applicants must identify and address one (1) or more of the PPAs listed as it relates to the local impact of legalizing cannabis in California. Project activities, strategies, and programmatic efforts may overlap within the listed PPAs. Each identified PPA activity, strategy, and programmatic effort does not have to relate to another identified PPA need(s). All project activities, strategies, and programmatic efforts must be associated with the implementation of AUMA (i.e., local impacts due to the legalization of cannabis in California).

Prop 64 PH&S Grant Program Project Purpose Areas (PPAs)

PPA 1: Youth Development/Youth Prevention and Intervention

For the purposes of this RFP, youth are defined as under the age of 21 (i.e., individuals not of legal age to use and purchase cannabis products).

Youth development programs should be designed to improve the lives of children and adolescents by meeting their basic physical, developmental, and social needs and by helping them to build the competencies needed to become successful adults.

Youth Prevention and Intervention programs should address preventing youth substance use and addiction and/or intervening to promote healthy behaviors and environments while minimizing illness, injury, and other harms associated with substance use. Approaches may include preventing exposure, preventing youth from progressing from substance use to misuse, and preventing the onset of addiction, overdose, and other harms associated with misuse.

Youth development/youth prevention and intervention programs should be trauma-informed, culturally relevant, developmentally appropriate, community-driven, and promising / evidence-based (refer to Appendix A and Appendix C). These programs are intentional, prosocial approaches that engage youth within their communities, schools, organizations, peer groups, and families in a manner that is productive and constructive; recognizes, utilizes, and enhances young people's strengths; and promotes positive outcomes for young people by providing opportunities, fostering positive relationships, and furnishing the support needed to build on their strengths. Programs for youth should increase the individual's protective factors (e.g., positive family support; caring adults; positive peer groups; strong sense of self/self-esteem, and engagement in school and community activities).

Activities that may be funded include but are not limited to: peer mentoring or community-based mentoring; job training/apprenticeships; cannabis substance use education; cannabis substance use treatment; prosocial activities; juvenile record expungement; and youth outreach programs.

It is highly encouraged that applicants consider including a youth component as part of their overall project strategy; however, it is not mandatory.

PPA 2: Public Health

Public health refers to activities for protecting the safety and improving the health of communities through education, policy/infrastructure making, and research for the safety of the community.

Activities that may be funded include but are not limited to: public health training and education; public information and outreach; inspection and enforcement of cannabis businesses; behavioral and mental health treatment; cannabis product safety; testing/safety equipment; pesticide impact efforts; drinking and waste water system updates; air quality efforts; and other environmental-system updates.

PPA 3: Public Safety

Public Safety refers to the welfare and protection of the general public, including but not limited to the prevention and protection of the public from dangers affecting safety such as crimes, disasters, or impacts due to the legalization of cannabis.

Activities that may be funded include but are not limited to: code enforcement; retail theft; public information and outreach; training efforts; law enforcement; community planning or development efforts; cannabis delivery compliance; protective safety equipment; update to technology systems (track & trace); transportation impacts, water storage issues; fire protection; fuel mitigation and/or fuel reduction; and wildland/urban interface planning and implementation.

PPA 4: Environmental Impacts

Environmental impact refers to the prevention of human injury and promoting well-being by identifying and evaluating environmental resources and hazardous agents by limiting exposures to hazardous physical, chemical, and biological agents in air, water, soil, food, and other environmental media or settings that may adversely affect human health.

Activities that may be funded include but are not limited to: technology/software; odor abatement; nuisance abatement; forest management; hazardous clean-up; sediment testing; water systems and storage; cultivation code enforcement; aquatic protections; fire protections; and pesticide impacts.

General BSCC Grant Requirements**Grant Agreement**

Applicants approved for funding by the BSCC are required to enter into a Grant Agreement with the BSCC. Grantees must agree to comply with all terms and conditions of the Grant Agreement. See Appendix D for a sample contract (State of California: Contract and General Terms and Conditions).

The Grant Agreement start date is expected to be May 1, 2023. Grant Agreements are considered fully executed only after they are signed by both the Grantee and the BSCC. Work, services, and encumbrances should not begin prior to the Grant Agreement start date. If a grantee chooses to incur costs for reimbursement, any work, services, and encumbrances which occur after the start date but prior to grant agreement execution may not be reimbursed. Grantees are responsible for maintaining their Grant Agreement, all invoices, records, and relevant documentation for at least three (3) years after the final payment under the contract.

Governing Board Resolution

Local governmental applicants must submit a resolution from their governing board addressing specified requirements as included in the sample Governing Board Resolution, which can be found in Appendix E. A signed resolution is not required at the time of proposal submission; however, grant recipients must have a resolution on file for the Prop 64 PH&S Grant before a fully executed grant agreement can be completed.

Funding Awards

Disbursement of grant funds occurs on a reimbursement basis for costs incurred during a reporting period. The State Controller's Office (SCO) will issue the warrant (check) to the individual designated on the application form as the Financial Officer for the grant. Grantees must submit invoices to the BSCC on a quarterly basis through the online process no later than 45 days following the end of each quarter. Grantees must maintain adequate supporting documentation for all costs claimed on invoices. BSCC staff will conduct a desk review process which requires grantees to submit electronic documentation to support all grant funds claimed during the invoicing period and on-site monitoring visits that will include a review of documentation maintained as substantiation for project expenditures.

Audit Requirements

Grantees are required to provide the BSCC with a financial audit no later than the end of the contract term (October 31, 2028). The financial audit shall be performed by a Certified Public Accountant or a participating county or city auditor that is organizationally independent from the participating county or city's project financial management functions. Expenses for this final audit may be reimbursed for actual costs up to \$25,000.

In addition, the BSCC reserves the right to call for a program or financial audit at any time between the execution of the grant agreement and three (3) years following the end of the grant period.

The Department of General Services, the Bureau of State Audits, Department of Finance, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this grant.

Quarterly Progress Reports

Grant award recipients are required to submit quarterly progress reports (QPRs) to the BSCC. QPRs are a critical element in BSCC's monitoring and oversight process. Grantees who are unable to demonstrate that they are making sufficient progress toward project goals and objectives and show that funds are being spent in accordance with the Grant Agreement could be subject to the withholding of funds. Once grants are awarded, the BSCC will work with grantees to create custom QPRs.

Grantee Orientation Process

Following the start of the grant period, BSCC staff will conduct a Grantee Orientation (at a date to be determined later). The purpose of this mandatory training is to review the program requirements, invoicing and modification processes, data collection and reporting requirements, evaluation requirements, as well as other grant management and monitoring activities. Typically, the Project Director, Financial Officer, and Day-to-Day Contact must attend. *If an in-person training is scheduled, Grant recipients may use Prop 64 PH&S Grant funds for travel-related expenditures such as airfare, mileage, meals, lodging, and other per diem costs. Applicants should include potential travel costs in the budget section of the proposal under the "Other" category for this event.

Travel

Travel is usually warranted when personal contact by project staff is the most appropriate method of conducting project-related business. Travel to and from training conferences may also be allowed. The most economical method of transportation, in terms of direct

expenses to the project and the employee's time away from the project, must be used. Projects are required to include sufficient per diem and travel allocations for project-related personnel, as outlined in the Grant Agreement, to attend any mandated BSCC training conferences or workshops outlined in the terms of the program.

Units of Government

Units of government may follow either their own written travel and per diem policy or the State's policy. Units of government that plan to use cars from a state, county, city, district carpool, or garage may budget either the mileage rate established by the carpool or garage, or the state mileage rate, not to exceed the loaning agency rate.

Non-Governmental Organizations (NGOs)

An NGO receiving BSCC funds must use the California State travel and per diem policy, unless the grantee's written travel policy is more restrictive than the State's, in which case it must be used. Reimbursement is allowed for the cost of commercial carrier fares, parking, bridge, and road tolls, as well as necessary taxi, bus, and streetcar fares. This policy applies equally to NGOs that receive grant funds directly from the BSCC and those that receive grant funds indirectly through a subcontract with another NGO that received a BSCC grant award.

Out-of-State Travel

Out-of-state travel is restricted and only allowed in exceptional situations. Grantees must receive written BSCC approval prior to incurring expenses for out-of-state travel. Even if previously authorized in the Grant Award, grantees must submit to the BSCC a separate formal request (on grantee letterhead) for approval. Out-of-state travel requests must include a detailed justification and budget information.

In addition, California prohibits travel, except under specified circumstances, to states that have been found by the California Attorney General to have discriminatory laws. The BSCC will not reimburse for travel to these states unless the travel meets a specific exception under Government Code section 11139.8, subdivision (c). For additional information, please see: <https://oag.ca.gov/ab1887>.

Debarment, Fraud, Theft, or Embezzlement

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the BSCC will not enter into contracts or provide disbursements or reimbursement to applicants that have been:

1. debarred by any federal, state, or local government entities during the period of debarment; or
2. convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three (3) years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the grant contract.

The BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

All applicants must complete Appendix F certifying they are in compliance with the BSCC's policies on debarment, fraud, theft, and embezzlement.

Compliance Monitoring Visits

BSCC staff will conduct periodic monitoring of each project to assess whether the project is in compliance with grant requirements and making progress toward grant objectives. As needed, monitoring visits may also occur to provide technical assistance on fiscal, programmatic, evaluative, and administrative requirements. For your reference, a sample monitoring visit checklist is contained in Appendix G.

Project Funding Information

Grant Period

Successful proposals will be funded for a five-year grant project cycle commencing on May 1, 2023 and ending on April 30, 2028.

However, additional time (May 1, 2028 through October 31, 2028) is included in the term of the contract for the sole purposes of:

- 1) Finalizing and submitting a required Local Evaluation Report, and
- 2) Finalizing and submitting a required financial audit.

Funding Amount

A total of \$150,000,000 in state funding is available for local projects through this RFP, contingent on timely deposits to the BSCC through the Proposition 64 Initiative (the Control, Regulate and Tax Adult Use of Marijuana Act) via the State and Local Government Law Enforcement Account. The maximum amount for which any eligible single applicant may apply is \$3 million.

Applicants are encouraged to request only the amount of funds needed to support their proposal and the amount that can be justified with supporting documentation/information. All applicants must build their proposal, objectives, activities, timelines, and budget information for all five (5) years of the grant cycle. For example, if an applicant is requesting the maximum award amount of \$3,000,000, the budget detail must clearly illustrate how that \$3,000,000 will be allocated across the entire five (5) years (see Budget Section for instructions).

All project components and activities must link to the intent of the Prop 64 PH&S Initiative - local impacts due to the legalization of adult use recreational cannabis in California.

Funding Distribution and Funding Thresholds

The total available funding of \$150,000,000 will be awarded within four categories and applicants will only compete with other applicants within that category. Recognizing that different sized jurisdictions have different capacities, resources, and needs, these categories were established so a percentage of the overall available funding will be set aside for small, medium, and large counties (and cities within those counties). The categories and amounts available for each are as follows:

1. Small counties, and all cities within those counties, will compete for 20 percent (20%) of the total Prop 64 PH&S grant funds, which equates to \$30,000,000.
2. Medium counties, and all cities within those counties, will compete for 20 percent (20%) of the total Prop 64 PH&S grant funds which equates to \$30,000,000.
3. Large counties, and all cities within those counties, will compete for 20 percent (20%) of the total Prop 64 PH&S grant funds which equates to \$30,000,000.

The categorization of counties as small, medium, or large is based on county population figures published by the California Department of Finance (see Appendix H). Cities will be categorized based on the county they are located.

The remaining 40 percent (40%) of the total Prop 64 PH&S grant funds will be used to fund the overall highest-rated proposals not funded through the small, medium, and large county set-aside categories.

4. The highest rated proposals that did not receive an award under the above categories will compete for the remaining 40 percent (40%), or \$60,000,000, regardless of county size category.

Funds in the small, medium, and large categories will be awarded first. Should there be a proposal that is only partially funded through a county-size category due to not having sufficient funds for a full proposal request, those proposals will be fully funded first using funds within the 40 percent (40%) category.

If there are not sufficient qualified applicants in any set-aside county-size category to exhaust all funds, those funds will be used to augment the 40 percent (40%) highest-rated category.

Minimum Score

Applicants must receive at least **50%** of the total points available to be considered for funding (i.e., qualified applicants). See Rating Factors, page 15.

Match Requirement

The Prop 64 PH&S Grant Program does not require matching and/or leveraged funds.

Supplanting

Supplanting is the deliberate reduction in the amount of federal, state, or local funds being appropriated to an existing program or activity because grant funds have been awarded for the same purposes.

Supplanting is strictly prohibited for all BSCC grants. BSCC grant funds shall be used to support new program activities or to augment existing funds which expand current program activities. BSCC grant funds shall not be used to replace existing funds.

It is the responsibility of the Grantee to ensure that supplanting does not occur. The Grantee must keep clear and detailed financial records to show that grant funds are used only for allowable costs and activities.

Project Evaluation Requirements

In addition to quarterly progress reports (QPRs), projects selected for funding will be required to submit to the BSCC: (1) a Local Evaluation Plan and (2) a Local Evaluation Report.

Local Evaluation Plan - The purpose of the Local Evaluation Plan (LEP) is to ensure that projects funded by the BSCC can be evaluated. Applicants will be expected to include a detailed description of how they plan to assess the effectiveness of the proposed program in relation to each of its goals and objectives identified in the proposal. The LEP should describe the evaluation design or model that will be used to evaluate the effectiveness of the project component(s), with the project goals and the objectives clearly stated. Applicants should include criteria for both process and outcome evaluations. Once submitted, any modifications to the LEP must be approved in advance by the BSCC. More detailed instructions on the LEP will be made available to successful applicants. See Appendix I for a sample of evaluation components.

Local Evaluation Report - Following project completion, grantees are required to complete a final Local Evaluation Report (LER) which must be in a format prescribed by the BSCC. The purpose of the final LER is to determine whether the overall project was effective in meeting the goals laid out in the LEP. To do this, the grantee must assess and document the effectiveness of the activities that were implemented. These activities should have been identified in the previously submitted LEP. More detailed instructions on the LER will be made available to successful applicants.

Applicants are strongly encouraged to identify research partners early on and include them in the development of the proposal, to better ensure that the goals and objectives listed in the proposal are realistic and measurable. Applicants are also strongly encouraged (but not required) to use outside evaluators to ensure objective and impartial evaluations. Specifically, applicants are encouraged to partner with state universities or community colleges for evaluations. Evaluation planning, oversight, and reporting activities may be funded by the Prop 64 PH&S Grant Program monies and should be identified within the applicant's proposed budget.

BSCC Executive Steering Committee Process

Prop 64 PH&S Grant Program Executive Steering Committee

To ensure successful program design and implementation, the BSCC uses Executive Steering Committees (ESCs) and Advisory Groups to inform decision-making related to the Board's programs. These committees are composed of subject matter experts and stakeholders representing both the public and private sectors. The BSCC makes every attempt to include diverse representation on its ESCs and Advisory Groups - in breadth of experience, geography, and demographics. ESCs are convened and approved by the BSCC Board, as the need arises, to carry out specified tasks including the development of RFPs for grant funds. The Board then approves, rejects, or revises those recommendations. Members of ESCs are not paid for their time but are reimbursed for travel expenses incurred to attend meetings.

The Prop 64 PH&S Grant Program ESC included subject matter experts on education, public health and safety, environmental impacts, law enforcement, fire protection, cannabis licensing and cultivation, substance use, mental health, and the criminal and juvenile justice systems. A list of ESC members can be found in Appendix J.

Prop 64 PH&S Grant Program Scoring Panel

The BSCC will be using a Scoring Panel process to complete the reading and rating of proposals, and to develop scoring recommendations for the BSCC Board.

Conflicts of Interest

Existing law prohibits any grantee, subgrantee, partner, or like party who participated on the above referenced Prop 64 PH&S Grant Program Scoring Panel from receiving funds from the grants awarded under this RFP. Applicants who are awarded grants under this RFP are responsible for reviewing the Prop 64 PH&S Grant Program Scoring Panel membership roster and ensuring that no grant dollars are passed through to any entity represented by any member of the Scoring Panel. Scoring Panel membership will be posted to the BSCC [website](#) no later than January 2023.

Overview of the RFP Process

Confirmation of Receipt of Proposal

Within 2 hours of submission of a proposal, applicants will receive a confirmation response from the BSCC stating the proposal has been received.

Disqualification – PLEASE READ THOROUGHLY

“Disqualification” means the proposal will not move forward to the Scoring Panel for the Proposal Rating Process and, therefore, will NOT be considered for funding under this grant.

The following will result in a **disqualification**:

- The applicant is not a county or a city in California.
- The applicant does not meet the eligibility criteria for the Prop 64 PH&S Grant funding (see Eligibility for Funding, page 4).

- The funding request for the application is more than \$3 million.
- The complete proposal package was not submitted using the BSCC-Submittable Application process as provided within the instructions on page 3.
- A complete proposal package, including all required uploaded documents, is not received by 5:00 p.m. on Friday, December 2, 2022.
 - Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft and Embezzlement– completed and signed
 - Criteria for Non-Governmental Organizations Receiving Prop 64 PH&S Grant Funds– completed and signed
 - Letter of Eligibility- completed and signed
 - Letter(s) of Commitment
 - Project Work Plan

Rating Process

Unless disqualified, proposals will advance to the Proposal Rating Process. The Prop 64 PH&S Grant Program, Cohort 3 Scoring Panel members will read and rate each proposal in accordance with the prescribed rating factors listed in the table below.

The Scoring Panel members will base their scores on how well an applicant addresses the items listed under each rating factor within the Proposal Narrative and Budget. Scoring Panel ratings, once submitted to the BSCC, will be final.

At the conclusion of this process, applicants will be notified of the funding recommendations. It is anticipated the BSCC Board will act on the recommendations at its meeting on April 13, 2023. Applicants and partners are not to contact members of the Scoring Panel nor the BSCC Board to discuss proposals.

Rating Factors

The Rating Factors to be used and the maximum points assigned to each factor are shown in the table below. Applicants are asked to address each of these factors as a part of their proposal. The ESC assigned a percent value to each of the Rating Factors, correlating to its importance (see Percent of Total Value column).

Prop 64 PH&S Grant Program Rating Factors and Point Values

	Rating Factors	Point Range	Percent of Total Value	Weighted Rating Factor Score
1	Project Need	0 - 5	25%	50
2	Project Description	0 - 5	50%	100
3	Project Evaluation	0 - 5	15%	30
4	Project Budget	0 - 5	10%	20
Maximum Rating Factor Score:			100%	200

Raters will score an applicant's response in each of the Rating Factor categories on a scale of 0-5, according to the Sample Scoring Rubric shown below. Each rating factor score is then weighted according to the "Percent of Total Value" column (determined by the ESC) associated with each Rating Factor to arrive at the final Weighted Score for each Rating Factor and then added together for a final overall proposal score.

Threshold/Minimum Score

A proposal must meet a threshold of **50%**, or minimum score of **100** total points to be considered for funding. Total points equal the weighted score plus preference points.

Scoring Rubric for 0-5 Point Range

Not Responsive 0	Poor 1	Fair 2	Satisfactory 3	Good 4	Excellent 5
The response fails to address the criteria.	The response addresses the criteria in a very inadequate way.	The response addresses the criteria in a non-specific or unsatisfactory way.	The response addresses the criteria in an adequate way.	The response addresses the criteria in a substantial way.	The response addresses the criteria in an outstanding way.

PART II: PROPOSAL INSTRUCTIONS AND RATING FACTORS

The following section contains pertinent information on how to complete the Request for Proposal (RFP) package for the Prop 64 PH&S Grant Program, Cohort 3. Instructions for submission via the BSCC-Submittable Application portal are on page 3 of this document.

- Proposal Abstract
- Proposal Narrative Section
 1. Project Need
 2. Project Description and Project Work Plan (upload attachment)
 3. Project Evaluation
- Project Budget Table and Budget Narrative (upload attachment)
- Additional Request for Proposals Information, optional (upload attachment)
- Required RFP Attachments (upload attachments)
 1. Letter of Eligibility
 2. Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft and Embezzlement
 3. Criteria for Non-Governmental Organizations Receiving Prop 64 PH&S Grant Funds
 4. Letter(s) of Commitment – Sample
 5. *Governing Board Resolution – Sample (optional; not required for proposal submission)*

Proposal Abstract

Instructions: The Proposal Abstract should provide a brief summary of the proposed project. This section will not be included in the rating of the Proposal.

Proposal Narrative

The Proposal Narrative must address the Project Need, Project Description, and Project Evaluation sections. Sources cited must be included within Proposal Narrative or may be referenced within the optional RFP- Additional Information attachment (uploaded attachment).

It is up to the applicant to determine how best to use the 28,000 character limit in addressing each RFP section. Character limits include all letters/numbers, punctuation, and spaces.

Within each narrative section, address the following items in a cohesive, comprehensive, and concise narrative format.

Rating Criteria for Project Need

Percent of Total Value: 25%

Address the rating factor for Project Need in narrative form as defined below. The response will be evaluated with a single rating based on a scale of 0-5.

Project Need: The applicant articulated a need that is pertinent to the intent of the grant program. The elements that are to comprise the Project Need are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed (when applicable), it is the quality of the response to each that is to be evaluated.	
1.1	Describe the need(s) related to the impact of the passage of Proposition 64.
1.2a	Demonstrate how the need(s) is related to Project Purpose Area (PPA) 1 - Youth Development/Youth Prevention and Intervention.
1.2b	Demonstrate how the need(s) is related to other PPA(s) selected (if applicable).
1.3	Provide local service gaps that contribute to the need for the proposed Proposition 64 project are identified.
1.4	Provide relevant local qualitative and/or quantitative data with citations in support of the Prop 64 PH&S project need(s).
1.5	Describe the process that was used to determine the need(s), including soliciting input from key stakeholders (e.g., community, public, private).

Rating Criteria for Project Description

Percent of Total Value: 50%

Address the rating factor for Project Description in narrative form as defined below. The response will be evaluated with a single rating based on a scale of 0-5.

<p>Project Description: The applicant provided a description of the project that is related to the identified need and the intent of the grant program. The elements that are to comprise the Project Description are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed, it is the quality of the response to each that is to be evaluated.</p>	
2.1	<p>Describe the proposed project that will address the need(s) discussed in the Project Needs section. The description should:</p> <ul style="list-style-type: none"> • Describe the components of the proposed project that links to each PPA, as applicable. • Describe the target area and/or population which will be the focus of the project, including how and why it was selected. • If applicable, provide an estimate of how many individuals will be served and the process for determining which services/activities an individual/group will receive.
2.2	<p>Describe the proposed Proposition 64 project goals and objectives and the impact that includes the relationship to the need and intent of the Proposition 64 Grant.</p> <ul style="list-style-type: none"> • Provide a completed Work Plan (Appendix L- Sample) that is appropriate for the proposed project and aligns with the need and intent of the Proposition 64 Grant. The plan identifies the top three goals and objectives and how these will be achieved in terms of the activities, responsible staff/partner agencies, outcome measures, data sources and start and end dates. The work plan addresses selected PPAs (as applicable) that are related to the need and intent of the grant.
2.3	<p>Provide rationale for the proposed Proposition 64 project which includes:</p> <ul style="list-style-type: none"> • The selection of evidence-based, promising, informed, or innovative practices, interventions, and services. • A description of relevant evidence or research to support the selection of the proposed program for the target population and the community.
2.4	<p>Describe the extent to which the proposed project will utilize existing resources or projects.</p>
2.5	<p>Describe the experience, staffing, and/or partnerships your organization will use to implement the proposed project [include partners' Letter(s) of Commitment, if applicable]. If partners are to be selected after the grant is awarded, then specify the process and criteria for selecting those partners.</p>
2.6	<p>Provide a Project Work Plan (Appendix L- Sample) that:</p> <ul style="list-style-type: none"> • Identifies the project's goals and measurable objectives (see Appendix A for definitions) that addresses identified PPAs (as applicable) that are related to the need and intent of the grant. • Identifies how the goals will be achieved in terms of the activities, responsible staff/partners, and start and end dates. • Is appropriate to the proposed project.

Rating Criteria for Project Evaluation
Percent of Total Value: 15%

Address the rating factor for Project Evaluation in narrative form as defined below. The response will be evaluated with a single rating based on a scale of 0-5.

Project Evaluation: The applicant described how it will evaluate the effectiveness of the proposed project. The elements that are to comprise the Project Evaluation are listed below. Addressing each element does not in itself merit a high rating; rather, although each element is to be addressed, it is the quality of the response to each that is to be evaluated.	
3.1	Describe the plan to determine the staff and/or entity that will conduct the project evaluation and how monitoring activities will be incorporated in the various phases of the project (e.g., start-up, implementation, service delivery period).
3.2	Identify process and outcome measures that are quantifiable and in line with the intent of the proposal and the objectives listed in the Work Plan.
3.3	Describe the preliminary plan for monitoring the project to ensure that the project components are implemented as intended.
3.4	Describe the preliminary plan for how to collect and evaluate baseline and outcome data related to the process and outcome measures identified in 3.2. Describe a plan for entering into data sharing agreements, if necessary.
3.5	Describe the research design or methodology that will allow for an assessment of whether the strategy implemented achieved the intended outcomes.

Proposal Budget

Rating Criteria for Project Budget
Percent of Total Value: 10%

Address the rating factor for Project Budget in narrative form as defined below. The response will be evaluated with a single rating based on a scale of 0-5.

Project Budget: The applicant provided budget information for the proposed project. The elements that are to comprise the Project Budget are listed below. Addressing each element does not itself merit a high rating; rather, although each element is to be addressed, it is the quality of the response to each that is to be evaluated.	
4.1	Provide a complete Budget Table as appropriate for the proposed project.
4.2	Provide budget narrative that <ul style="list-style-type: none"> • explains and supports each identified expense. • justifies expenses as appropriate for the project's goals and planned activities within the selected PPA(s), as applicable.

The Budget Attachment sections must be filled out completely and accurately. Applicants are solely responsible for the accuracy and completeness of the information entered in the Budget Section. All project costs must be directly related to the objectives and activities of the project demonstrating how the funds will be used to address the local need(s) due to the impact of legalizing cannabis in California. The Budget Table must cover the entire five (5) year grant period. Estimates beyond Year 1 of the grant are acceptable. The Proposal Budget and Budget Narrative document must be uploaded into the BSCC-Submittable Application when prompted.

For additional guidance related to grant budgets, refer to the *July 2020 BSCC Grant Administration Guide*, found under Quick Links on the Corrections Planning and Grant Programs home page: http://www.bscc.ca.gov/s_correctionsplanningandprograms/

Additional RFP Information

Applicants may include a maximum of two (2) additional numbered pages to the Proposal Package. This document may **only** include endnotes, tables, charts, graphs and/or graphics, must be cited/referenced within the Proposal Narrative, must directly support the Proposal Narrative, and be legible. This document will be optional and can be uploaded into the BSCC-Submittable Application when prompted. If more than two (2) pages are submitted, only the first two (2) pages will go forward to the raters.

RFP Mandatory Documents

The following documents must be uploaded in the BSCC-Submittable application when prompted.

Letter(s) of Commitment

Applicants must include at least one (1) Letter of Commitment as part of the application package. A Letter(s) of Commitment should express, not only support for the proposed project, but also the author's specific commitment toward ensuring the overall success of the project. There is no required format for the Letter(s) of Commitment; however, each letter must:

- ✓ be on the collaborating partner organization's letterhead
- ✓ detail the roles and responsibilities of the partnering agency within the Prop 64 PH&S Grant Program, Cohort 3.

Letter of Eligibility

Applicants must provide a Letter of Eligibility detailing how the county or city meets the eligibility criteria (page 4). There is no required format for the Letter of Eligibility. An applicant may use the fillable form provided online or may create its own (see Appendix B in this document as a sample). However, if an applicant creates its own letter, it must:

- ✓ Be on the county or city letterhead
- ✓ Include the titles of the regulations, ordinances, or amendments to local government charters
- ✓ Include the dates the regulations, ordinances, or amendments to local government charters became enacted/effective

Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft and Embezzlement

Please see Appendix F as a sample. This form is available online and must be completed, signed, and uploaded into the BSCC-Submittable application.

Criteria for Non-Governmental Organizations Receiving Prop 64 PH&S Grant Funds

Please see Appendix K as a sample. This form is available online and must be completed, signed, and uploaded into the BSCC-Submittable application.

Project Work Plan

Please see Appendix L as a sample. This form is available online and must be completed, signed, and uploaded into the BSCC-Submittable application.

****Governing Board Resolution (Optional)***

Please see Appendix E as a sample. An entity's Governing Board's Resolution is optional for upload at the time of application.

APPENDICES

APPENDIX A
Glossary of Terms – Prop 64 PH&S Grant, Cohort 3

DEFINITIONS FOR THE PURPOSES OF THE PROPOSITION 64 PUBLIC HEALTH AND SAFETY GRANT, COHORT 3

Ban

Ban is to prohibit, forbid, or bar by a local government.

For the purposes of this RFP, if *both* cultivation activities below are true, the local government is ineligible for Prop 64 PH&S funding:

Ban Cultivation

- ✓ All indoor commercial cultivation (including mixed light cultivation)
- ✓ All outdoor commercial cultivation

NOTE: Cultivation of cannabis is not considered banned by a local government if the local government restricts cultivation activities to specific locations pursuant to local zoning ordinances or if the local government requires licensure for specific commercial cultivation activities provided that such restrictions do not result in the prohibition of all indoor commercial cannabis cultivation, and all outdoor commercial cannabis cultivation, within the local government's jurisdiction/authority.

For the purposes of this RFP, if *either* of the retail sale activities below are true, the local government is ineligible for Prop 64 PH&S funding:

Ban Retail Sale

- ✓ Prohibiting establishment of business licensed under Division 10 of the Business and Professions Code
- ✓ Prohibiting operation of businesses licensed under Division 10 of the Business and Professions Code

NOTE: Retail sale of cannabis is not considered banned by a local government if the local government restricts the retail sale of cannabis to specific locations pursuant to local zoning ordinances, or if the local government requires licensure for specific retail sales activities provided that such restrictions do not result in the prohibition of all retail sales in the local government's jurisdiction/authority.

Community-Based Organization

A community-based organization (CBO) is a nongovernmental organization that provides services to a community consisting of individuals, groups, or other organizations that constitute the local or community service population. In the context of the Prop 64 PH&S Grant Program, a CBO is generally considered to be a non-government, non-law enforcement organization that provides services individuals that are at risk of involvement or already involved with the justice system. In this RFP, CBOs and nonprofit organizations are referred to as NGOs or Non-Governmental Organizations.

Community-Driven

Community-driven practices are programs and strategies that are derived from the traditional practices of a particular racial, ethnic, or cultural community and have been determined effective by the community.

Cultural Relevance

Cultural relevance acknowledges the influence of the youth's identity characteristics on the youth's experience of the world and incorporates perspectives into the program's environment. These identity characteristics include racial/ethnic, gender, class, religion, educational, sexual orientation, gender identity, family heritage, disability, and any other identity the youth communicates as important.

Every grantee and sub-grantee/sub-recipient that receives Prop 64 PH&S Grant funds should utilize programs, practices, and approaches that embed cultural relevancy.

Developmentally Appropriate

A service or intervention may be considered developmentally appropriate if it is based on a child's level of need, or developmental stage, rather than the child's chronological age.

Evidence-based / Promising Practices

Evidence-based practices are programs and strategies that have been found effective at improving positive or preventing negative health outcomes, using rigorous scientific research methods. Programs and strategies may be evidence-based across all populations, or only for particular cultures and identities.

Promising practices are programs and strategies that have shown some positive results and potential for improving desired health outcomes. They may have evidence from use in real-world settings, a strong theoretical framework, and/or expert opinion, but have not been fully replicated in scientific studies. Depending on the level of scientific evidence, these are sometimes referred to as "evidence-informed," "research-supported," or "emerging" practices.

Applicants may find it helpful to review the information on evidence-based practices in Appendix C of this RFP as well as in the Substance Abuse and Mental Health Services Administration's (SAMHSA) Guide to Evidence-Based Practices available at:

<https://www.samhsa.gov/ebp-resource-center>.

Financial Audit

A financial audit provides assurances that an organization's financial statements are free of material misstatement based upon the application of generally accepted accounting principles.

Mixed Light Cultivation

Mixed light cultivation occurs within a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure and uses a combination of natural and supplemental artificial lighting.

Service Need Determination

In considering whether to provide diversion services to potential program participants, service providers receiving funding under this grant must use an approach that is trauma-

informed, culturally relevant and developmentally appropriate. Approaches could include, but are not limited to, surveys or interviews. Applicants must thoroughly explain and justify their proposed approach for deciding which youth will be selected or chosen for program participation. Every applicant must identify some methodology for determining whether a potential program participant would benefit from services and how youth will be matched with specific services that provide those benefits.

Trauma

Trauma is an experience that causes intense physical and psychological stress reactions. It can refer to a single event, multiple events, or a set of circumstances that is experienced by an individual as physically and emotionally harmful or threatening and that has lasting adverse effects on the individual's physical, social, emotional, cognitive, or spiritual well-being.

Trauma-Informed

A Trauma-Informed approach is one in which all parties involved recognize and respond appropriately to the impact of traumatic stress designed to the youth's individual needs and ensure the physical and psychological safety of all youth, family members, and staff. Trauma-informed care is an organizational structure and system framework that involves understanding, recognizing, and responding to traumatic stress reactions and the effects of all types of trauma. Trauma-informed care also emphasizes raising awareness and providing resources about trauma and the impact of trauma on youth, family members and staff.

Youth

Youth is defined as under the age of 21 (i.e., individuals not of legal age to use and purchase cannabis products).

EVALUATIVE TERMS

Local Evaluation Plan and Local Evaluation Report¹

The purpose of the Local Evaluation Plan and the Local Evaluation Report is to identify whether the program achieved its goals and objectives. Outcome measures are designed to answer the question: "What results did the program produce?" Examples of outcome measures could include:

- Results of pre/post surveys (e.g., improvements in the number of high school graduates or reductions in law enforcement contacts).
- Implementation of programs aimed at increasing the number of youth enrolled in mentoring programs.
- Changes in policies that improve access to alcohol and substance use prevention services for youth.

¹Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)* p. 7. Retrieved from <http://www.jrsa.org/pubs/juv-justice/program-evaluation.pdf>.

Goal versus Objective

Goals and objectives are necessary components of the Local Evaluation Plan and the Project Work Plan. These common terms are sometimes used interchangeably because both refer to the intended results of program activities. Goals are longer-term than objectives, more broadly stated and govern the specific objectives to which program activities are directed.

In proposals, goals are defined by broad statements of what the program intends to accomplish, representing the long-term intended outcome of the program².

Examples of goal statements³:

- To reduce the number of youths who commit serious offenses.
- To reduce the number of youths who exhibit a pattern of chronic offending.
- To divert youth who commit nonviolent offenses from state juvenile correctional institutions.
- To restore the losses suffered by the victims of crimes.
- To make improvements in academic behavior and/or achievement.
- To reduce rates of youth substance use in the target area.

Objectives are statements of specific, measurable aims of program activities. Objectives detail the tasks that must be completed to achieve goals. Descriptions of objectives in the proposals should include three elements:⁴

- 1) Direction – the expected change or accomplishment (e.g., improve, maintain);
- 2) Timeframe – when the objective will be achieved; and
- 3) Target Population – who is affected by the objective.

Examples of program objectives:⁵

- By the end of the program, drug-addicted youth will recognize the long-term consequences of drug use.
- To place eligible youth in an intensive supervision program within two weeks of adjudication to ensure their accountability and the community's safety.
- To ensure the youth in this program carry out all the terms of the mediation agreements they have worked out with their victims by program completion.
- To improve the self-discipline and study habits of youth enrolled.

² Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)*. Retrieved from <http://www.jrsa.org/pubs/juv-justice/program-evaluation.pdf>. See also New York State Division of Criminal Justice Services. *A Guide to Developing Goals and Objectives for Your Program*. Retrieved from <http://www.criminaljustice.ny.gov/ofpa/goalwrite.htm>.

³ *Id.* at p. 4.

⁴ Justice Research and Statistics Association, Juvenile Justice Evaluation Center. (2003, June). *Juvenile Justice Program Evaluation: An overview (Second Edition)* p. 5. Retrieved from <http://www.jrsa.org/pubs/juv-justice/program-evaluation.pdf>.

⁵ *Id.*

Principles of Effective Intervention

During the past two decades, there has been renewed interest in examining correctional research. These efforts have been led by researchers such as Gendreau, Andrews, Cullen, Lipsey and others.⁶ Much evidence has been generated, leading to the conclusion that many rehabilitation programs have, in fact, produced significant reductions in recidivism. The next critical issue became the identification of those characteristics most commonly associated with effective programs. Through the work of numerous scholars (Andrews et al., 1990⁷; Cullen and Gendreau, 2000⁸; Lipsey 1999⁹), several “principles of effective intervention” have been identified. These principles can be briefly categorized as the following:

- Assess Risk/Needs
- Enhance Intrinsic Motivation
- Target Interventions
 - Risk Principle
 - Needs Principle
 - Responsivity Principle
 - Dosage
 - Treatment Principle
- Skill Train with Directed Practice
- Increase Positive Reinforcement
- Engage Ongoing Support in Natural Communities
- Measure Relevant Processes/Practices
- Provide Measurement Feedback

TERMS DEFINED BY THE PROPOSITION 64 INITIATIVE

Cannabis means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

Cannabis accessories means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body. (Health & Saf. Code, § 11018.2.)

⁶ For a thorough review of this research, see Cullen, F.T. and B.K. Applegate. 1998. Offender rehabilitation: Effective correctional intervention. Brookfield, Vt.: Ashgate Dartmouth.

⁷ Andrews, D.A., I. Zinger, R.D. Hoge, J. Bonta, P. Gendreau and F.T. Cullen. 1990. Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis. *Criminology* 28(3):369-404.

⁸ Cullen, F.T. and P. Gendreau. 2000. Assessing correctional rehabilitation: Policy, practice, and prospects. In *Criminal justice 2000: Volume 3 – Policies, processes, and decisions of the criminal justice system*, ed. J. Horney, 109-175. Washington, D.C.: U.S. Department of Justice, National Institute of Justice.

⁹ Lipsey, M.W. 1999. Can intervention rehabilitate serious delinquents? *The Annals of the American Academy of Political and Social Science*, 564(2):142-166.

Cannabis products means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients. (Health & Saf. Code, § 11018.1.)

Commercial marijuana activity includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana products as provided for in this division.

Cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

Delivery means the commercial transfer of marijuana or marijuana products to a customer. Delivery also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this division, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

Distribution means the procurement, sale, and transport of marijuana and marijuana products between entities licensed pursuant to this division.

License means a state license issued under Section 26001 of the Business and Professions Code.

Licensee means any person or entity holding a license under Section 26001 of the Business and Professions Code.

Licensing authority means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the licensee.

Local government (jurisdiction) means a city, county, or city and county.

Manufacture means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

Manufacturer means a person that conducts the production, preparation, propagation, or compounding of marijuana or marijuana products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages marijuana or marijuana products or labels or re-labels its container, that holds a state license pursuant to this division.

Marijuana has the same meaning as Cannabis (see above).

Nursery means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of marijuana.

Operation means any act for which licensure is required under the provisions of this division, or any commercial transfer of marijuana or marijuana products.

Package means any container or receptacle used for holding marijuana or marijuana products.

Purchaser means the customer who is engaged in a transaction with a licensee for purposes of obtaining marijuana or marijuana products.

Sell, sale, and to sell includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.

APPENDIX B
SAMPLE: Letter of Eligibility

Before grants can be awarded funds and receive an executed contract under the Proposition 64 Public Health and Safety Grant Program, Cohort 3, the applying local jurisdiction (and all jurisdictions within a collaborative proposal) must assure they do not ban the following activities. Below is sample assurance language that, at a minimum, must be included in the Letter of Eligibility submitted to the Board of State and Community Corrections. Applicants may use the form provided by the BSCC or create their own. However, Appendix B must be uploaded as part of the Proposition 64 Public Health and Safety Grant Program, Cohort 3 application through Submittable.

As an applicant, our jurisdiction(s) does not ban (i.e., prohibit, forbid, or bar):

- All indoor commercial cannabis cultivation (including mixed light cultivation)
Regulation(s), ordinance(s), and or amendment(s) to our local government charter(s) that ensure the above are true- *<provide information including enacted/effective date(s)>*.
- All outdoor commercial cannabis cultivation
Regulation(s), ordinance(s), and or amendment(s) to our local government charter(s) that ensure the above are true- *<provide information including enacted/effective date(s)>*.
- Establishment of business(es) licensed under Division 10 of the Business and Professions Code
Regulation(s), ordinance(s), and or amendment(s) to our local government charter(s) that ensure the above are true- *<provide information including enacted/effective date(s)>*.
- Operation of businesses licensed under Division 10 of the Business and Professions Code
Regulation(s), ordinance(s), and or amendment(s) to our local government charter(s) that ensure the above are true- *<provide information including enacted/effective date(s)>*.

Documentation detailed above will be provided to the BSCC upon request.

AUTHORIZED SIGNATURE		
<i>(This document must be signed by the person who is authorized to sign the Grant Agreement.)</i>		
NAME OF AUTHORIZED OFFICER	TITLE	
STREET ADDRESS		
CITY	STATE	ZIP CODE
TELEPHONE NUMBER	EMAIL ADDRESS	
AUTHORIZED OFFICER SIGNATURE (Blue Ink Only or E-signature)		DATE
X		

APPENDIX C

Evidence-Based Resources

The websites provided below may be useful to applicants in the proposal development process. This list is not exhaustive, and it is offered as a suggested starting point for applicants to use in researching evidence-based programs, practices, and strategies.

Blueprints for Violence Prevention

<http://www.colorado.edu/cspv/blueprints/index.html>

Board of State and Community Corrections

http://www.bscc.ca.gov/s_web-basedresourcesonevidence-basedpractices/

California Institute of Behavioral Health Solutions

<http://www.cibhs.org/evidence-based-practices-0>

Coalition for Evidence-Based Policy

<http://evidencebasedprograms.org/>

CrimeSolutions.gov

<http://www.crimesolutions.gov/>

Evaluating Drug Control and System Improvement Projects

Guidelines for Project Supported by the Bureau of Justice Assistance

<https://www.bja.gov/evaluation/guide/documents/nijguide.html>

Justice Research and Statistic Association

<http://www.jrsa.org/>

National Child Traumatic Stress Network

<https://www.NCTSN.Org>

National Criminal Justice Reference Service (NCJRS)

“Preventing and Reducing Youth Crime and Violence: Using Evidence-Based Practice.” A report prepared by Peter Greenwood, Ph.D., for the California Governor’s Office of Gang and Youth Violence Policy, 2010.

<https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=255934>

National Institute of Corrections

<http://nicic.gov/Library/>

National Reentry Resource Center

<http://nationalreentryresourcecenter.org/>

Office of Justice Programs – Crime Solutions.gov

<http://www.CrimeSolutions.gov>

Office of Juvenile Justice and Delinquency Prevention Model Program Guide

<http://www.ojjdp.gov/mpg/>

Promising Practices Network

<http://www.promisingpractices.net/>

Reducing Recidivism to Increase Public Safety: A Cooperative Effort by Courts and Probation Hon, J. Richard Couzens, Placer County Superior Court (Ret.)

<http://www.courts.ca.gov/documents/EVIDENCE-BASED-PRACTICES-Summary-6-27-11.pdf>

Substance Abuse and Mental Health Services Administration

<https://www.samhsa.gov/ebp-resource-center>

The National Documentation Centre on Drug Use

<http://www.drugsandalcohol.ie/3820//>

Washington State Institute for Public Policy

<http://www.wsipp.wa.gov/>

**APPENDIX D
SAMPLE: Grant Agreement**

STANDARD AGREEMENT
STD 213 (Rev 03/2019)

AGREEMENT NUMBER BSCC XXX-23	PURCHASING AUTHORITY NUMBER (If Applicable)
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1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

BOARD OF STATE AND COMMUNITY CORRECTIONS

CONTRACTOR NAME

GRANTEE NAME

2. The term of this Agreement is:

START DATE

MAY 1, 2023

THROUGH END DATE

OCTOBER 31, 2028

3. The maximum amount of this Agreement is:

\$3,000,000.00

4. The parties agree to comply with the terms and conditions of the following exhibits, attachments, and appendices which are by this reference made a part of the Agreement.

EXHIBITS	TITLE	PAGES
Exhibit A	Scope of Work	3
Exhibit B	Budget Detail and Payment Provisions	4
Exhibit C	General Terms and Conditions (04/2017)	4
Exhibit D	Special Terms and Conditions	5
Attachment 1*	Proposition 64 Public Health & Safety (Prop 64 PH&S) Grant Request for Proposals, Cohort 3	*xx
Attachment 2	Prop 64 PH&S Grant Proposal	xx
Appendix A	Prop 64 PH&S Scoring Panel	1
Appendix B	Criteria for Non-Governmental Organizations Receiving BSCC Program Funds	2

* This item is hereby incorporated by reference and can be viewed at: xxxxxxxxx

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

CONTRACTOR

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

GRANTEE NAME

CONTRACTOR BUSINESS ADDRESS	CITY	STATE	ZIP
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PRINTED NAME OF PERSON SIGNING	TITLE
--------------------------------	-------

CONTRACTOR AUTHORIZED SIGNATURE 	DATE SIGNED
-------------------------------------	-------------

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME

BOARD OF STATE AND COMMUNITY CORRECTIONS

CONTRACTING AGENCY ADDRESS 2590 Venture Oaks Way, Suite 200	CITY Sacramento	STATE CA	ZIP 95833
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PRINTED NAME OF PERSON SIGNING RICARDO GOODRIDGE	TITLE Deputy Director
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CONTRACTING AGENCY AUTHORIZED SIGNATURE 	DATE SIGNED
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EXHIBIT A: SCOPE OF WORK**1. GRANT AGREEMENT – PROPOSITION 64 PUBLIC HEALTH AND SAFETY GRANT**

This Grant Agreement is between the State of California, Board of State and Community Corrections (hereafter referred to as BSCC) and _____ (hereafter referred to as the Grantee).

2. PROJECT SUMMARY AND ADMINISTRATION

- A. The Fiscal Years 2020-21 and 2021-22 State Budgets includes funding in the amount of \$150,000,000 million for local assistance grants for the Proposition 64 Public Health and Safety (Prop 64 PH&S) Grant Program, Cohort 3, to be administered by the Board of State and Community Corrections (BSCC).

The purpose of this grant program is to fund projects that assist with law enforcement efforts, fire protection efforts, or other local projects addressing public health and safety associated with the implementation of the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA).

- B. Grantee agrees to administer the project in accordance with Attachment 1: Prop 64 PH&S Grant Program, Cohort 3 Request for Proposals (incorporated by reference) and Attachment 2: Grant Proposal, which are attached and hereto and made part of this agreement.

3. PROJECT OFFICIALS

- A. The BSCC's Executive Director or designee shall be the BSCC's representative for administration of the Grant Agreement and shall have authority to make determinations relating to any controversies that may arise under or regarding the interpretation, performance, or payment for work performed under this Grant Agreement.
- B. The Grantee's project officials shall be those identified as follows:

Authorized Officer with legal authority to sign:

Name:
Title:
Address:
Phone:

Designated Financial Officer authorized to receive warrants:

Name:
Title:
Address:
Phone:
Email:

Project Director authorized to administer the project:

Name:
Title:
Address:
Phone:
Email:

EXHIBIT A: SCOPE OF WORK

- C. Either party may change its project representatives upon written notice to the other party.
- D. By signing this Grant Agreement, the Authorized Officer listed above warrants that he/she/they have full legal authority to bind the entity for which they sign.

4. DATA COLLECTION

Grantees will be required to comply with all data collection and reporting requirements as described in Attachment 1: Prop 64 PH&S Grant Program, Cohort 3 Request for Proposals and Attachment 2: Grant Proposal.

5. REPORTING REQUIREMENTS

- A. Grantee will submit quarterly progress reports in a format prescribed by the BSCC. These reports, which will describe progress made on program objectives and include required data, shall be submitted according to the following schedule:

Quarterly Progress Report Periods

1. May 1, 2023 to June 30, 2023
2. July 1, 2023 to September 30, 2023
3. October 1, 2023 to December 31, 2023
4. January 1, 2024 to March 31, 2024
5. April 1, 2024 to June 30, 2024
6. July 1, 2024 to September 30, 2024
7. October 1, 2024 to December 31, 2024
8. January 1, 2025 to March 31, 2025
9. April 1, 2025 to June 30, 2025
10. July 1, 2025 to September 30, 2025
11. October 1, 2025 to December 31, 2025
12. January 1, 2026 to March 31, 2026
13. April 1, 2026 to June 30, 2026
14. July 1, 2026 to September 30, 2026
15. October 1, 2026 to December 31, 2026
16. January 1, 2027 to March 31, 2027
17. April 1, 2027 to June 30, 2027
18. July 1, 2027 to September 30, 2027
19. October 1, 2027 to December 31, 2027
20. January 1, 2028 to March 31, 2028
21. April 1, 2028 to April 30, 2028

Due no later than:

- August 15, 2023
 November 15, 2023
 February 15, 2024
 May 15, 2024
 August 15, 2024
 November 15, 2024
 February 15, 2025
 May 15, 2025
 August 15, 2025
 November 15, 2025
 February 15, 2026
 May 15, 2026
 August 15, 2026
 November 15, 2026
 February 15, 2027
 May 15, 2027
 August 15, 2027
 November 15, 2027
 February 15, 2028
 May 15, 2028
 June 15, 2028

Note: Project activity period ends April 30, 2028. The period of May 1, 2028 to October 31, 2028 is for completion of Final Local Evaluation Report and the financial audit only.

B. Evaluation Documents

1. Local Evaluation Plan
2. Final Local Evaluation Report

Due no later than:

- August 1, 2023
 October 31, 2028

C. Other

Financial Audit

Due no later than:

October 31, 2028

EXHIBIT A: SCOPE OF WORK**6. PROJECT RECORDS**

- A. The Grantee shall establish an official file for the project. The file shall contain adequate documentation of all actions taken with respect to the project, including copies of this Grant Agreement, approved program/budget modifications, financial records and required reports.
- B. The Grantee shall establish separate accounting records and maintain documents and other evidence sufficient to properly reflect the amount, receipt, and disposition of all project funds, including grant funds and any matching funds by the Grantee and the total cost of the project. Source documentation includes copies of all awards, applications, approved modifications, financial records and narrative reports.
- C. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under the grant, whether they are employed full-time or part-time. Time and effort reports are also required for all subcontractors and consultants.
- D. The grantee shall maintain documentation of donated goods and/or services, including the basis for valuation.
- E. Grantee agrees to protect records adequately from fire or other damage. When records are stored away from the Grantee's principal office, a written index of the location of records stored must be on hand and ready access must be assured.
- F. All Grantee records relevant to the project must be preserved a minimum of three (3) years after closeout of the grant project and shall be subject at all reasonable times to inspection, examination, monitoring, copying, excerpting, transcribing, and auditing by the BSCC or designees. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records must be retained until the completion of the action and resolution of all issues which arise from it or until the end of the regular three-year period, whichever is later.

7. CONFLICT OF INTEREST

- A. Existing law prohibits any grantee, subgrantee, partner or like party who participated on the Prop 64 PH&S Scoring Panel (See Contract Appendix A) from receiving funds from the Prop 64 PH&S Cohort 3 grants awarded under this RFP. Applicants who are awarded grants under this RFP are responsible for reviewing the Prop 64 PH&S Scoring Panel membership roster (see Contract Appendix A) and ensuring that no grant dollars are passed through to any entity represented by the members of the Prop 64 PH&S Scoring Panel.
- B. In cases of an actual conflict of interest with a Scoring Panel member, the Board may revoke the grant award and legal consequences could exist for the parties involved, including, but not limited to, repayment of the grant award.

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS**1. INVOICING AND PAYMENTS**

- A. The Grantee shall be paid in quarterly in arrears by submitting an invoice (Form 201) to the BSCC that outlines actual expenditures claimed for the invoicing period.

Quarterly Invoicing Periods:	Due no later than:
1. May 1, 2023 to June 30, 2023	August 15, 2023
2. July 1, 2023 to September 30, 2023	November 15, 2023
3. October 1, 2023 to December 31, 2023	February 15, 2024
4. January 1, 2024 to March 31, 2024	May 15, 2024
5. April 1, 2024 to June 30, 2024	August 15, 2024
6. July 1, 2024 to September 30, 2024	November 15, 2024
7. October 1, 2024 to December 31, 2024	February 15, 2025
8. January 1, 2025 to March 31, 2025	May 15, 2025
9. April 1, 2025 to June 30, 2025	August 15, 2025
10. July 1, 2025 to September 30, 2025	November 15, 2025
11. October 1, 2025 to December 31, 2025	February 15, 2026
12. January 1, 2026 to March 31, 2026	May 15, 2026
13. April 1, 2026 to June 30, 2026	August 15, 2026
14. July 1, 2026 to September 30, 2026	November 15, 2026
15. October 1, 2026 to December 31, 2026	February 15, 2027
16. January 1, 2027 to March 31, 2027	May 15, 2027
17. April 1, 2027 to June 30, 2027	August 15, 2027
18. July 1, 2027 to September 30, 2027	November 15, 2027
19. October 1, 2027 to December 31, 2027	February 15, 2028
20. January 1, 2028 to March 31, 2028	May 15, 2028
21. April 1, 2028 to April 30, 2028	June 15, 2028

Final Invoicing Periods*:	Due no later than:
1. May 1, 2028 to June 30, 2028	August 15, 2028
2. July 1, 2028 to October 31, 2028	December 15, 2028

**Note: Only expenditures associated with completion of the Final Local Evaluation Report and the financial audit may be included on these last two invoices.*

- B. All project expenditures (excluding costs associated with the completion of the Final Local Evaluation Report and the financial audit) must be incurred by the end of the grant project period, April 30, 2028, and included on the invoice due June 15, 2028. Project expenditures incurred after April 30, 2028 will not be reimbursed.
- C. The Final Local Evaluation Report is due to BSCC by October 31, 2028. Expenditures incurred solely for the completion of the Final Local Evaluation Report during the period of May 1, 2028 to October 31, 2028 must be submitted on the invoice due December 15, 2028. Supporting fiscal documentation will be required for all expenditures claimed during the Final Invoicing Periods and must be submitted with your final invoice due no later than December 15, 2028.
- D. The financial audit is due to BSCC by October 31, 2028. Expenditures incurred solely for the completion of the financial audit during the period of May 1, 2028 to October 31, 2028 must be submitted on the invoice due December 15, 2028. Supporting fiscal documentation will be required for all expenditures claimed during the Final Invoicing Periods and must be submitted with your final invoice due no later than December 15, 2028.

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

- E. Grantee shall submit an invoice to the BSCC each invoicing period, even if grant funds are not expended or requested during the invoicing period.
- F. Upon the BSCC's request, supporting documentation must be submitted for project expenditures. Grantees are required to maintain supporting documentation for all expenditures on the project site for the life of the grant and make it readily available for review during BSCC site visits. See Exhibit A. Scope of Work, Item 6. Project Records.

2. GRANT AMOUNT AND LIMITATION

- A. In no event shall the BSCC be obligated to pay any amount in excess of the grant award. Grantee waives any and all claims against the BSCC, and the State of California on account of project costs that may exceed the sum of the grant award.
- B. Under no circumstance will a budget item change be authorized that would cause the project to exceed the amount of the grant award identified in this Grant Agreement.

3. BUDGET CONTINGENCY CLAUSE

- A. This grant agreement is valid and enforceable only if sufficient funds are made available through the Proposition 64 Initiative (the Control, Regulate and Tax Adult Use of Marijuana Act) via the State and Local Government Law Enforcement Account. On or before July 15th of each fiscal year, the State Controller shall deposit funds derived from Proposition 64 taxes into the State and Local Government Law Enforcement Account pursuant to amended Revenue and Taxation Code section 34019, subdivision (f)(3). The grantee agrees that the BSCC's obligation to pay any sum to the grantee under any provision of this agreement is contingent upon the availability of sufficient funding made available to the BSCC pursuant to amended Revenue and Taxation Code section 34019, subdivision (f)(3)(C).
- B. If Prop 64 PH&S funding is reduced or falls below estimates contained within the Prop 64 PH&S Request for Proposals, Cohort 3, the BSCC shall have the option to either cancel this Grant Agreement with no liability occurring to the BSCC or offer an amendment to this agreement to the Grantee to reflect a reduced amount.
- C. If BSCC cancels the agreement pursuant to Paragraph 3(B) or Grantee does not agree to an amendment in accordance with the option provided by Paragraph 3(B), it is mutually agreed that the Grant Agreement shall have no further force and effect. In this event, the BSCC shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this Agreement and Grantee shall not be obligated to perform any provisions of this Grant Agreement except that Grantee shall be required to maintain all project records required by Paragraph 6 of Exhibit A for a period of three (3) years following the termination of this agreement.

4. PROJECT COSTS

- A. Grantee is responsible for ensuring that actual expenditures are for eligible project costs. "Eligible" and "ineligible" project costs are set forth in the July 2020 BSCC Grant Administration Guide, which can be found under Quick Links here: http://www.bscc.ca.gov/s_correctionsplanningandprograms.php

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

The provisions of the BSCC Grant Administration Guide are incorporated by reference into this agreement and Grantee shall be responsible for adhering to the requirements set forth therein. To the extent any of the provisions of the BSCC Grant Administration Guide and this agreement conflict, the language in this agreement shall prevail.

- B. Grantee is responsible for ensuring that invoices submitted to the BSCC claim actual expenditures for eligible project costs.
- C. Grantee shall, upon demand, remit to the BSCC any grant funds not expended for eligible project costs or an amount equal to any grant funds expended by the Grantee in violation of the terms, provisions, conditions or commitments of this Grant Agreement.
- D. Grant funds must be used to support new program activities or to augment existing funds that expand current program activities. Grant funds shall not replace (supplant) any federal, state and/or local funds that have been appropriated for the same purpose. Violations can result in recoupment of monies provided under this grantor suspension of future program funding through BSCC grants.

5. PROMPT PAYMENT CLAUSE

Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

6. WITHHOLDING OF GRANT DISBURSEMENTS

- A. The BSCC may withhold all or any portion of the grant funds provided by this Grant Agreement in the event the Grantee has materially and substantially breached the terms and conditions of this Grant Agreement.
- B. At such time as the balance of state funds allocated to the Grantee reaches five percent (5%), the BSCC may withhold that amount as security, to be released to the Grantee upon compliance with all grant provisions, including:
 - 1) submittal and approval of the final invoice;
 - 2) submittal and approval of the final progress report; and
 - 3) submittal and approval of any additional required reports, including but not limited to the Final Local Evaluation Report and the financial audit.
- C. The BSCC will not reimburse Grantee for costs identified as ineligible for grant funding. If grant funds have been provided for costs subsequently deemed ineligible, the BSCC may either withhold an equal amount from future payments to the Grantee or require repayment of an equal amount to the State by the Grantee.
- D. In the event that grant funds are withheld from the Grantee, the BSCC's Executive Director or designee shall notify the Grantee of the reasons for withholding and advise the Grantee of the time within which the Grantee may remedy the failure or violation leading to the withholding.

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS**7. PROJECT BUDGET**

PROPOSED BUDGET LINE ITEMS	GRANT FUNDS REQUESTED
1. Salaries and Benefits	\$
2. Services and Supplies	\$
3. Professional Services	\$
4. Non-Governmental Organizations (NGO) Contracts	\$
5. Equipment / Fixed Assets	\$
6. Data Collection / Enhancement	\$
7. Program Evaluation	\$
8. Sustainability Planning	\$
9. Other (include travel & training costs)	\$
10. Financial Audit	\$
11. Indirect Costs / Administrative Overhead	
TOTAL	\$

EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

1. **APPROVAL:** This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
2. **AMENDMENT:** No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. **ASSIGNMENT:** This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
4. **AUDIT:** Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, Department of Finance or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
5. **INDEMNIFICATION:** Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement.
6. **DISPUTES:** Contractor shall continue with the responsibilities under this Agreement during any dispute.
7. **TERMINATION FOR CAUSE:** The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.
8. **INDEPENDENT CONTRACTOR:** Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.
9. **RECYCLING CERTIFICATION:** The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post-consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).
10. **NON-DISCRIMINATION CLAUSE:** During the performance of this Agreement, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious

EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

- 11. CERTIFICATION CLAUSES:** The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 04/2017 (<http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx>) are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.
- 12. TIMELINESS:** Time is of the essence in this Agreement.
- 13. COMPENSATION:** The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.
- 14. GOVERNING LAW:** This contract is governed by and shall be interpreted in accordance with the laws of the State of California.
- 15. ANTITRUST CLAIMS:** The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.
- A. The Government Code Chapter on Antitrust claims contains the following definitions:
- 1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.
 - 2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.
- B. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and

EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

- C. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.
- D. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

16. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:

- A. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
- B. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

17. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

18. PRIORITY HIRING CONSIDERATIONS: If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

19. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:

- A. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)
- B. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the

EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

- 20. LOSS LEADER:** If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

SAMPLE

EXHIBIT D
SAMPLE - SPECIAL TERMS AND CONDITIONS

1. GRANTEE'S GENERAL RESPONSIBILITY

- A. Grantee agrees to comply with all terms and conditions of this Grant Agreement. Review and approval by the BSCC are solely for the purpose of proper administration of grant funds and shall not be deemed to relieve or restrict the Grantee's responsibility.
- B. Grantee is responsible for the performance of all project activities identified in Attachment 1: Prop 64 PH&S Grant Program, Cohort 3 Request for Proposals and Attachment 2: Grant Proposal/Application for Funding.
- C. Grantee shall immediately advise the BSCC of any significant problems or changes that arise during the course of the project.

2. GRANTEE ASSURANCES AND COMMITMENTS

- A. Compliance with Laws and Regulations
This Grant Agreement is governed by and shall be interpreted in accordance with the laws of the State of California. Grantee shall at all times comply with all applicable State laws, rules and regulations, and all applicable local ordinances.
- B. Fulfillment of Assurances and Declarations
Grantee shall fulfill all assurances, declarations, representations, and statements made by the Grantee in Attachment 1: Prop 64 PH&S Grant Program, Cohort 3 Request for Proposal and Attachment 2: Grant Proposal/Application for Funding, documents, amendments, approved modifications, and communications filed in support of its request for grant funds.
- C. Permits and Licenses
Grantee agrees to procure all permits and licenses necessary to complete the project, pay all charges and fees, and give all notices necessary or incidental to the due and lawful proceeding of the project work.

3. POTENTIAL SUBCONTRACTORS

- A. In accordance with the provisions of this Grant Agreement, the Grantee may subcontract for services needed to implement and/or support program activities. Grantee agrees that in the event of any inconsistency between this Grant Agreement and Grantee's agreement with a subcontractor, the language of this Grant Agreement will prevail.
- B. Nothing contained in this Grant Agreement or otherwise, shall create any contractual relation between the BSCC and any subcontractors, and no subcontract shall relieve the Grantee of his responsibilities and obligations hereunder. The Grantee agrees to be as fully responsible to the BSCC for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Grantee. The Grantee's obligation to pay its subcontractors is an independent obligation from the BSCC's obligation to make payments to the Grantee. As a result, the BSCC shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor.
- C. Grantee shall ensure that all subcontractors comply with the eligibility requirements stated in the Prop 64 PH&S Grant Program, Cohort 3 RFP and described in Contract Appendix B.
- D. Grantee assures that for any subcontract awarded by the Grantee, such insurance and fidelity bonds, as is customary and appropriate, will be obtained.
- E. Grantee agrees to place appropriate language in all subcontracts for work on the project requiring the Grantee's subcontractors to:

EXHIBIT D
SAMPLE - SPECIAL TERMS AND CONDITIONS

1) Books and Records

Maintain adequate fiscal and project books, records, documents, and other evidence pertinent to the subcontractor's work on the project in accordance with generally accepted accounting principles. Adequate supporting documentation shall be maintained in such detail so as to permit tracing transactions from the invoices, to the accounting records, to the supporting documentation. These records shall be maintained for a minimum of three (3) years after the acceptance of the final grant project audit under the Grant Agreement and shall be subject to examination and/or audit by the BSCC or designees, state government auditors or designees, or by federal government auditors or designees.

2) Access to Books and Records

Make such books, records, supporting documentations, and other evidence available to the BSCC or designee, the State Controller's Office, the Department of General Services, the Department of Finance, California State Auditor, and their designated representatives during the course of the project and for a minimum of three (3) years after acceptance of the final grant project audit. The Subcontractor shall provide suitable facilities for access, monitoring, inspection, and copying of books and records related to the grant-funded project.

4. PROJECT ACCESS

Grantee shall ensure that the BSCC, or any authorized representative, will have suitable access to project activities, sites, staff and documents at all reasonable times during the grant period including those maintained by subcontractors. Access to program records will be made available by both the grantee and the subcontractors for a period of three (3) years following the end of the grant period.

5. ACCOUNTING AND AUDIT REQUIREMENTS

A. Grantee agrees that accounting procedures for grant funds received pursuant to this Grant Agreement shall be in accordance with generally accepted government accounting principles and practices, and adequate supporting documentation shall be maintained in such detail as to provide an audit trail. Supporting documentation shall permit the tracing of transactions from such documents to relevant accounting records, financial reports and invoices.

B. Grantees are required to provide the BSCC with a financial audit within no later than the end of the contract term (October 31, 2028). The financial audit shall be performed by a Certified Public Accountant or a participating county or city auditor that is organizationally independent from the participating county or city's project financial management functions. Expenses for this final audit may be reimbursed for actual costs up to \$25,000.

C. The BSCC reserves the right to call for a program or financial audit at any time between the execution of this Grant Agreement and three years following the end of the grant period. At any time, the BSCC may disallow all or part of the cost of the activity or action determined to not be in compliance with the terms and conditions of this Grant Agreement or take other remedies legally available.

6. MODIFICATIONS

No change or modification in the project will be permitted without prior written approval from the BSCC. Changes may include modification to project scope, changes to performance measures, compliance with collection of data elements, and other significant changes in the budget or

EXHIBIT D
SAMPLE - SPECIAL TERMS AND CONDITIONS

program components contained in the Application for Funding. Changes shall not be implemented by the project until authorized by the BSCC.

7. TERMINATION

- A. This Grant Agreement may be terminated by the BSCC at any time after grant award and prior to completion of project upon action or inaction by the Grantee that constitutes a material and substantial breach of this Grant Agreement. Such action or inaction includes but is not limited to:
- 1) substantial alteration of the scope of the grant project without prior written approval of the BSCC;
 - 2) refusal or inability to complete the grant project in a manner consistent with Attachment 1: Prop 64 PH&S Request for Proposal/Application for Funding, or approved modifications;
 - 3) failure to provide the required local match share of the total project costs; and
 - 4) failure to meet prescribed assurances, commitments, recording, accounting, auditing, and reporting requirements of the Grant Agreement.
- B. Prior to terminating the Grant Agreement under this provision, the BSCC shall provide the Grantee at least 30 calendar days written notice stating the reasons for termination and effective date thereof. The Grantee may appeal the termination decision in accordance with the instructions listed in Exhibit D: Special Terms and Conditions, Number 8. Settlement of Disputes.

8. SETTLEMENT OF DISPUTES

- A. The parties shall deal in good faith and attempt to resolve potential disputes informally. If the dispute persists, the Grantee shall submit to the BSCC Corrections Planning and Grant Programs Division Deputy Director a written demand for a final decision regarding the disposition of any dispute between the parties arising under, related to, or involving this Grant Agreement. Grantee's written demand shall be fully supported by factual information. The BSCC Corrections Planning and Grant Programs Division Deputy Director shall have 30 days after receipt of Grantee's written demand invoking this Section "Disputes" to render a written decision. If a written decision is not rendered within 30 days after receipt of the Grantee's demand, it shall be deemed a decision adverse to the Grantee's contention. If the Grantee is not satisfied with the decision of the BSCC Corrections Planning and Grant Programs Division Deputy Director, the Grantee may appeal the decision, in writing, within 15 days of its issuance (or the expiration of the 30-day period in the event no decision is rendered), to the BSCC Executive Director, who shall have 45 days to render a final decision. If the Grantee does not appeal the decision of the BSCC Corrections Planning and Grant Programs Division Deputy Director, the decision shall be conclusive and binding regarding the dispute and the Contractor shall be barred from commencing an action in court, or with the Victims Compensation Government Claims Board, for failure to exhaust Grantee's administrative remedies.
- B. Pending the final resolution of any dispute arising under, related to or involving this Grant Agreement, Grantee agrees to diligently proceed with the performance of this Grant Agreement, including the providing of services in accordance with the Grant Agreement. Grantee's failure to diligently proceed in accordance with the State's instructions regarding this Grant Agreement shall be considered a material breach of this Grant Agreement.

EXHIBIT D
SAMPLE - SPECIAL TERMS AND CONDITIONS

- C. Any final decision of the State shall be expressly identified as such, shall be in writing, and shall be signed by the Executive Director, if an appeal was made. If the Executive Director fails to render a final decision within 45 days after receipt of the Grantee's appeal for a final decision, it shall be deemed a final decision adverse to the Grantee's contentions. The State's final decision shall be conclusive and binding regarding the dispute unless the Grantee commences an action in a court of competent jurisdiction to contest such decision within 90 days following the date of the final decision or one (1) year following the accrual of the cause of action, whichever is later.
- D. The dates of decision and appeal in this section may be modified by mutual consent, as applicable, excepting the time to commence an action in a court of competent jurisdiction.

9. UNION ACTIVITIES

For all agreements, except fixed price contracts of \$50,000 or less, the Grantee acknowledges that applicability of Government Code §§16654 through 16649 to this Grant Agreement and agrees to the following:

- A. No State funds received under the Grant Agreement will be used to assist, promote or deter union organizing.
- B. Grantee will not, for any business conducted under the Grant Agreement, use any State property to hold meetings with employees or supervisors, if the purpose of such meetings is to assist, promote or deter union organizing, unless the State property is equally available to the general public for holding meetings.
- C. If Grantee incurs costs or makes expenditures to assist, promote or deter union organizing, Grantee will maintain records sufficient to show that no reimbursement from State funds has been sought for these costs, and that Grantee shall provide those records to the Attorney General upon request.

10. WAIVER

The parties hereto may waive any of their rights under this Grant Agreement unless such waiver is contrary to law, provided that any such waiver shall be in writing and signed by the party making such waiver

APPENDIX E
SAMPLE: Governing Board Resolution

Before grant funds can be reimbursed, a grantee must either (1) submit a resolution from its Governing Board that delegates authority to the individual authorized to execute the grant agreement or (2) provide sufficient documentation indicating that the prospective grantee has been vested with plenary authority to execute grant agreements (e.g., a City Council or County Board of Supervisors delegating such authority to an Agency head).

Below is assurance language that, **at a minimum**, must be included in the resolution submitted to the Board of State and Community Corrections.

WHEREAS the ***(insert name of Local Government)*** desires to participate in the Proposition 64 Public Health and Safety Grant Program funded through the California State and Local Government Law Enforcement Account and administered by the Board of State and Community Corrections (hereafter referred to as the BSCC).

NOW, THEREFORE, BE IT RESOLVED that the ***(insert title of designated official)*** be authorized on behalf of the ***(insert name of Governing Board)*** to submit the grant proposal for this funding and sign the Grant Agreement with the BSCC, including any amendments thereof.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

BE IT FURTHER RESOLVED that the ***(insert name of Local Government)*** agrees to abide by the terms and conditions of the Grant Agreement as set forth by the BSCC.

Passed, approved, and adopted by the ***(insert name of Governing Board)*** in a meeting thereof held on ***(insert date)*** by the following:

Ayes:
Notes:
Absent:
Signature: _____ Date: _____

Typed Name and Title: _____

ATTEST: Signature: _____ Date: _____

Typed Name and Title: _____

APPENDIX F
Certification of Compliance with BSCC Policies
Regarding Debarment, Fraud, Theft, and Embezzlement

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to applicants that have been:

- 1. debarred by any federal, state, or local government entities during the period of debarment; or
- 2. convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

By checking the following boxes and signing below, applicant affirms that:

- I/We are not currently debarred by any federal, state, or local entity from applying for or receiving federal, state, or local grant funds.
- I/We have not been convicted of any crime involving theft, fraud, or embezzlement of federal, state, or local grant funds within the last three years. We will notify the BSCC should such debarment or conviction occur during the term of the Grant contract.
- I/We will hold subgrantees and subcontractors to these same requirements.

A grantee may make a request in writing to the Executive Director of the BSCC for an exception to the debarment policy. Any determination made by the Executive Director shall be made in writing.

AUTHORIZED SIGNATURE			
(This document must be signed by the person who is authorized to sign the Grant Agreement.)			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	
STREET ADDRESS	CITY	STATE	ZIP CODE
EMAIL ADDRESS			
AUTHORIZED OFFICER SIGNATURE ((Blue Ink Only or E-signature))			DATE
X			

APPENDIX G
SAMPLE: BSCC Comprehensive Monitoring Visit Tool

Corrections Planning and Grant Programs Division
COMPREHENSIVE MONITORING VISIT (CMV) TOOL
SAMPLE

Grantee: **Award Year:** 1 2 3 4
(as applicable)

Grant Program: **Federal Funds:** **State Funds:**

Contract Number: **Grant Amount:**

Project Title:

Project Director: **Financial Officer:**

Project Director Phone: **Financial Officer Phone:**

Project Director E-Mail: **Financial Officer E-mail:**

Field Representative: **Date of Visit:**

Persons Interviewed During the Monitoring (Name, Title, Agency):

Project Sites Visited (Name, Address):

Project Summary:

I. ADMINISTRATIVE REVIEW

1. Executed Agreement

The Grantee has a copy of the fully executed Standard Agreement in the official file (e-file is acceptable). Yes No

2. BSCC Grant Administration Guide

The Grantee has a copy of the BSCC Grant Administration Guide readily available, and staff know how to use it (e-file is acceptable). Yes No

3. Organizational Chart

The Grantee has a current organizational chart for the department/unit/section responsible for programmatic oversight of the grant. Yes No

4. Duty Statements

The Grantee maintains duty statements for grant-funded staff that list specific activities related to the grant. *Note: Standard job classifications usually are not acceptable, unless the position was created specifically for the grant.* Yes No

5. Timesheets

5a. The Grantee maintains timesheets on all staff charged to the grant. Note: Estimates and/or percentages are not acceptable. Yes No

5b. The Grantee maintains functional timesheets or conducts time studies for split-funded positions.

Note: Estimates and/or percentages are not acceptable. Yes No N/A

6. Staff Positions

All authorized positions are filled and performing grant-related duties. Yes No

If no, list all unfilled positions and explanations for vacancies in the Administrative Review Comments section.

7. Anticipated Changes

Are there any anticipated changes to staff or the project? Yes No
If yes, explain in the Administrative Review Comments section.

8. Subcontracts

8a. Does this grant provide for subcontracted services? Yes No
If yes, list subcontracts awarded in the Administrative Review Comments section.

8b. Copies of the subcontract awards are contained within the official project file. Yes No N/A

8c. Subcontracts contain the required language from the BSCC contract (e.g., access to program and fiscal records, access to facility, access to program participants, Non-Discrimination clause, Civil Rights compliance). **Yes** **No** **N/A**

8d. Subcontracts appear to be following conflict of interest laws that prohibit individuals or organizations that participated on the Executive Steering Committee for this grant. **Yes** **No** **N/A**

9. Budget Modifications

9a. Copies of project budget modifications are maintained in the official file. **Yes** **No** **N/A**

9b. Were there any substantial modifications made that were not approved by the BSCC? **Yes** **No**

If yes, explain in the Administrative Review Comments section.

10. Fidelity Bond

The Grantee maintains a Fidelity Bond (applicable for non-governmental entities only). **Yes** **No** **N/A**

Field Representative Comments for Administrative Review Section:
Number comments to correspond to the Administrative Review items.

II. CIVIL RIGHTS REVIEW

(for all federal grants; as applicable to state-funded programs)

1. Equal Employment Opportunity Plan

1a. The Grantee has an Equal Employment Opportunity Plan (EEOP) on file for review. **Yes** **No**

1b. If yes, on what date did the Grantee prepare the EEOP?

2. EEOP Short Form

2a. If applicable: has the Grantee submitted an EEOP Short Form to the Office for Civil Rights (OCR), U.S. Department of Justice (DOJ) (i.e., 50 or more employees and \$750,000 or more in federal funds)? **Yes** **No** **N/A**

2b. If yes, on what date did the Grantee submit the EEOP Short Form?

3. Notification to Program Participants

How does the Grantee notify program participants and beneficiaries that it does not discriminate on the basis of race, color, national origin, religion, sex, disability, and age in the delivery of services (e.g., posters, inclusion in program brochures, program materials, etc.)? ***Explain in Civil Rights Review Comments section.***

4. Notification to Employees

How does the Grantee notify employees that it does not discriminate on the basis of race, color, national origin, religion, sex, disability, and age in the delivery of services (e.g., posters, dissemination of relevant orders or policies, recruitment materials, etc.)?

Explain in Civil Rights Review Comments section.

5. Complaints

There are written policies or procedures in place for notifying program beneficiaries how to file complaints alleging discrimination by the grantee with the BSCC or the OCR.

Yes No N/A

6. Discrimination on the Basis of Disability

If the Grantee has 50 or more employees and receives DOJ funding of \$25,000 or more, has the grantee:

6a. Adopted grievance procedures (for both employees and program participants) that incorporate due process standards and provide for prompt and equitable resolution of complaints alleging a violation of the DOJ regulations which prohibit discrimination on the basis of a disability in employment practices and the delivery of services?

Yes No N/A

6b. Designated a person to coordinate compliance with prohibitions against disability discrimination?

Yes No N/A

6c. Notified participants, beneficiaries, employees, applicants, and others that the grantee does not discriminate on the basis of disability?

Yes No N/A

7. Discrimination on the Basis of Sex

If the Grantee operates an education program or activity, have they taken the following actions?

7a. Adopted grievance procedures that provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations which prohibit discrimination on the basis of sex?

Yes No N/A

7b. Designated a person to coordinate compliance with the prohibitions against sex discrimination?

Yes No N/A

7c. Notified applicants for admission and employment, employees, students, parents, and others that the grantee does not discriminate on the basis of sex in its educational programs or activities? **Yes** **No** **N/A**

8. Findings

The Grantee has complied with the requirement to submit to the OCR any findings of discrimination against the grantee issued by a federal or state court, or federal or state administering agency, on the grounds of race, color, religion, national origin, or sex.

Yes **No** **N/A**

9. Limited English Proficiency

What steps have been taken to provide meaningful access to its programs and activities to person who have limited English proficiency (LEP)? Include whether the grantee has developed a written policy on providing language access services to LEP persons.

10. Training

Training is conducted for the Grantee's employees on the requirements under federal civil rights laws.

Yes **No** **N/A**

11. Religious Activities

If the grantee conducts religious activities as part of its program or services, do they:

11a. Provide services to everyone regardless of religion or religious belief?

Yes **No** **N/A**

11b. Ensure it does not use federal funds to conduct inherently religious activities (such as prayer, religious instruction, or attempt to convert participants to another religion) and that such activities are kept separate in time or place from federally-funded activities?

Yes **No** **N/A**

11c. Ensure participation in religious activities is voluntary for beneficiaries of federally-funded programs?

Yes **No** **N/A**

Field Representative Comments for Civil Rights Review Section:
Number comments to correspond to the Civil Rights Review items.

III. FISCAL REVIEW

1. Budget File

The Grantee maintains an official budget file for the project. **Yes** **No**

2. Fiscal Policies and Procedures

2a. The Grantee maintains written procedures for the fiscal policies related to the grant and they are accessible by grants management staff. **Yes** **No**

2b. The Grantee can explain its agency's claims, payments and reimbursement processes as they relate to this grant (i.e., agency checks and balances).

Yes No

3. Invoices

3a. Financial invoices are current and spending is on track.

Yes No

3b. Copies of the BSCC invoices for reimbursement are within the official file.

Yes No

3c. The fiscal/accounting records reviewed during the visit contained adequate supporting documentation for all claims on invoices, including match.

Yes No

3d. Salaries and benefits can be easily tied back to reimbursement invoices.

Yes No

3e. The Grantee maintains supporting documentation or a calculation methodology for indirect costs or overhead claimed (e.g., an approved Indirect Cost Rate Proposal).

Yes No N/A

3f. Expenditures appear to meet contract eligibility, as defined in the BSCC Grant Administration Guide.

Yes No

4. Tracking

4a. BSCC contract funds are deposited into separate fund accounts or coded to distinguish grant funds from other fund sources.

Yes No

4b. The Grantee maintains a tracking system for purchases, including receipts and disbursements, related to the grant program.

Yes No

4c. Tracking reports are reviewed by management and/or program staff.

Yes No

4d. The Grantee can provide general ledgers documenting the entries for receipts and disbursements.

Yes No

5. Equipment/Fixed Assets

5a. Did the Grantee purchase or lease equipment/fixed assets with grant funds?

Yes No

5b. The Grantee received prior approval from BSCC for purchases of equipment and/or fixed assets that were more than \$3,500 per item.

Yes No N/A

5c. The equipment/fixed assets were listed in the budget or in a Budget Modification.

Yes No N/A

5d. The Grantee maintains an inventory list of equipment/fixed assets purchased with grant funds. **Yes** **No** **N/A**

5e. The Grantee maintains proof of receipt of equipment/fixed assets. **Yes** **No** **N/A**

6. Supplanting

The Grantee can verify that expenditures submitted for grant reimbursement (including salaries and benefits) are not also claimed/reimbursed under another separate agreement or funding stream (supplanting). **Yes** **No**

7. Match

7a. The Grantee is in compliance with the match requirement. **Yes** **No** **N/A**

7b. If the Grantee is currently under-matched, is there a plan to meet the contractually obligated match amount?

8. Project Income

Does the Grantee generate income from grant funds (e.g., fundraisers, registration fees, etc.?) **Yes** **No** **N/A**

9. Subcontracts

9a. Does the Grantee require subcontract agencies to submit source documentation with their billing invoice? **Yes** **No** **N/A**

9b. What type of documentation detail does the agency keep for subcontractor service delivery billing (to include list of positions funded, documented staff hours, list of services delivered, participant sign-in logs, time/duration of services, other invoice detail, etc.)?

Describe in the Fiscal Review Comments section.

9c. Is the source documentation sufficient to justify charges? **Yes** **No** **N/A**

9d. Does the Grantee conduct desk audits of subcontract agencies? **Yes** **No** **N/A**

9e. Does the Grantee conduct site visits to subcontract agencies? **Yes** **No** **N/A**

10. Audits

10a. What type of audit report will the project submit?

Single City/County Audit Report

Program Specific Audit

Other

10b. The Grantee has audit reports covering the agency's internal control structure within the last two years. **Yes** **No**

Field Representative Comments for Fiscal Review Section:
Number comments to correspond to Fiscal Review items.

IV. PROGRAM REVIEW

Note: Some of the information collected in this section will be used to foster discussion and assist with technical assistance, not necessarily to determine compliance.

1. Governing Body

1a. Does the grant require formation of some type of governing body (steering committee, coordinating council, etc.) to guide grant activities?

Yes **No** **N/A**

1b. If so, has this body been formed and is it meeting as required?

Yes **No** **N/A**

1c. Are all required members participating?

Yes **No** **N/A**

2. Evidence-Based Interventions

2a. List all interventions being used by the grantee.

List in the Program Review Comments section.

2b. Which interventions do the grantee identify as "evidence-based?" Why? Based on what information? ***Explain in the Program Review Comments section.***

2c. Does the Grantee have a quality assurance or fidelity monitoring process in place to ensure that interventions are implemented as intended? **Yes** **No**

3. Assessments

3a. If providing direct services, how are participants assessed for risk, need and responsibility? ***Explain in the Program Review Comments section.***

3b. How is that information used? ***Explain in the Program Review Comments section.***

4. Staff Training

4a. Do all project staff receive an orientation and/or training pertinent to the grant project? **Yes** **No**

4b. Are there opportunities for ongoing training for staff affiliated with the grant?

Yes **No**

5. Policies & Procedures

5a. Did the Grantee develop a written Policies & Procedures Manual or Program Manual specific to the grant project? **Yes** **No**

5b. Are they accessible to staff? **Yes** **No**

6. Case Management/Tracking

6a. Does the Grantee maintain an automated or web-based case management and/or data collection system to track participants served by the grant?
Yes **No** **N/A**

6b. If not, how are services and/or participants tracked?

Explain in the Program Review Comments section.

7. Source Documentation

The Grantee maintains appropriate source documentation (e.g., case records, case files, sign-in sheets, etc.) for the participants served. **Yes** **No** **N/A**

8. Progress Reports

8a. Progress Reports are current. **Yes** **No**

8b. Program records reviewed at the site visit provided sufficient detail to support information reported in Progress Reports. **Yes** **No**

If no, explain in the Program Review Comments section.

9. Problems

The Grantee has experienced operational or service delivery problems.

If yes, explain in the Program Review Comments section. **Yes** **No**

10. Sustainability

Does the grantee have a sustainability plan to continue service delivery after grant funds expire? **Yes** **No**

Describe in the Program Review Comments section.

11. Other Requirements Reviewed

Per this site visit review, programmatic requirements specific to this grant program are being met. **Yes** **No**

Field Representative Comments for the Program Review Section:

Number comments to correspond to Program Review items.

V. DATA COLLECTION AND EVALUATION

1. Evaluator

Does the Grantee subcontract for its data collection and evaluation services?

Yes **No** **N/A**

If yes, list name of organization and describe the relationship in the Data Collection and Evaluation Comments section.

2. Evaluation Plan

Is the Grantee on track with the activities and milestones described in its Evaluation Plan? **Yes** **No** **N/A**

3. Preliminary Evidence

3a. Do the data collection efforts show any preliminary evidence that could impact the project? **Yes** **No** **N/A**

3b. Has the Grantee used this information to make improvements or changes to the project? **Yes** **No** **N/A**

Field Representative Comments for Data Collection and Evaluation Section:
Number comments to correspond to Data Collection and Evaluation Review items.

VI. MONITORING SUMMARY

1. Outcome of Visit

1a. Does the project generally meet BSCC grant requirements? **Yes** **No**

1b. If no, will a Compliance Improvement Plan be submitted? **Yes** **No**

1c. Describe here:

2. Technical Assistance

2a. Does the Grantee have any technical assistance needs? **Yes** **No**

2b. Describe here:

APPENDIX H
County Population Index
Source: California Department of Finance, Population Estimates, January 1, 2022

Large Counties (750,000 and above)

Los Angeles	9,861,224
San Diego	3,287,306
Orange	3,162,245
Riverside	2,435,525
San Bernardino	2,187,665
Santa Clara	1,894,783
Alameda	1,651,979
Sacramento	1,576,618
Contra Costa	1,156,555
Fresno	1,011,273
Kern	909,813
San Francisco	842,754
Ventura	833,652
San Mateo	744,662
San Joaquin	784,298

Medium Counties (200,001-749,999)

Stanislaus	549,466
Sonoma	482,404
Tulare	475,014
Solano	447,241
Santa Barbara	445,164
Monterey	433,716
Placer	409,025
Merced	284,338
San Luis Obispo	280,721
Santa Cruz	266,564
Marin	257,135
Yolo	221,165
Butte	201,608

Small Counties (Under 200,000)

El Dorado	190,465	Calaveras	45,049
Shasta	180,531	Siskiyou	43,830
Imperial	179,329	Amador	40,297
Madera	157,396	Lassen	30,274
Kings	152,023	Glenn	28,750
Napa	136,179	Colusa	21,807
Humboldt	135,168	Del Norte	27,218
Nevada	101,242	Inyo	18,978
Sutter	99,145	Plumas	18,942
Mendocino	89,999	Mariposa	17,045
Yuba	82,275	Trinity	16,023
Lake	67,407	Mono	13,379
San Benito	65,479	Modoc	8,690
Tehama	65,052	Sierra	3,229
Tuolumne	55,291	Alpine	1,200

APPENDIX I

SAMPLE: Local Evaluation Plan and Report Components

The Prop 64 PH&S Grant Program, Cohort 3 Local Evaluation Plan (LEP) should, at a minimum, address the following:

Project Background as it pertains to the Project Purpose Area(s), as applicable.

- Provides information essential to understand the project and the need for the project.
- Define the target population (for example: gender age, system-involvement history, criminogenic factors, etc.)
- Describes the criteria used to determine participant eligibility.
- Describes the process for determining which intervention(s) and/or services a participant needs and will receive.
- Describes the process for determining which activities and/or services will be implemented in the service area.
- Describes the project's goal(s) and objectives (as stated in the original proposal's **Work Plan**).

Additional LEP requirements may be added once grantees have been awarded and all Prop 64 PH&S Grant Program, Cohort 3 project components have been determined.

Project Evaluation Method and Design-

- Describe the research design that will be used for the process evaluation.
- Describe the plan to document activities within the project and/or services provided to each participant (e.g., maintaining a database, signup sheets, etc.).
- Describe how participants' progress will be tracked (ex: start dates, attendance, dropouts, successful completions, progress milestones, etc.).
- Describe how components or activities conducted as part of the project that do not involve participants will be tracked/documented (e.g., code enforcement, investigations, system/equipment updates).
- Identifies and thoroughly defines process measures. This includes how, by whom, and how often the process measures will be collected.
- Describe how the process data will be collected and the data source(s) used.
- Describe the project oversight structure and overall decision-making process for the project.
- Describe how the project components will be monitored, determined effective, and adjusted as necessary.
- Describe the plan for documenting activities performed by staff and contracted providers, if applicable.
- Describe the procedures which ensure that the project will be implemented to fidelity, when applicable.
- Describe how all quantitative and qualitative process data will be analyzed. Includes a description of the statistical tools used to analyze quantitative data (e.g., descriptive statistics, chi-square, etc.) and your method used for analyzing qualitative data (identifying themes, content analysis, etc.).

Project Outcome Evaluation-

- Describe the research design that will be used in the outcome evaluation.
- Include a set of evaluation questions. These must include the goals and objectives from the original proposal but may also include more outcome-oriented questions.
- Provide the estimated number of participants expected to receive each type of intervention/service.
- Provide the criteria for determining participant success in the project.
- Provide the estimated number of activities/services accomplished.
- Describe the criteria for determining activity/service completion and/or success in the project.
- Thoroughly describe all outcome variables and identifies how they will be defined and measured (tools/instruments used to collect the data and frequency of collection).
- Describe how the outcome data will be collected, the timing of data collection, and the data source(s) used.
- Describe how all quantitative and qualitative outcome data will be analyzed. Describe the statistical tools used to analyze quantitative data (e.g., descriptive statistics, chi-square, etc.) and your method used for analyzing qualitative data (identifying themes, content analysis, etc.).
- Describe the strategy for determining whether outcomes are due to the project and not some other factor(s) unrelated to the project, including a description of a comparison group, when applicable.
- If multiple types of interventions will be employed, include a description of how the separate effects on outcome variables of each type of the intervention will be determined, if possible.

Project Logic Model-

- Shows the logical relationships between Inputs/resources, Activities, Outputs, Outcomes, and Impacts of the project.
- Includes pertinent project activities and outcome variables outlined in the narrative.
- Displayed in a simple and easy-to-follow format.

Final Local Evaluation Report-

The Prop 64 PH&S Grant Program, Cohort 3 Final Local Evaluation Report (LER) should, at a minimum, address the following components of the LEP and document how the plan occurred:

Executive Summary

- The Executive Summary summarizes the key components of the report so that readers have a brief overview of the project's efforts and results.

Project Background**Project Evaluation Method and Design****Project Outcome Evaluation**

Project Evaluation Results-

- Include the data related to the process evaluation. Describe any changes that were made as a result of the process evaluation findings.
- Include the total number of participants (unduplicated).
 - Include basic demographic information of your participants (e.g., age, gender, race/ethnicity, risk factors, prior involvement with the justice system).
 - When multiple services are available, include the number of individuals who received each of the services.
- Include the total number of activities and/or services.
- Include progress toward goals:
 - Provide a summary of the degree to which these goals and objectives were achieved.
 - Describe factors that affected the progress of project goals. This may include factors which resulted in achieving goals more quickly or impeded your progress. If there were factors that impeded your progress, describe how they were addressed.
- Describe results of any process analyses and provide a detailed explanation related to the project's performance over the course of the grant.
- Describe results of any outcome analyses and provide a detailed explanation of findings as it relates to any other additional outcome measures.

Discussion of Results-

- Discuss the effectiveness of different strategies implemented in the project.
- Make useful recommendations with specific guidance for what to replicate or do differently.

Current Project Logic Model**Grantee Highlight**

- This section should provide a brief, one-page, visually appealing, highlight or success story that provides additional information related to the project's success over the grant cycle.

APPENDIX J
Prop 64 PH&S Grant Executive Steering Committee

	Name	Title	Organization /Agency
1	Linda Penner Chair	BSCC Board Member	Board of State and Community Corrections
2	Steve Carney	Chief Deputy, Cannabis Licensing Office	Santa Cruz County Sheriff's Office
3	Manuel Escandon	Director, Student Intervention & Prevention Department	Office of the Fresno County Superintendent of Schools
4	Hollie Hall	Consultant, PhD.	Watershed Resource Specialist Humboldt, Trinity, and Mendocino Counties
5	Tanja Heitman	Chief Probation Officer	Santa Barbara County
6	Amy Irani	Director	Environmental Health Nevada County
7	Vicki Jones	Environmental Health Division Director	Merced County Public Health
8	Jon Lopey	Sheriff	Siskiyou County
9	Renee Menart	Communication & Policy Analyst	Center on Juvenile and Criminal Justice
10	Dave Neilsen	Retired, Deputy Director	CA Department Alcohol & Drug Programs
11	Royal Ramey	Co-Founder	The Forestry and Fire Recruitment Program
12	Sarah Ruby	Deputy Public Defender	Santa Clara County
13	Michael Salvador	Police Chief	City of Atwater
14	Sharyn Turner	Registered Nurse	Nevada County Superintendent of Schools
15	Scott Whitney	Police Chief	City of Oxnard

APPENDIX K
Criteria for Non-Governmental Organizations Receiving
Proposition 64 Public Health and Safety Grant Funds

(Page 1 of 2)

The Proposition 64 Public Health and Safety (Prop 64 PH&S) Grant Program, Cohort 3 Request for Proposals (RFP) includes requirements that apply to non-governmental organizations that receive funds under this grant. All grantees are responsible for ensuring that any contracted third parties continually meet these requirements as a condition of receiving Prop 64 PH&S funds. The RFP describes these requirements as follows.

Any non-governmental organization that receives Prop 64 PH&S grant funds (as either subgrantee or subcontractor) must:

- Have been duly organized, in existence, and in good standing for at least six months prior to the effective date of its fiscal agreement with the BSCC or with the Prop 64 PH&S grantee. Non-governmental entities that have recently reorganized or have merged with other qualified non-governmental entities that were in existence prior to the six-month date are also eligible, provided all necessary agreements have been executed and filed with the California Secretary of State prior to the start date of the grant agreement with the BSCC or the start date of the grantee-subcontractor fiscal agreement.
- Be registered with the California Secretary of State's Office, if applicable;
- Have a valid business license, Employer Identification Number (EIN), and/or Taxpayer ID (if sole proprietorship);
- Have any other state or local licenses or certifications necessary to provide the services requested (e.g., facility licensing by the Department of Health Care Services), if applicable; and
- Have a physical address.

(Page 2 of 2)

In the table below, provide the name of the Grantee and list all contracted parties.

Grantee:

Name of Contracted Party	Address	Email / Phone	Meets All Requirements
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

Grantees are required to update this list and submit it to the BSCC any time a new third-party contract is executed after the initial assurance date. Grantees shall retain (on-site) applicable source documentation for each contracted party that verifies compliance with the requirements listed in the Prop 64 PH&S Grant RFP. These records will be subject to the records and retention language found in Appendices A and C of the Standard Agreement.

Unless prior approval is obtained, the BSCC prohibits disbursement or reimbursement to any NGO that does not meet the requirements listed above and for which the BSCC does not have a signed grantee assurance on file.

A signature below is an assurance that all requirements listed above have been met.

AUTHORIZED SIGNATURE (This document must be signed by the person who is authorized to sign the Grant Agreement.)			
NAME OF AUTHORIZED OFFICER	TITLE		TELEPHONE
STREET ADDRESS	CITY	STATE	ZIP CODE
EMAIL ADDRESS			
SIGNATURE (Blue Ink Only or E-signature) x		DATE	

APPENDIX L
SAMPLE: Prop 64 PH&S Grant Program Work Plan

Applicants must complete Project Work Plan. This Project Work Plan identifies measurable goals and objectives, activities and services, the responsible parties and a timeline. Completed plans should (1) identify the project’s top goals and objectives; (2) identify how the top goals will be achieved in terms of the activities, responsible staff/partners, and start and end dates; and (3) provide goals and objectives with a clear relationship to the need and intent of the grant. Applicants must use the Grant Work Plan provided within the online Proposal Submittal Application.

(1) Goal:			
Objectives (A., B., etc.)			
Project activities that support the identified goal and objectives	Responsible staff/ partners	Timeline	
		Start Date	End Date
(2) Goal:			
Objectives (A., B., etc.)			
Project activities that support the identified goal and objectives	Responsible staff/ partners	Timeline	
		Start Date	End Date
(3) Goal:			
Objectives (A., B., etc.)			
Project activities that support the identified goal and objectives	Responsible staff/ partners	Timeline	
		Start Date	End Date
(4) Goal:			
Objectives (A., B., etc.)			
Project activities that support the identified goal and objectives	Responsible staff/ partners	Timeline	
		Start Date	End Date

Attachment H-3

REVENUE AND TAXATION CODE - RTC

DIVISION 2. OTHER TAXES [6001 - 60709]

(Heading of Division 2 amended by Stats. 1968, Ch. 279.)

PART 14.5. Cannabis Tax [34010 - 34021.5]

(Heading of Part 14.5 amended by Stats. 2017, Ch. 27, Sec. 161.)

34019.

SEC. 4.

Section 34019 of the Revenue and Taxation Code is amended to read:

34019.

(a) Beginning with the 2017–18 fiscal year, the Department of Finance shall estimate revenues to be received pursuant to Sections 34011 and 34012 and provide those estimates to the Controller no later than June 15 of each year. The Controller shall use these estimates when disbursing funds pursuant to this section. Before any funds are disbursed pursuant to subdivisions (b), (c), (d), and (e) of this section, the Controller shall disburse from the Tax Fund to the appropriate account, without regard to fiscal year, the following:

(1) Reasonable costs incurred by the board for administering and collecting the taxes imposed by this part; provided, however, such costs shall not exceed 4 percent of tax revenues received.

(2) Reasonable costs incurred by the bureau, the Department of Consumer Affairs, the Department of Food and Agriculture, and the State Department of Public Health for implementing, administering, and enforcing Division 10 (commencing with Section 26000) of the Business and Professions Code to the extent those costs are not reimbursed pursuant to Section 26180 of the Business and Professions Code. This paragraph shall remain operative through the 2022–23 fiscal year.

(3) Reasonable costs incurred by the Department of Fish and Wildlife, the State Water Resources Control Board, and the Department of Pesticide Regulation for carrying out their respective duties under Division 10 (commencing with Section 26000) of the Business and Professions Code to the extent those costs are not otherwise reimbursed.

(4) Reasonable costs incurred by the Controller for performing duties imposed by the Control, Regulate and Tax Adult Use of Marijuana Act, including the audit required by Section 34020.

(5) Reasonable costs incurred by the Department of Finance for conducting the performance audit pursuant to Section 26191 of the Business and Professions Code.

(6) Reasonable costs incurred by the Legislative Analyst’s Office for performing duties imposed by Section 34017.

(7) Sufficient funds to reimburse the Division of Labor Standards Enforcement and the Division of Occupational Safety and Health within the Department of Industrial Relations and the Employment Development Department for the costs of applying and enforcing

state labor laws to licensees under Division 10 (commencing with Section 26000) of the Business and Professions Code.

(b) The Controller shall next disburse the sum of ten million dollars (\$10,000,000) to a public university or universities in California annually beginning with the 2018–19 fiscal year until the 2028–29 fiscal year to research and evaluate the implementation and effect of the Control, Regulate and Tax Adult Use of Marijuana Act, and shall, if appropriate, make recommendations to the Legislature and Governor regarding possible amendments to the Control, Regulate and Tax Adult Use of Marijuana Act. The recipients of these funds shall publish reports on their findings at a minimum of every two years and shall make the reports available to the public. The bureau shall select the universities to be funded. The research funded pursuant to this subdivision shall include but not necessarily be limited to:

(1) Impacts on public health, including health costs associated with cannabis use, as well as whether cannabis use is associated with an increase or decrease in use of alcohol or other drugs.

(2) The impact of treatment for maladaptive cannabis use and the effectiveness of different treatment programs.

(3) Public safety issues related to cannabis use, including studying the effectiveness of the packaging and labeling requirements and advertising and marketing restrictions contained in the act at preventing underage access to and use of cannabis and cannabis products, and studying the health-related effects among users of varying potency levels of cannabis and cannabis products.

(4) Cannabis use rates, maladaptive use rates for adults and youth, and diagnosis rates of cannabis-related substance use disorders.

(5) Cannabis market prices, illicit market prices, tax structures and rates, including an evaluation of how to best tax cannabis based on potency, and the structure and function of licensed cannabis businesses.

(6) Whether additional protections are needed to prevent unlawful monopolies or anti-competitive behavior from occurring in the adult-use cannabis industry and, if so, recommendations as to the most effective measures for preventing such behavior.

(7) The economic impacts in the private and public sectors, including, but not necessarily limited to, job creation, workplace safety, revenues, taxes generated for state and local budgets, and criminal justice impacts, including, but not necessarily limited to, impacts on law enforcement and public resources, short and long term consequences of involvement in the criminal justice system, and state and local government agency administrative costs and revenue.

(8) Whether the regulatory agencies tasked with implementing and enforcing the Control, Regulate and Tax Adult Use of Marijuana Act are doing so consistent with the purposes of the act, and whether different agencies might do so more effectively.

(9) Environmental issues related to cannabis production and the criminal prohibition of cannabis production.

(10) The geographic location, structure, and function of licensed cannabis businesses, and demographic data, including race, ethnicity, and gender, of license holders.

(11) The outcomes achieved by the changes in criminal penalties made under the Control, Regulate and Tax Adult Use of Marijuana Act for cannabis-related offenses, and the outcomes of the juvenile justice system, in particular, probation-based treatments and the frequency of up-charging illegal possession of cannabis or cannabis products to a more serious offense.

(c) The Controller shall next disburse the sum of three million dollars (\$3,000,000) annually to the Department of the California Highway Patrol beginning with the 2018–19 fiscal year until the 2022–23 fiscal year to establish and adopt protocols to determine whether a driver is operating a vehicle while impaired, including impairment by the use of cannabis or cannabis products, and to establish and adopt protocols setting forth best practices to assist law enforcement agencies. The department may hire personnel to establish the protocols specified in this subdivision. In addition, the department may make grants to public and private research institutions for the purpose of developing technology for determining when a driver is operating a vehicle while impaired, including impairment by the use of cannabis or cannabis products.

(d) The Controller shall next disburse the sum of ten million dollars (\$10,000,000) beginning with the 2018–19 fiscal year and increasing ten million dollars (\$10,000,000) each fiscal year thereafter until the 2022–23 fiscal year, at which time the disbursement shall be fifty million dollars (\$50,000,000) each year thereafter, to the Governor’s Office of Business and Economic Development, in consultation with the Labor and Workforce Development Agency and the State Department of Social Services, to administer a community reinvestments grants program to local health departments and at least 50 percent to qualified community-based nonprofit organizations to support job placement, mental health treatment, substance use disorder treatment, system navigation services, legal services to address barriers to reentry, and linkages to medical care for communities disproportionately affected by past federal and state drug policies. The office shall solicit input from community-based job skills, job placement, and legal service providers with relevant expertise as to the administration of the grants program. In addition, the office shall periodically evaluate the programs it is funding to determine the effectiveness of the programs, shall not spend more than 4 percent for administrative costs related to implementation, evaluation, and oversight of the programs, and shall award grants annually, beginning no later than January 1, 2020.

(e) The Controller shall next disburse the sum of two million dollars (\$2,000,000) annually to the University of California San Diego Center for Medicinal Cannabis Research to further the objectives of the center, including the enhanced understanding of the efficacy and adverse effects of cannabis as a pharmacological agent.

(f) By July 15 of each fiscal year beginning in the 2018–19 fiscal year, the Controller shall, after disbursing funds pursuant to subdivisions (a), (b), (c), (d), and (e), disburse funds deposited in the Tax Fund during the prior fiscal year into sub-trust accounts, which are hereby created, as follows:

(1) Sixty percent shall be deposited in the Youth Education, Prevention, Early Intervention and Treatment Account, and disbursed by the Controller to the State Department of

Health Care Services for programs for youth that are designed to educate about and to prevent substance use disorders and to prevent harm from substance use. The State Department of Health Care Services shall enter into interagency agreements with the State Department of Public Health and the State Department of Education to implement and administer these programs. The programs shall emphasize accurate education, effective prevention, early intervention, school retention, and timely treatment services for youth, their families and caregivers. The programs may include, but are not limited to, the following components:

(A) Prevention and early intervention services including outreach, risk survey and education to youth, families, caregivers, schools, primary care health providers, behavioral health and substance use disorder service providers, community and faith-based organizations, fostercare providers, juvenile and family courts, and others to recognize and reduce risks related to substance use, and the early signs of problematic use and of substance use disorders.

(B) Grants to schools to develop and support student assistance programs, or other similar programs, designed to prevent and reduce substance use, and improve school retention and performance, by supporting students who are at risk of dropping out of school and promoting alternatives to suspension or expulsion that focus on school retention, remediation, and professional care. Schools with higher than average dropout rates should be prioritized for grants.

(C) Grants to programs for outreach, education, and treatment for homeless youth and out-of-school youth with substance use disorders.

(D) Access and linkage to care provided by county behavioral health programs for youth, and their families and caregivers, who have a substance use disorder or who are at risk for developing a substance use disorder.

(E) Youth-focused substance use disorder treatment programs that are culturally and gender competent, trauma-informed, evidence-based and provide a continuum of care that includes screening and assessment (substance use disorder as well as mental health), early intervention, active treatment, family involvement, case management, overdose prevention, prevention of communicable diseases related to substance use, relapse management for substance use and other cooccurring behavioral health disorders, vocational services, literacy services, parenting classes, family therapy and counseling services, medication-assisted treatments, psychiatric medication and psychotherapy. When indicated, referrals must be made to other providers.

(F) To the extent permitted by law and where indicated, interventions shall utilize a two-generation approach to addressing substance use disorders with the capacity to treat youth and adults together. This would include supporting the development of family-based interventions that address substance use disorders and related problems within the context of families, including parents, foster parents, caregivers and all their children.

(G) Programs to assist individuals, as well as families and friends of drug using young people, to reduce the stigma associated with substance use including being diagnosed with a substance use disorder or seeking substance use disorder services. This includes

peer-run outreach and education to reduce stigma, anti-stigma campaigns, and community recovery networks.

(H) Workforce training and wage structures that increase the hiring pool of behavioral health staff with substance use disorder prevention and treatment expertise. Provide ongoing education and coaching that increases substance use treatment providers' core competencies and trains providers on promising and evidenced-based practices.

(I) Construction of community-based youth treatment facilities.

(J) The departments may contract with each county behavioral health program for the provision of services.

(K) Funds shall be allocated to counties based on demonstrated need, including the number of youth in the county, the prevalence of substance use disorders among adults, and confirmed through statistical data, validated assessments, or submitted reports prepared by the applicable county to demonstrate and validate need.

(L) The departments shall periodically evaluate the programs they are funding to determine the effectiveness of the programs.

(M) The departments may use up to 4 percent of the moneys allocated to the Youth Education, Prevention, Early Intervention and Treatment Account for administrative costs related to implementation, evaluation, and oversight of the programs.

(N) If the Department of Finance ever determines that funding pursuant to cannabis taxation exceeds demand for youth prevention and treatment services in the state, the departments shall provide a plan to the Department of Finance to provide treatment services to adults as well as youth using these funds.

(O) The departments shall solicit input from volunteer health organizations, physicians who treat addiction, treatment researchers, family therapy and counseling providers, and professional education associations with relevant expertise as to the administration of any grants made pursuant to this paragraph.

(2) Twenty percent shall be deposited in the Environmental Restoration and Protection Account, and disbursed by the Controller as follows:

(A) To the Department of Fish and Wildlife and the Department of Parks and Recreation for the cleanup, remediation, and restoration of environmental damage in watersheds affected by cannabis cultivation and related activities including, but not limited to, damage that occurred prior to enactment of this part, and to support local partnerships for this purpose. The Department of Fish and Wildlife and the Department of Parks and Recreation may distribute a portion of the funds they receive from the Environmental Restoration and Protection Account through grants for purposes specified in this paragraph.

(B) To the Department of Fish and Wildlife and the Department of Parks and Recreation for the stewardship and operation of state-owned wildlife habitat areas and state park units in a manner that discourages and prevents the illegal cultivation, production, sale, and use of cannabis and cannabis products on public lands, and to facilitate the

investigation, enforcement, and prosecution of illegal cultivation, production, sale, and use of cannabis or cannabis products on public lands.

(C) To the Department of Fish and Wildlife to assist in funding the watershed enforcement program and multiagency taskforce established pursuant to subdivisions (b) and (c) of Section 12029 of the Fish and Game Code to facilitate the investigation, enforcement, and prosecution of these offenses and to ensure the reduction of adverse impacts of cannabis cultivation, production, sale, and use on fish and wildlife habitats throughout the state.

(D) For purposes of this paragraph, the Secretary of the Natural Resources Agency shall determine the allocation of revenues between the departments. During the first five years of implementation, first consideration should be given to funding purposes specified in subparagraph (A).

(E) Funds allocated pursuant to this paragraph shall be used to increase and enhance activities described in subparagraphs (A), (B), and (C), and not replace allocation of other funding for these purposes. Accordingly, annual General Fund appropriations to the Department of Fish and Wildlife and the Department of Parks and Recreation shall not be reduced below the levels provided in the Budget Act of 2014 (Chapter 25 of the Statutes of 2014).

(3) Twenty percent shall be deposited into the State and Local Government Law Enforcement Account and disbursed by the Controller as follows:

(A) To the Department of the California Highway Patrol for conducting training programs for detecting, testing and enforcing laws against driving under the influence of alcohol and other drugs, including driving under the influence of cannabis. The department may hire personnel to conduct the training programs specified in this subparagraph.

(B) To the Department of the California Highway Patrol to fund internal California Highway Patrol programs and grants to qualified nonprofit organizations and local governments for education, prevention, and enforcement of laws related to driving under the influence of alcohol and other drugs, including cannabis; programs that help enforce traffic laws, educate the public in traffic safety, provide varied and effective means of reducing fatalities, injuries, and economic losses from collisions; and for the purchase of equipment related to enforcement of laws related to driving under the influence of alcohol and other drugs, including cannabis.

(C) To the Board of State and Community Corrections for making grants to local governments to assist with law enforcement, fire protection, or other local programs addressing public health and safety associated with the implementation of the Control, Regulate and Tax Adult Use of Marijuana Act. The board shall not make any grants to local governments ~~which have banned the cultivation, including personal cultivation under paragraph (3) of subdivision (b) of Section 11362.2 of the Health and Safety Code, or that ban both indoor and outdoor commercial cannabis cultivation, or ban~~ retail sale of cannabis or cannabis products pursuant to Section 26200 of the Business and Professions Code or as otherwise provided by law.

(D) For purposes of this paragraph, the Department of Finance shall determine the allocation of revenues between the agencies; provided, however, beginning in the 2022–

23 fiscal year the amount allocated pursuant to subparagraph (A) shall not be less than ten million dollars (\$10,000,000) annually and the amount allocated pursuant to subparagraph (B) shall not be less than forty million dollars (\$40,000,000) annually. In determining the amount to be allocated before the 2022–23 fiscal year pursuant to this paragraph, the Department of Finance shall give initial priority to subparagraph (A).

(g) Funds allocated pursuant to subdivision (f) shall be used to increase the funding of programs and purposes identified and shall not be used to replace allocation of other funding for these purposes.

(h) Effective July 1, 2028, the Legislature may amend this section by majority vote to further the purposes of the Control, Regulate and Tax Adult Use of Marijuana Act, including allocating funds to programs other than those specified in subdivisions (d) and (f). Any revisions pursuant to this subdivision shall not result in a reduction of funds to accounts established pursuant to subdivisions (d) and (f) in any subsequent year from the amount allocated to each account in the 2027–28 fiscal year. Prior to July 1, 2028, the Legislature may not change the allocations to programs specified in subdivisions (d) and (f).

SEC. 5.

The Legislature finds and declares that this act furthers the purposes and intent of the Control, Regulate and Tax Adult Use of Marijuana Act, enacted as Proposition 64 of 2016.

SEC. 6.

This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

Attachment H-4

**PROPOSITION 64 PUBLIC HEALTH & SAFETY GRANT PROGRAM
COHORT 3 PROPOSALS RECOMMENDED FOR FUNDING**

**Proposals in Rank Order by County-Size Category
Total Available Funding: \$150,000,000**

Large County Request Category Proposals in Rank Order for Funding
Available Category Funding: \$30,000,000

Rank	Applicant	Funding Amount Requested	Recommended Funding Amount
1	City of Port Hueneme	\$2,646,665	\$2,646,665
2	City of San Bernardino	\$3,000,000	\$3,000,000
3	City of Sacramento	\$2,999,915	\$2,999,915
4	City of Palm Springs	\$3,000,000	\$3,000,000
5	City of Parlier	\$2,980,000	\$2,980,000
6	City of Oakland	\$3,000,000	\$3,000,000
7	City of Chula Vista	\$2,708,250	\$2,708,250
8	City of California City	\$2,182,390	\$2,182,390
9	County of Contra Costa	\$2,195,302	\$2,195,302
10	City of San Diego	\$1,474,719	\$1,474,719
11	City of Firebaugh	\$579,439	\$579,439
12	City and County of San Francisco	\$3,000,000	\$3,000,000
13	City of El Monte*	\$3,000,000	\$233,320

Medium County Request Category Proposals in Rank Order for Funding
Available Category Funding: \$30,000,000

Rank	Applicant	Funding Amount Requested	Recommended Funding Amount
1	County of Monterey	\$2,972,769	\$2,972,769
2	City of Vallejo	\$1,424,000	\$1,424,000
3	County of Santa Cruz	\$3,000,000	\$3,000,000
4	City of Suisun City	\$2,294,495	\$2,294,495
5	County of Sonoma	\$2,993,420	\$2,993,420
6	County of Stanislaus	\$3,000,000	\$3,000,000
7	County of Santa Barbara	\$2,997,976	\$2,997,976

Small County Request Category Proposals in Rank Order for Funding
Available Category Funding: \$30,000,000

Rank	Applicant	Funding Amount Requested	Recommended Funding Amount
1	County of Lake	\$2,996,546	\$2,996,546
2	County of Humboldt	\$3,000,000	\$3,000,000
3	City of Marysville	\$3,000,000	\$3,000,000
4	City of Nevada City	\$3,000,000	\$3,000,000
5	City of Grass Valley	\$3,000,000	\$3,000,000
6	County of Del Norte	\$2,998,752	\$2,998,752
7	County of El Dorado	\$2,924,271	\$2,924,271
8	County of Mono	\$2,767,916	\$2,767,916
9	County of San Benito	\$2,997,145	\$2,997,145
10	City of Hanford	\$2,452,065	\$2,452,065
11	City of Madera	\$605,887	\$605,887
12	<i>City of Mt. Shasta*</i>	\$2,907,211	\$257,418

Highest Rated Category Proposals Regardless of County Size
Available Category Funding: \$60,000,000

Rank	Applicant	Funding Amount Requested	Recommended Funding Amount
1	<i>City of El Monte*</i>	\$3,000,000	\$2,766,680
2	<i>City of Mt. Shasta*</i>	\$2,907,211	\$2,649,793
3	City of Montebello	\$1,278,987	\$1,278,987
4	County of Trinity	\$1,648,795	\$1,648,795
5	County of San Diego	\$2,092,520	\$2,092,520
6	City of Colusa	\$1,668,033	\$1,668,033
7	County of Riverside	\$3,000,000	\$3,000,000

**City of El Monte and City of Mt. Shasta were fully funded between the County Size Categories*

Attachment H-5

PROPOSITION 64 PUBLIC HEALTH & SAFELY GRANT PROGRAM
Cohort 3 Project Summaries (in alphabetical order)

City of California City - \$2,182,390

Lead Public Agency: California City Fire Department

California City, located in Kern County, has 55 legal cannabis operations. The City is requesting funds to create a Task Force to regulate the cultivation and distribution of marijuana properly. The Task Force will regulate environmental standards and hazardous materials, enforce municipal codes, increase facility inspections, and train its officers to recognize human trafficking better. End Goals of the grant: Educate youth & the community on the dangers of marijuana usage; Increase the health & safety of the community; Ensure more licensed cannabis businesses are compliant with tax laws & ordinances; Mitigate environmental and hazardous incidents related to legal cannabis.

City of Chula Vista - \$2,708,250

Lead Public Agency: Chula Vista Police Department

The City of Chula Vista's Police Department is working with SBCS and SANDAG to reduce the impact of Proposition 64's passage on the citizens of Chula Vista by increasing awareness of marijuana's dangers, providing counseling to at risk youth, investigating cannabis related crimes, and taking enforcement on illegal cannabis businesses.

City of Colusa - \$1,668,033

Lead Public Agency: City of Colusa

The City of Colusa will support the Police Department in creating a Partnership with the Colusa County Office of Education to identify at risk youth and create a local program that will educate and prevent use of cannabis by minors. The program will have special focus on Hispanic/Latino segments of the population. The project will also focus on giving the city staff and local police department additional resources to regulate both legal and illegal cannabis industries. The focus on the legal industry will be to ensure that they are following local codes and ordinances and are not negatively affecting public health and safety. City resources will also be expanded to include consulting work that will ensure the City of Colusa turns its legal operations into a positive economic driver for development. The project will provide strategic review and revision of the city's codes and ordinances that regulate Cannabis and all its legal operations.

City of El Monte - \$3,000,000

Lead Public Agency: City of El Monte

(CASE) project will specifically focus on addressing the impacts from its emerging Commercial Cannabis Permit Program. The grant program has three priorities. First, fund the creation of the first-of-its kind Commercial Code Enforcement and Community Service

Officer positions who will take the social determinants of public health model towards the impact of cannabis on the El Monte community. These individuals will actively work towards improving the Commercial Cannabis Program and serve as the liaison between City and community stakeholders. Second, fund Community Service Officer to coordinate cannabis awareness programs for El Monte's youth, specifically in its most vulnerable census tracts and adjacent to legal cannabis operators. Third, fund the increased capacity of Police to proactively enforce both illegal and legal cannabis operators citywide.

City of Firebaugh - \$579,439

Lead Public Agency: City of Firebaugh Police Department

With California voters passing Proposition 64 allowing recreational use of marijuana for adults, Local youth see cannabis as less harmful than alcohol, tobacco and less of a crime compared to both alcohol and tobacco. The Firebaugh Police Department will spend half of their grant funds focusing on PPA - youth outreach and intervention related to cannabis dangers. The grant officer will teach the Elementary Safe Schools Program to 5th Grade and 8th grade students. E.S.S.P. program grades were picked due to students moving to a new school and students will be susceptible to new peer pressures. Over the past several years the Firebaugh Police Department has located several non-regulated cannabis cultivation operations and honey oil abstraction operations within the city limits. The grant officer will be responsible for surveillance, search warrants and investigating reports of illegal cannabis operations.

City of Grass Valley - \$3,000,000

Lead Public Agency: City of Grass Valley

The Grass Valley Cannabis Impact Mitigation Project will specifically focus on addressing impacts from its emerging Commercial Cannabis business activities on its residents, the community, and most importantly its youth, with a strong emphasis on providing opportunities for family friendly outdoor activities for all ages. The funds will go towards the addition of a new bike park with pump track and renovations/additions to the existing skate park to include features for younger families to participate. The project will hire a full-time Park Resource Officer whose primary focus will be cannabis education, enforcement and intervention for youth utilizing the skate park, bike park and those attending city sponsored events. This includes an expansion of an existing summer program to include cannabis education. Additionally, the project includes procurement of surveillance cameras, vape detectors, a masticator and patrol vehicle to assist with the enforcement.

City of Hanford - \$2,452,065

Lead Public Agency: City of Hanford

The proposed project will create a Youth Program operated by the City of Hanford and the Boys and Girls Club of the Sequoias in coordination with the Hanford Joint High School District and the Hanford Elementary School District. The club, affiliated with the Boys and Girls Club of America (BGCA), will serve at least 150 youth grades 7th – 12th annually, will be open daily (3 pm – 7 pm) and be operated out of the Coe Park Building.

The Coe Park Building is centrally located within the community and lies within Census Tract 11, a highly disadvantaged census tract that is one of four opportunity zones within Kings County.

City of Madera - \$605,887

Lead Public Agency: City of Madera Police Department

The City of Madera Police Department's Youth Outreach Project involving Crime Prevention and Marijuana Education will support one full-time Police Officer with the goal of preventing local youth from using cannabis as well as having a well-informed community that is aware of the dangers and risks of cannabis use. The Officer will provide education to teens on the dangers and risks of cannabis use. One of the ways the Officer will engage with the youth would be through sports. Said Officer will build relationships with its local youth through school and City activities during engagement in outdoor activities involving sports, education, and leadership development. The Officer will also prepare and direct student and parent educational presentations at school events regarding the short and long-term impacts of cannabis use.

City of Marysville - \$3,000,000

Lead Public Agency: City of Marysville

Yuba County Office of Education will be subcontracted to implement two program services which include an evidence-based marijuana prevention and intervention program as well as an evidence-based program called the Youth Recreation Program. Programs aim to mitigate the effects of the legalization of marijuana amongst minors. Services provided will include marijuana counseling, pro-social activities, and school diversion services.

City of Montebello - \$1,278,987

Lead Public Agency: City of Montebello Fire Department

The City of Montebello's Operation Shield will: 1) Enhance safety for Police, Fire and Emergency Medical Service (Fire/EMS), and Code Enforcement staff via certification and training, new protective safety equipment, a public safety needs assessment, and interdepartmental coordination to outline roles and responsibilities during calls at commercial cannabis facilities; 2) Reduce environmental risks and improve public safety by conducting a limited number of hazardous materials removal activities and developing a bench of qualified hazardous materials vendors; 3) Conduct an annual "National Night Out" campaign and resource fair in south Montebello (where the cannabis businesses are clustered) to build trust between public safety officials and residents, and to offer services for youth and families; 4) Update smoke-free zone signage for parks and other public places; and 5) Conduct four annual sustainability planning meetings to identify and implement sustainability actions.

City of Mt. Shasta - \$2,907,211

Lead Public Agency: City of Mt. Shasta Police Department

The City of Mt. Shasta Police Department proposes to utilize the Prop 64 Cohort 3 funding to continue the Community Enhancement Program established by Cohort 2. This will allow the Department to keep the Dare Officer and Community Service Officer position as well as the partnership with the Boys and Girls Club of Greater Shasta, which was funded through Cohort 2. Further the Cohort 3 funding will allow for the Community Enhancement Program to expand into the high school, which will allow for the long-term support of the communities youth from elementary school through high school. The program will also address the out-of-control illegal marijuana growing operations located throughout the county by providing funding for a full-time task force officer.

City of Nevada City - \$3,000,000

Lead Public Agency: City of Nevada City

The Nevada City Prop 64 grant project has a heavy emphasis on our schools, local youth, safety, and environmental impact. Included is a full time School Resource Officer whose primary focus will be cannabis youth outreach and education. The project will place vape detection and cameras at local schools to identify and reduce cannabis use by youth. It also includes the creation of a year-round cannabis free turf field park/school field environment that provides environmental, public safety and youth benefit. The project includes fire station apparatus bay doors, a fire department generator, and roof to increase response efficiency. Also included is the hiring of a fuels reduction equipment operator to clear high fire risk areas in support of public safety, cannabis businesses and reducing irrigation demand. The project includes operational efficiency for the City as they pertain to cannabis permitting and receipting of cannabis fees, taxes and submissions in a cash-only format.

City of Oakland - \$3,000,000

Lead Public Agency: City of Oakland

Oakland's licensed cannabis operators have faced a surge in armed burglaries since the start of the COVID-19 pandemic, which has placed both lives and livelihoods at risk. These crimes exacerbate the challenges operators face in the regulated cannabis marketplace, which features high taxation, inadequate access to banking, and competition from the unregulated marketplace. These challenges disproportionately impact equity applicants who already face an uphill battle in attracting consumers. The Proposition 64 Cohort 3 Grant offers will interrupt this negativity by funding security measures for Oakland's licensed cannabis operators and a public education campaign to support Oakland equity operators. Together these efforts will establish a safe and equitable regulated marketplace, allowing licensed operators to not just survive but thrive in the post-Proposition 64 landscape.

City of Palm Springs - \$3,000,000

Lead Public Agency: City of Palm Springs

To fully leverage our new Cannabis Education Center into the City's PEAK Center (for youth development and family empowerment. With the new center, the Boys and Girls Club of Palm Springs will expand its services beyond traditional after-school programs to include evening and weekend events. Through our evidence-based practices, we will offer trauma-informed, brain-based, proven programs to support students and empower their families. Besides providing a safe and welcoming place for our youth after-school, we will offer students an opportunity to participate in youth-led projects to build their self-esteem and develop their leadership skills. Our innovative programs empower youth to make wise and healthy choices for themselves and their peers. To boost our young people's chances of creating a positive and productive life, we will also provide their parents and caregivers with the resources, education, and skills they need to support their children.

City of Parlier - \$2,980,000

Lead Public Agency: City of Parlier

The City of Parlier's project will include a full time Officer whose primary focus will be cannabis related include Youth Outreach, Cannabis Education, and Crime Prevention. Parks and Rec will have Youth Recreation Program to provide prosocial activities and resources to include sports and community events. The Officer will build relationships with youth through engagement in outdoor activities and leadership development working in partnership with the city's Parks Dept. The CA Health Collaborative will create opportunities for youth to engage in leadership and media program. To address the violence, we will organize a taskforce and develop a Strategic Plan on Violence Prevention and its correlation with cannabis. Our Cure Violence Collaborative service providers BTC and ARC will provide services to youth to eliminate cannabis use and involvement, targeted interventions, victim services, and behavioral change plans.

City of Port Hueneme - \$2,646,665

Lead Public Agency: City of Port Hueneme Police Department

The Cannabis Enforcement and Teen Intervention Project (CETIP) will address the impact of Proposition 64 on the residents of Port Hueneme in Ventura County. The City of Port Hueneme's (PH) CETIP, led by the PH Police Department (PHPD), will provide:

PPA 1: The Social Emotional Learning (SEL), youth development program Digital Storytelling (DS) to youth ages 11 – 18. DS will engage local youth in the creation of cannabis-focused digital storytelling videos and public service announcements.

PPA 2: Public Health: A Public Health Educator (PHE) to lead conversations/prevention model trainings to PH school staff, participating youth, and PHPD members to increase community awareness about the importance of preventing cannabis use among minors.

PPA 3: Public Safety. The PHE will provide training to 100% of new PHPD hires and cannabis dispensary employees detailing the negative effects cannabis can have on the cognitive development of youth.

City of Sacramento - \$2,999,915

Lead Public Agency: Office of the City Manager

The project #SacYouthWorks: Futures (#Futures) will support 800 City of Sacramento youth in creating pathways to healthy futures and postsecondary success. #Futures integrates underage marijuana use prevention education with work-based learning to respond to youth and community needs emerging from the legalization of adult use marijuana. #Futures will engage youth (ages 12-19) in a 40-hour program, with 10 hours dedicated to prevention education, up to 10 hours of work-readiness training, and a minimum of 20 hours dedicated to applied service/work projects supporting city-wide prevention efforts or other community needs. #Futures builds on the strengths of the City's community-based organizations (CBOs) in connecting and responding to the needs of our youth most impacted by systemic and structural challenges and barriers. The program will create a network of CBOs that will guide small cohorts of youth through experiences and build capacity of community-wide prevention efforts.

City of San Bernardino - \$3,000,000

Lead Public Agency: City of San Bernardino Police Department

The City of San Bernardino's Youth Outreach, Crime Enforcement, and Cannabis Awareness Program will support a dedicated enforcement, education, and outreach effort to reduce the impact of cannabis and cannabis-related businesses in the City. Grant funds will support a full-time management analyst and be used to purchase equipment and salaries to support a dedicated data-driven enforcement effort to reduce crime near cannabis production and sales locations. The Police Department will partner with Code Enforcement to ensure legal compliance and use technology and investigative efforts to address illegal cannabis sites by identifying responsible parties and holding them accountable. Additionally, the Police Department will partner with Community-Based Organizations to provide assistance and resources to help develop the City's youth into successful adults. Grant funding will also support the development of an educational campaign via social media and community engagement at public events.

City of San Diego - \$1,474,719

Lead Public Agency: City of San Diego Police Department

Since the legalization of marijuana for medical and recreational use, the perception of the potential harm of youth cannabis use in San Diego has increased, with special concern for youth in underserved areas. The target population of youth for the project reside primarily in the City Heights and Southeastern areas of SD. Preliminary research shows growth in marijuana use among these youth. Additional supports through proven programs, such as mentoring, are essential as youth navigate environments where marijuana is more easily available. The key organization executing this program is STAR/PAL, providing mentoring, education, and growth opportunities to help youth in San Diego. STAR/PAL will partner with the SANDAG as the outside evaluator, developing survey tools and gather data metrics and outcomes on all programs and ensure that

programs are implemented effectively. This project will aim to prevent and decrease marijuana use among youth through education and mentoring programs.

City of Suisun City - \$2,294,495

Lead Public Agency: City of Suisun City

The City of Suisun City's Teen Development & Cannabis Education Program is a joint project between the City's Recreation, Parks, and Marina (RPM) & Police Departments. The project will establish a Suisun City Police Activities League (PAL) program for middle school and high school youth that combines existing PAL structure and resources with cannabis prevention and education curriculum developed by Suisun City RPM staff and the Solano County Office of Education. The project will support a School Resource Officer that will participate in school intervention efforts and will focus on mentoring, counseling, building relationships with youth, and acting as an extension of the program. The program will give Suisun City teens will have the chance to mature, gain valuable leadership and life skills, participate in unique enrichment and recreation opportunities, and set themselves for lifelong success – all with cannabis prevention and education as its nexus.

City of Vallejo - \$1,424,000

Lead Public Agency: City of Vallejo

The City of Vallejo proposes a Youth Prevention and Opportunity Program serving high-risk youth ages 14-21 from disadvantaged neighborhoods by providing them work-experience, employment opportunities in Green Jobs, and evidence-based interventions via substance abuse/ public health education workshops and activities. The grant will fund a facilitator and workshops in drug prevention and intervention and other public safety topics. Workshops will be provided through partnerships with local non-profits, the Vallejo City Unified School District and will be available for the employed and targeted youth, in the local high schools and for the community. Public safety will be addressed through a Communications Dispatcher and Code Enforcement Officer that will aide in outreach and clean-ups for identified hot spots and an increase in safety and security measures to deter youth from drug use/trafficking activity and loitering in and near vacant buildings and low visibility areas.

City and County of San Francisco - \$3,000,000

Lead Public Agency: Office of the City Administrator

The City and County of San Francisco will fund projects addressing public health and safety associated with the implementation of the Control, Regulate and Tax Adult Use of Marijuana Act. The San Francisco Office of Cannabis (OOC), through its Office of the City Administrator, seeks to leverage this grant opportunity to strengthen compliance, enforcement, and inspection efforts.

County of Contra Costa - \$2,195,302

Lead Public Agency: County Department of Alcohol and Other Drugs Services

Contra Costa Health Services (CCHS) Alcohol and Other Drugs (AOD) and Tobacco Prevention Programs (TPP) are seeking funds to support the implementation of an upstream youth development approach to cannabis education and policy advocacy. The aim is to support cities in their efforts to develop youth protective health measures in an emerging cannabis retail environment. This will be accomplished by establishing a public health centered policy framework to address the impact of the legalization of cannabis on youth, those most affected by environmental inequities and the war on drugs through the increase of knowledge among local policymakers about the harms associated with cannabis youth vaping, the negative health outcomes associated with the use of cannabis products to lead to local policy adoption.

County of Del Norte - \$2,998,752

Lead Public Agency: Del Norte County Probation Department

The proposed project goal is to improve outcomes for youth in at risk situations in Del Norte County. This will be accomplished through a youth- and community-driven needs assessment, resulting in selection of specific prevention/early intervention (school-based) and a treatment/rehabilitation intervention (youth up to age 20) designed to reduce youth delinquency, arrest, and justice system involvement. Both will include a substance abuse awareness and education component, leading to a countywide reduction in underage alcohol and drug use. The interventions will be piloted and evaluated to ensure they are meeting their proposed goals and objectives, and then fully implemented across the County.

County of El Dorado - \$2,924,271

Lead Public Agency: El Dorado County Sheriff's Office

Due to the legalization of recreational cannabis in the state of California, the El Dorado Sheriff's Office has decided to apply for Prop 64 grant funding. Our grant program will fund 2 Sheriff Deputies dedicated to the investigation and eradication of illegal marijuana and providing information to legal marijuana retailers. One part time grant manager and the creation of a 10-week Youth Citizens Academy that will support the health and wellbeing of our community's at-risk youth.

County of Humboldt - \$3,000,000

Lead Public Agency: County Department of Health and Human Services, Public Health

Funding from the BSCC Prop 64 grant program will support the Humboldt County Department of Health and Human Services' Education, Analysis, and Enforcement (EAE) Project. This is a multipronged approach addressing the impacts of legalization on young people, and public health and safety. The Department of Health and Human Services, Public Health Branch (DHHS) and the HCSO has partnered with the Southern Humboldt

Family Resource Center to provide youth-focused outreach, mentorship, diversion, and substance use prevention education. Much-needed enforcement and analysis personnel, currently funded through the BSCC Prop 64 Cohort 1 Grant, would continue their work in advancing the EAE project goals. This project addresses the past, present, and future outcomes of the cannabis industry in Humboldt County.

County of Lake - \$2,996,546

Lead Public Agency: Lake County Community Development Department

The project is divided into two areas to address two major needs, the impact of cannabis and other substances can have on our youth as well the prevalence of unlawful cultivation in Lake County. First, there is the creation of a family WRAP program through the Lake County Office of Education (LCOE). This program is intended to provide youth in need with access to services for both them and their parents as part of a comprehensive program. Second, there is effort to expand Code Enforcement's ability to target unlawful cannabis cultivation by adding an additional officer dedicated to these efforts, along with the necessary equipment and training. These program to demonstrate the success of their efforts so that both programs can ensure future operations.

County of Mono - \$2,767,916

Lead Public Agency: Mono County Probation Department

The Mono County Mammoth High School Safety Program (MHSSP) targets the need for youth cannabis and substance use prevention and intervention programs; education outlining health impacts of youth cannabis use for high school students and young adults (18-21 year olds); a safe environment with caring adults after school (3:00 pm – 6:00 pm) for academics, recreation, and program intervention; and provides objective evaluation of efficacy of programs on reduction of youth referrals for cannabis use. Mono County will enter a Memorandum of Understanding (MOU) with the Mammoth Unified School District for time and location for Law Related Education and officer presence.

County of Monterey - \$2,972,769

Lead Public Agency: Monterey County Health Department/Public Health

The Art and Education Go Together project will provide capacity for the Epicenter to facilitate art as healing classes to at-risk youth to describe their emotions and increase resiliency. Developing proficiency in the arts can promote feelings of self-efficacy and identity development – both of which are indicated in the prevention of mental health and substance use disorders. To facilitate youth prevention, school-based education and parent presentations will be provided throughout Monterey County. Grant funds will enhance our existing illicit cannabis social marketing campaign and expand the visual component, art as healing. Through a collaboration with the Monterey County Sheriff's Office, staff will create a cannabis safety sub-committee. The sub-committee will focus on; 1) theft and violence, and 2) safe cannabis consumption. MCSO will work to decrease

theft and violence by utilizing Flock Safety cameras at various locations within the unincorporated area of Monterey County.

County of Riverside - \$3,000,000

Lead Public Agency: Riverside University Health System (RUHS) – Behavioral Health Department of Substance Abuse Prevention and Treatment

RUHS – Behavioral Health Department of Substance Abuse Prevention and Treatment's Friday Night Live (FNL) program is seeking to expand the FNL programs across the county with the goal of having a presence on over 150 elementary, middle, and high school campuses county wide. FNL aims to create a safe environment where youth feel physically and emotionally safe, are free from the risk of harm, and can be who they are. The goal of the Transitional Age Youth (TAY) Peer College Outreach program is to design supportive prevention and treatment services by creating TAY Peer and Public Health Nurse (PHN) outreach teams. These teams are guided and led by TAY Peers and PHNs, which will identify Youth and ensure they receive and access mental health, substance use, and other health services, as well as ensure mental health outcomes are achieved, and provide early intervention for young people 16-25 years of age within Riverside-area college campuses.

County of San Benito - \$2,997,145

Lead Public Agency: San Benito County

San Benito County proposes to use Prop 64 funds to address challenges created by the legalization of marijuana. This multipronged project takes aim at all four project purpose areas. It will address the impacts of a booming marijuana industry on County youth by providing them with education, and intervention opportunities aimed at challenging career choices and addressing the ease with which they have access to marijuana. A large part will focus on the Sheriff's Office's main goal, improving public safety, accomplished by increasing the resources of their Marijuana Enforcement Team. To address public health and environmental concerns, the County is partnering with a local nonprofit and school district to identify high need restoration missions that pose risks to natural resources, as well as to the public through drinking water and agricultural range land. Proposition 64 funding would make a difference to all of San Benito County's citizens and its sprouting legal cannabis industry.

County of San Diego - \$2,092,520

Lead Public Agency: San Diego County Planning and Development Services

The County of San Diego Planning & Development Services' Code Compliance Cannabis Licensing and Enforcement program will help support ongoing efforts to combat the illegal cannabis market within the unincorporated San Diego County as well as to license legal operators and ensure that they remain in compliance with both local and state cannabis regulations. Grant funds will be used to proactively address public safety and environmental impacts of cannabis operations including retail, cultivation, manufacture,

distribution, and onsite consumption. Efforts will include staffing Code Compliance, Land Use/Environmental Planner, and Land Use Technician positions to ensure compliance with cannabis regulations and to operate the licensing program, training and supplies for the positions, data collection and analysis enhancement, and community outreach.

County of Santa Barbara- \$2,997,976

Lead Public Agency: Santa Barbara County Sheriff's Office

The Santa Barbara Sheriff's Office (SBSO) Cannabis Compliance Team proposes to increase staffing to its licensing and compliance function. SBSO will create two additional detective positions to assist with processing the current licensing backlog and accomplish the large task of completing quarterly compliance checks of licensed operators. Creating a robust, comprehensive compliance program will aid in the prevention and protection of the public from dangers affecting safety such as crime associated with the illegal market and underage access. Due to Santa Barbara County's cannabis program size and scope, the current personnel assigned to the team are not able to effectively and efficiently provide the attention needed to all the different aspects of the Cannabis Program (enforcement, compliance, licensing, and administrative work). With the increasing number of licensed cannabis operators, this program is sustainable beyond the grant funding.

County of Santa Cruz - \$3,000,000

Lead Public Agency: Santa Cruz County Health Services Agency, Public Health

Santa Cruz County Thriving Youth & Community grant will provide a healing-centered, trauma-informed, culturally and developmentally responsive model to prevent and divert youth from cannabis use. Enhanced support for middle and high-school-aged youth will be created through school and community-based Interactive and engaging strategies to promote healthy behaviors and supportive systems and environments. Leadership development, job readiness, and education will build on youth strengths, enhance decision-making and resiliency skills, and foster meaningful relationships and connections needed to thrive. Programs include Invincible Youth and Friday Night Live, Integrated Youth Development, Stanford Cannabis Toolkit, The Seven Challenges, and Project X Cessation programs to reduce rates of youth cannabis use; increase youth perception of harm of cannabis use; increase youth and adult connectedness; and increase protective factors and decrease risk factors for youth.

County of Sonoma - \$2,993,420

Lead Public Agency: County of Sonoma Permit and Resource Management Department

Sonoma County Permit and Resource Management Department, Code Enforcement Section (CES) will expand the capability of cannabis enforcement and mitigate the effects of Proposition 64 using existing and new inspection and clerical staffing and aerial imagery. Existing and new Unmanned Aerial Vehicles (UAVs) will be combined with aerial images purchased from a non-governmental vendor to aid in the enforcement of cannabis

regulations. Specifically, the CES will enhance current enforcement operations through hiring a dedicated term-limited CES cannabis inspector, hiring a dedicated term-limited clerical staff person, the purchase of periodic aerial imagery, and the addition/maintenance of UAVs, a 4-wheel drive vehicle, and an enhanced radio communication system. In addition, CES will increase their educational capacity for new and existing permitted cannabis cultivation sites through the creation of materials relating to best management practices (BMPs) and operational conditions.

County of Stanislaus - \$3,000,000

Lead Public Agency: Stanislaus County Sheriff's Office

The grant funded positions assigned to the Stanislaus County Sheriff's Office Marijuana Enforcement Team (MET) will enhance the team's ability to protect the public from illegal cannabis operators threatening the environment, community, public health, and the legal cannabis market, in addition to the continued regulation and code enforcement of permitted commercial marijuana cultivation within the unincorporated areas of Stanislaus County. Program funding will also be utilized to enhance the Stanislaus County Sheriff's Office Media Relations Team to expand on the department's production of social media content to notify the public of special operations and largescale eradications efforts and promote all resources available to report illicit cannabis operations. Additionally, our Media Relations Team will produce and distribute several videos and other social media content each year focusing on substance use education and promoting healthy behaviors for the youth in our community.

County of Trinity - \$1,648,795

Lead Public Agency: Trinity County Sheriff's Office

Trinity County proposes to continue and enhance the existing Trinity County CARES program under the Prop 64 Public Health and Safety Grant Program funding. The CARES program will target prevention and intervention activities for youth with a focus on student health, preventing substance use and abuse, and improving positive relationships and healthier outcomes. This funding will provide salary and benefit reimbursement for a Juvenile Specialist Deputy Sheriff, a Juvenile Specialist Probation Officer, and fiscal support staff, as well as vehicle maintenance, specialized training, promotional materials, and office supplies. It will also fund contracted evaluation services and the required audit.

Attachment H-6

MEETING DATE: September 8, 2022

AGENDA ITEM: E

TO: BSCC Chair and Members

FROM: Helene Zentner, Field Representative, helene.zentner@bscc.ca.gov

SUBJECT: Proposition 64 Health & Safety Grant Program, Cohort 3 Request for Proposals: **Requesting Approval**

Summary

This agenda item requests approval for the Proposition 64 Health & Safety Grant Program (Prop 64 PH&S), Cohort 3 Request for Proposals development process. This process includes the following key components:

- Modify the Prop 64 PH&S, Cohort 2 RFP with updated funding allocations, timelines, due dates, submission instructions, and attachments, as necessary, and approve as the Prop 64 PH&S, Cohort 3 RFP.
- Post the Prop 64 PH&S, Cohort 3 RFP on the BSCC website for a 30-day written public comment period.
- Convene a Scoring Panel to read and rate the Cohort 3 proposals and develop funding recommendations for the Board.

Background

The Board of State and Community Corrections administers the Prop 64 PH&S Grant Program, funded through the tax revenue generated by the Control, Regulate and Tax Adult Use of Marijuana Act. BSCC Prop 64 PH&S eligibility criteria for grant funding is provided for within the California Revenue and Taxation Code¹ (Attachment E-1).

On November 18, 2021, the Board established an Executive Steering Committee to develop the Prop 64 PH&S Cohort 3 RFP, designated Board Member Viera Rosa as the ESC Chair, authorized the ESC Chair to oversee the grant development process, and authorized staff to work with the ESC Chair to establish a diverse ESC with relevant subject-matter expertise (Attachment E-2).

The ESC recruitment process began after the November 2021 Board meeting. Notices seeking ESC participation were posted on the BSCC website and shared through multi-agency emails, BSCC listservs, county partner communications, past and current Prop 64 PH&S recipients, and outreach to past ESC members. A small number of individuals volunteered to serve on the Prop 64 PH&S Cohort 3 ESC, but there was insufficient participation to convene the ESC membership to revise the RFP for Cohort 3 and read and rate the forecasted number of application submittals. As a result, there have been unanticipated delays implementing the Prop 64 PH&S Cohort 3 RFP process and grant timeline.

¹ Revenue and Taxation Code § 34019, subd. (f)(3)(C)

To avoid additional delays, this agenda item seeks approval to release a modified version of the Prop 64 PH&S Cohort 2 RFP, reflective of staff edits (Attachment E-3). Modifications include, but are not limited to, updated funding, timelines, due dates, submission instructions, and attachments, as necessary. Of note, the maximum amount available for requested grant funds per eligible applicant has been increased to \$3 million. Additionally, the requirement of including Project Purpose Area 1- Youth Development/Youth Prevention and Intervention within each proposed project has been lifted.

The Prop 64 PH&S Cohort 3 RFP will be made available for a 30-day written public comment period. If no substantive public comments are submitted, as determined by the ESC Chair, the Prop 64 PH&S Cohort 3 RFP would be released in October 2022. If substantive comments are received, the ESC Chair may recommend the Board consider those comments and potential revisions at the November Board meeting.

Staff is requesting a Scoring Panel be convened in lieu of an ESC. The Scoring Panel would not have the RFP development responsibilities but would instead be tasked only with reading and rating eligible proposals (after being trained on the criteria and rating process by BSCC Research staff) as well as making funding recommendations to the Board. Assembling a Scoring Panel might encourage increased interest in prospective panel members who may otherwise have limited meeting availability due to the multi-day meeting requirements of an ESC. With the Board's approval, BSCC staff may be considered to help supplement the Scoring Panel, as necessary.

Proposed Activities

BSCC staff will work in consultation with Board Member Viera Rosa to establish a Scoring Panel that is diverse in professional and lived experience, geographic, gender, and demographic representation. The BSCC will seek interested persons to serve on the Scoring Panel through the BSCC's website [Executive Steering Committees and Scoring Panel - Seeking Membership](#) by submitting a Statement of Interest.

Below are the proposed activities and tentative timeline necessary to administer a competitive RFP process for the Prop 64 PH&S Grant Program, Cohort 3.

Activity	Tentative Timeline
Seek approval of the Board to approve the Prop 64 PH&S, Cohort 3 RFP, post RFP for a 30-day written public comment period and to convene a Scoring Panel.	September 8, 2022
Post the Prop 64 PH&S, Cohort 3 RFP for a 30-day written public comment period.	September 12, 2022
The 30-day written public comment period concludes	October 12, 2022
If no substantive public comments are received, RFP released to the field.	October 17, 2022
<i>*If substantive public comments are received, the ESC Chair may recommend the Board consider those comments and potential revisions at the November Board meeting. All subsequent timelines would be adjusted.</i>	
Bidders' Conference	November 9, 2022
Proposals Due to the BSCC	December 2, 2022

Proposal Rating Process and Development of Funding Recommendations	January 2022 - March 2023
Funding Recommendations presented to the Board	April 13, 2023
Grants Begin	June 1, 2023

*This timeline will be modified if substantive public comments are received.

Recommendation/Action Needed

Staff recommends that the Board:

1. 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.
2. 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.
3. 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.
4. 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.
5. Authorize the Scoring Panel to make funding recommendations; and
6. Approve the proposed activities and tentative timeline associated with the Prop 64 PH&S Grant, Cohort 3 RFP.

Attachments

E-1: California Revenue and Taxation Code, § 34019, subd. (f)(3)(C)

E-2: [BSCC Board Agenda Item G, November 18, 2021](#)

E-3: Proposition 64 Public Health & Safety Grant Program, Cohort 3 Request for Proposals Document (Revised)

Agenda Item I

MEETING DATE: April 13, 2023

AGENDA ITEM: I

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, allison.ganter@bscc.ca.gov

SUBJECT: Appointment of Co-Chair to the Title 15 and 24 Juvenile Regulations Revision Executive Steering Committee: **Requesting Approval**

Summary

BSCC staff and Chief Kirk Haynes are requesting that the BSCC Board appoint a new co-chair to the Juvenile Titles 15 and 24 Regulations Revision Executive Steering Committee in place of Miguel Garcia, who resigned from the Board in November 2022.

Background

The Board is authorized to develop regulations for the operation of local juvenile detention facilities pursuant to Welfare and Institutions Code sections 210 and 885. As part of this responsibility, the BSCC regularly reviews and revises the minimum standards for the operation and design of local juvenile detention facilities. The BSCC's practice is to develop regulations and propose revisions with input from subject-matter experts, community members, and through public participation to ensure that minimum standards are developed that reflect best practices.

In February 2022, Chief Kirk Haynes and Miguel Garcia were appointed by the Board to cochair the ESC. In selecting members of the ESC, the co-chairs sought to ensure that the committee would represent the broad and diverse interests and perspectives needed to develop regulations for the safe operation of juvenile detention facilities that are aligned with national best practices. The committee includes people with diverse professional and personal experience.

At the March 23 meeting of the ESC, the committee discussed their collective interest in adding a new co-chair, specifically a person with lived experience, to work with Chief Haynes. Roberto Luca from Los Angeles, who is already a member of the ESC, is willing to serve in this role. As co-chair, Mr. Luca will be responsible for co-facilitating the ESC meetings with Chief Haynes.

Upon Board approval, BSCC staff will continue to work with the ESC to complete the juvenile regulation revisions.

Recommendation/Action Needed

Approve the appointment of Roberto Luca as co-chair to continue the work of Juvenile Regulations Revision ESC for the duration of the ESC process.

Agenda Item J

MEETING DATE: April 13, 2023

AGENDA ITEM: J

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, allison.ganter@bscc.ca.gov

SUBJECT: Local Detention Facilities Inspection Update: **Information Only**

Summary

This report is a regular update on the local detention facility inspections completed in the 2023/2024 Biennial Inspection Cycle and a summary of current outstanding items of noncompliance.

Background

The 2023/2024 Biennial Inspection Cycle began on January 1, 2023 and will conclude on December 31, 2024. All inspections for the 2020/2022 Biennial Inspection Cycle have been completed. BSCC staff continue to track the corrective action plan status of items of noncompliance identified during inspections.

The list of outstanding items of noncompliance at adult detention facilities during the 2023/2024 cycle can be found here:

<https://app.smartsheet.com/b/publish?EQBCT=4f9dd585796945d2806d39284b9d190a>

Items of noncompliance that have been resolved are located at the bottom of the dashboard.

The list of items of noncompliance for juvenile detention facilities is located here:

<https://app.smartsheet.com/b/publish?EQBCT=98032562aae146ed9b9d7102a46e8b1e>

There are no current items of noncompliance that require immediate attention (i.e., coded as red in the above links), and staff is not recommending any formal action at this time.

Recommendation/Action Needed

Information only.





Attachments

J-1: Outstanding Items of noncompliance: [ADULT](#) | [JUVENILE](#)

Attachment J-1

2023/2024 Biennial Inspection Cycle Outstanding Items of Noncompliance - Adult Inspections

Codes for Corrective Action Status

	Agency in corrective action plan process; less than 90 days since initial inspection report.
	More than 90 days since initial inspection report; the agency continues to make substantial progress toward compliance and is still in corrective action plan. Noncompliance does not represent a substantial threat to physical or mental health.
	Pending compliance; the agency has remedied policy, procedure, forms and/or documentation, and final compliance must be determined during follow-up inspection to verify proper implementation of corrected policies, procedures forms and/or documentation. Noncompliance does not represent a substantial threat to physical or mental health.
	<ol style="list-style-type: none"> 1. Noncompliance represents a substantial threat to physical or mental health. 2. No response from agency. 3. No corrective action plan received. 4. Corrective action not taken. 5. More than 90 days since initial inspection report and agency has not made substantial progress toward correction.





County	Facility	Item of N/C 15 or 24	Inspection Findings	Number of Days Since IIR	Code	Comments	Staff Recommendation
Sutter	Sutter County Jail	§ 1280. Facility Sanitation, Safety, and Maintenance.	BSCC staff determined the agency to be noncompliant with this regulation due to areas being in disrepair and deferred maintenance. Modules Max 1-6, FE2, FE3 and FE4 have showers in disrepair and deferred maintenance: 1. Broken tiles, dark discoloration on walls and floor that could be mold, flooring that is pealed up or missing, and multiple rusted fixtures that are in disrepair and a safety hazard Modules Max 1-6 and Male Dorm disrepair and deferred maintenance for temperature fluctuations: 1. Male Dorm was using a large industrial fan approximately three to four feet across for airflow in the module dayroom. Areas in the module were hot or humid. 2. Max 1-6 had little airflow and temperature fluctuations. It was hot in some areas and cold in others. Facility staff said they are required to document temperature readings in the warmer months.	7	●		BSCC staff will continue follow-up; update at next Board meeting. No request for Sheriff/Chief to appear at this time.
Sutter	Sutter County Jail	1231.3.9 Mirrors	Housing Modules Max 4 and 5 were missing bathroom room mirrors. Agency has ordered mirrors prior to the exit brief...	7	●		BSCC staff will continue follow-up; update at next Board meeting. No request for Sheriff/Chief to appear at this time.
Butte	Butte County Jail	§ 1053. Administrative Segregation.	Because the facility lacks safety cells or more temporary holding cells, these rooms or PDE are often used several hours and were not designed with bunk, toilet, or fountain. This deprives access to these items for the time held until other arrangements or re-classification takes place. The agency is conducting increased checks on these persons and regularly ensuring that they have water and food, but these rooms or holding systems are not approved for housing.	59	●	On going issue, pending construction of SB 863 project. Agency is taking mitigation measures to limit use of these rooms and ensure those held in the rooms has reasonable access to water and toilets.	BSCC staff will continue follow-up; update at next Board meeting. No request for Sheriff/Chief to appear at this time.
Butte	Butte County Jail	§ 1280. Facility Sanitation, Safety, and Maintenance.	Due to the age of the facility and extensive use, the facility has numerous maintenance and sanitation issues.	59	●	To ensure facility sanitation, safety, and maintenance continues to be a high priority, a supervisor has been assigned to track outstanding work orders and follow up as needed.	BSCC staff will continue follow-up; update at next Board meeting. No request for Sheriff/Chief to appear at this time.



CORRECTED Items of Noncompliance

County	Facility	Item of N/C 15 or 24
Butte	Butte County Jail	§ 1027.5 Safety Checks.
Butte	Butte County Jail	§ 1045. Public Information Plan.

2023/2024 Biennial Inspection Cycle Outstanding Items of Noncompliance - Juvenile Inspections

Codes for Corrective Action Status

	Agency in corrective action plan process; less than 90 days since initial inspection report.
	More than 90 days since initial inspection report; the agency continues to make substantial progress toward compliance and is still in corrective action plan. Noncompliance does not represent a substantial threat to physical or mental health.
	Pending compliance; the agency has remedied policy, procedure, forms and/or documentation, and final compliance must be determined during follow-up inspection to verify proper implementation of corrected policies, procedures forms and/or documentation. Noncompliance does not represent a substantial threat to physical or mental health.
	<ol style="list-style-type: none"> 1. Noncompliance represents a substantial threat to physical or mental health. 2. No response from agency. 3. No corrective action plan received. 4. Corrective action not taken. 5. More than 90 days since initial inspection report and agency has not made substantial progress toward correction.

County	Facility	Inspection Findings	Number of Days Since IIR	Code	Staff Recommendation
Butte	Butte County Juvenile Hall	Deficiencies of non-compliance were discovered in the Public health Inspection report dated November 15, 2022. The facility did not provide evidence of corrections made to non-compliant deficiencies. Most notably, the county's Department of Public Health outlined the lack of having a Registered Dietician does not enable Public Health to properly analyze and ensure all nutritional needs are being met for all youth as required. Public Health is returning for a follow up inspection April 2023.	24		BSCC staff will continue follow-up; update at next Board meeting. No request for Sheriff/Chief to appear at this time.
Butte	Butte County Juvenile Hall	Non-compliance occurred due to the facility's inability to provide documentation showing the screening was conducted per Title 15 minimum standards.	24		BSCC staff will continue follow-up; update at next Board meeting. No request for Sheriff/Chief to appear at this time.

CORRECTED Items of Noncompliance

County	Facility	Item of N/C 15 or 24
Butte	Butte County Juvenile Hall	§ 1329. Suicide Prevention Plan.
Butte	Butte County Juvenile Hall	§ 1433. Requests for Health Care Services.
Yuba	Yuba-Sutter County Juvenile Hall	§ 1370. Education Program.
Yuba	Yuba-Sutter County Juvenile Hall	§ 1433. Requests for Health Care Services.
Yuba	Maxine Singer Youth Guidance Center, (Camp Singer)	§ 1322. Youth Supervision Staff Orientation and Training.
Yuba	Maxine Singer Youth Guidance Center, (Camp Singer)	§ 1433. Requests for Health Care Services.

Agenda Item V

Special Order of Business

(To Commence at 10:00 a.m.)

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

- Barry J. Nidorf Juvenile Hall**
- Central Juvenile Hall**

MEETING DATE: April 13, 2023

SPECIAL ORDER OF BUSINESS

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, Allison.Ganter@bscc.ca.gov
Lisa Southwell, Field Representative, Lisa.Southwell@bscc.ca.gov
Aaron Maguire, General Counsel, Aaron.Maguire@bscc.ca.gov

SUBJECT: Determination of Suitability – (Welf. & Inst. Code, § 209(a)(4) & (d).)
Barry J. Nidorf Juvenile Hall, Los Angeles County
Central Juvenile Hall, Los Angeles County **Requesting Approval**

Summary

This agenda item requests that the Board make a determination of suitability within the meaning of Welfare and Institutions Code section 209, subdivisions (a)(4) and (d) for the Barry J. Nidorf Juvenile Hall and the Central Juvenile Hall in the County of Los Angeles.

Background

The Board of State and Community Corrections (BSCC) establishes the minimum standards for juvenile halls, camps, and secure youth treatment facilities (SYTF) and conducts biennial inspections of those facilities. (Welf. & Inst. Code, §§ 209, 210, 875, & 885.) Regulations setting forth these minimum standards can be found in Sections 1300-1511 of Title 15 of the California Code of Regulations.

Welfare and Institutions Code section 209, subdivision (d), provides:

Except as provided in subdivision (e), a juvenile hall, special purpose juvenile hall, law enforcement facility, or jail shall be unsuitable for the confinement of minors if it is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210 or 210.2, and if, within 60 days of having received notice of noncompliance from the board or the judge of the juvenile court, the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail has failed to file an approved corrective action plan with the Board of State and Community Corrections to correct the condition or conditions of noncompliance of which it has been notified. The corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the board shall either approve or deny. In the event the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail fails to meet its commitment to resolve noncompliance issues outlined in its corrective action

plan, the board shall make a determination of suitability at its next scheduled meeting. (Emphasis added.)

Summary of 2020 - 2022 Biennial Inspection

On January 13, 2023, following the inspection of Los Angeles County's juvenile facilities, the BSCC notified Los Angeles County's probation department of several items of noncompliance with the Board's regulations at the Barry J. Nidorf Juvenile Hall and Central Juvenile Halls. A copy of the final inspection report dated March 16, 2023, is in Attachment 5; at the time of the publication of the final inspection report, the facilities were out of compliance with the following regulations:

Barry J. Nidorf Juvenile Hall

1. § 1321. Staffing.
2. § 1325. Fire Safety Plan.
3. § 1327. Emergency Procedures.
4. § 1328. Safety Checks.
5. § 1354.5. Room Confinement.
6. § 1357. Use of Force.
7. § 1360. Searches.
8. § 1370. Education Program.
9. § 1371. Programs, Recreation, and Exercise.
10. § 1390. Discipline.
11. § 1230.2.10 Security glazing
12. § 1230.1.7 Single occupancy sleeping rooms
13. § 1230.2.6 Lighting
14. § 1230.1.5 Living unit.
15. § 1230.1.11 Physical activity and recreation areas

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. § 1374. Visiting.
10. § 1390. Discipline.
11. § 1230.2.10 Security glazing
12. § 1230.1.7 Single occupancy sleeping rooms
13. § 1230.2.6 Lighting
14. § 1230.1.5 Living unit.
15. § 1230.1.11 Physical activity and recreation areas

Pursuant to Welfare and Institutions Code section 209, the agency was required to submit a corrective action plan (CAP) to the BSCC within 60 days or by March 14, 2023.

At the February 9, 2023 Board Meeting, the BSCC Board considered the county's initial inspection report and discussed at length the concerns about the seriousness of the items of noncompliance, especially considering the issues regarding suitability and the extensive Board oversight that was required in the previous inspection cycle. The Board approved a motion to request an appearance by then-Chief Gonzales at the April Board meeting to provide an interim update on the status of the implementation of the county's anticipated corrective action plan.

On March 14, 2023, the BSCC received the agency's CAP (Attachment 4). A CAP must outline how the agency intends to correct the issues of noncompliance and how they will come into compliance within a reasonable timeframe, not to exceed 90 days or by June 12, 2023. (Welf. & Inst. Code, § 209, subd. (d).)

After review of the CAP, BSCC staff determined that it did not provide sufficient detail about the specific plans that will be relied upon to correct the items of noncompliance and did not provide a reasonable timeframe for resolution. Due to this lack of information, the CAP was not approved by BSCC staff. The Los Angeles County Probation Department was notified of this action on March 23, 2023 (Attachment 3). On April 3, 2023, the department submitted a Supplemental CAP (Attachment 1). The information in the supplemental CAP is an improvement over the initial submission, but it remains unclear whether the items of noncompliance will be corrected within a reasonable time frame not to exceed 90 days.

The most serious items of noncompliance at the juvenile halls can be directly linked to issues with staffing. Both facilities are currently out of compliance with Section 1321 of Title 15 of the California Code of Regulations, Staffing, and as a result, they are unable to carry out the overall facility operation and programming and provide for the safety and security of youth and staff.

Moreover, youth are regularly not being provided with required services because of insufficient numbers of staff on duty. This ongoing and consistent lack of staffing also contributes to the noncompliance with several other sections of Title 15, including the following:

- Section 1354.5, Room Confinement
- Section 1357, Use of Force
- Section 1360, Searches
- Section 1370, Education
- Section 1371, Programs, Recreation and Exercise

While the Supplemental CAP goes into greater detail about how hiring challenges and staffing shortages will be addressed with reassigned staff, a recruitment, hiring and retention plan, supplemental operational changes, and a supplemental plan for reducing the youth census, it fails to provide a specific plan about how these actions will fix the current staffing issues at the two juvenile halls and bring them into compliance with the above noted items of noncompliance. The Supplemental CAP notes that the CEO is currently conducting a

staffing analysis of the department, which is due to the County Board of Supervisors on April 18, 2023. It is imperative the County conduct an immediate staffing analysis of the two juvenile halls and clearly outline how the actions noted in the Supplemental CAP will provide relief by the numbers of staff assigned to specific posted positions and, in turn, how those staff will directly affect the items of noncompliance directly tied to staffing.

SYTF v. Juvenile Hall

One issue that has been raised regarding the determination of suitability for Barry J. Nidorf (BJN) Juvenile Hall is to what extent the items of noncompliance reflect issues involving the Secure Youth Treatment Facility, which is co-located at BJN. As part of the continued follow up with the county, BSCC staff has determined that the notice¹ of SYTF operation provided by Los Angeles County does not accurately reflect the operations of BJN. Currently, post-dispositional SYTF youth are being comingled with pre-adjudicated youth at BJN and there are not clear delineations between what would constitute the juvenile hall portion of the facility and the SYTF portion of the facility. Consequently, while the inspection report for BJN accurately captures the systemic problems of noncompliance with the entire facility, it is not clear how a determination of unsuitability for the juvenile hall would affect the operations of the facility or if the expectation would be that only pre-adjudicated youth would be required to vacate the facility since the Board does not have similar enforcement authority over the SYTF. Pursuant to Welfare and Institutions Code section 209, any determination of suitability would extend only to the juvenile hall operations of BJN.

Procedural Background – Effect of Los Angeles Not Having an Approved Plan

As noted above, staff did not approve Los Angeles County's Corrective Action Plan. Per Welfare and Institutions Code section 209, a facility that fails to file an "approved corrective action" plan within 60 days should be considered "unsuitable." Staff has neither approved nor disapproved the supplemental corrective action plan filed by Los Angeles County. The supplemental corrective action plan fails to substantively address the issues related to staffing; however, there are areas where the supplemental corrective action plan could be approved after further analysis. BSCC staff would then conduct on-site inspections to verify completed corrective action in those specific areas. The Board should consider the following options when evaluating the submittal of the plan and determining the suitability of the Los Angeles County Juvenile Halls:

- (1) The Board could reject staff's determination of the March 14 plan, deem it approved, and allow Los Angeles to proceed with its corrective action plan;
- (2) The Board could deem the new supplemental plan as approved;
- (3) The Board could reject both plans and, as such, find that both facilities are not suitable for the confinement of youth;

¹ <https://www.bscc.ca.gov/wp-content/uploads/LA-County-SYTF-12.23.2021.pdf>

- (4) The Board could determine both facilities unsuitable based on the most recent inspection and ongoing items of noncompliance (Welf. & Inst. Code, § 209(a)(4)) notwithstanding the submission of the corrective action plans; or
- (5) Defer making decisions on the corrective action plans and determination of suitability to a future board meeting.

Recommendation/Action Needed

Staff recommends that the Board:

1. Defer further action on the Los Angeles County Juvenile Halls to a future board meeting for the following reasons: the county has proactively moved to make improvements to both facilities, filed a supplemental plan, and has hired new key personnel. As such, the Board should take additional time to evaluate whether the county has “fail[ed] to meet its commitment to resolve noncompliance issues outlined in the corrective action plan....” (Welf. & Inst. Code, § 209, subd. (d).)
2. Request the county file a new, detailed SYTF form under Welfare and Institutions Code section 875, subdivision (g)(4), delineating the SYTF portions of Barry J. Nidorf.
3. Schedule an additional board meeting for mid-May for the Board to reassess suitability; that timeframe will allow for additional staff analysis of the supplemental corrective action plan and on-site inspections by BSCC staff to verify any completed corrective action to inform the recommendation for further Board action.

Attachments

Attachment 1: April 3, 2023 – LA County Probation Department Supplemental Corrective Action Plan

Attachment 2: March 27, 2023 – Notice Letter to Interim Chief Fletcher

Attachment 3: March 23, 2023 – BSCC Response Letter to LA County Probation Department Corrective Action Plan

Attachment 4: March 14, 2023 – County of Los Angeles Probation Department Corrective Action Plan

Attachment 5: 2020-2022 Biennial Inspection Report of Los Angeles County Probation Department’s Juvenile Detention Facilities

Attachment 1



KAREN L. FLETCHER
Interim Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2501



April 3, 2023

Linda Penner, Chair
Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

Dear Ms. Penner:

COUNTY OF LOS ANGELES PROBATION DEPARTMENT – JUVENILE FACILITIES SUPPLEMENTAL CORRECTIVE ACTION PLAN

The Board of State and Community Corrections (BSCC) conducted inspection activities for the 2020-2022 Biennial cycle at both the Barry J. Nidorf Juvenile Hall (BJNJH) and Central Juvenile Hall (CJH) in November 2022. The BSCC's Initial Inspection Reports for both facilities were received on January 27, 2023, outlining the identified items of noncompliance. These items of noncompliance were reviewed during the Exit Briefing on January 13, 2023, at which time corrective action was immediately initiated. On February 15, 2023, the BSCC provided a checklist of the final areas of pending noncompliance required to be addressed in the Department's Corrective Action Plan (CAP). On March 14, 2023, the Los Angeles County (County) Probation Department provided a Corrective Action Plan in response to the findings of the Biennial Inspection report of 2020/2022. On March 23, 2023, the BSCC informed the County that the March 14 Corrective Action Plan was not approved and inadequate to address the ongoing and serious items of noncompliance at both facilities. In addition, the County was informed that the BSCC would make a determination of suitability at the April 13, 2023 meeting. On March 27, 2023, the BSCC informed the County of the additional deficiencies with the original corrective action plan, further detailed the suitability determination process, and provided a deadline for the County to respond with additional details to address the CAP deficiencies.

On March 29, 2023, the County met with Field Representative Lisa Southwell and your General Counsel Aaron Maguire regarding the amount of additional detail necessary for the supplemental Corrective Action Plan¹. We have incorporated the technical assistance

¹ During the March 29, 2023 meeting, it was unclear from the BSCC representatives what standard the juvenile halls were to held to in order to comply with the Title 24 window replacements. Probation was informed that the BSCC would provide clear guidance in writing on this noncompliant issue. In past inspections, there have been broken windows and they were replaced with the same window. However, in this inspection the County was informed that they had to replace them based on 2003 Title 24 regulations which did not exist during the construction of the facilities.

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provided in our responses. The County has provided additional information which outlines our continued plan to correct the BSCC identified areas of noncompliance and to provide additional clarification based on the March 23 letter. In response to the additional correspondence from the BSCC regarding our proposed plans to address the noncompliance findings, we set forth below, in red font, the County's supplemental plans, with additional details and further clarification, to address the areas of noncompliance. We believe this update addresses the BSCC's concerns regarding our prior CAP, and respectfully request that the Department be given 90 days to implement it, and that re-inspection occur prior to a suitability hearing.

Title 15, Section 1313(A),(B) and (E): County Inspection and Evaluation of Building and Grounds

County Building Inspection (CJH Only)

The County Building Inspection was conducted at CJH on August 11, 2022. Documentation was provided by the Department of Public Works on January 9, 2023.

County Supplemental Response:

The County Building Inspection item has been resolved.

Fire Clearance

The fire alarms at BJNJH were tested on March 11, 2023. Upon receipt of this report, the Fire Clearance Inspection will be scheduled.

The Fire Clearance was completed for CJH on March 3, 2023.

County Supplemental Response on BJNJH and CJH:

On March 19, 2023, the vendor conducted a test of the fire alarms at the facility. At that time, deficiencies with the system were identified. A service request was submitted to the Internal Services Department (ISD) to address one area of the deficiencies which is scheduled to be completed by April 10, 2023. ISD is working with the contractor to address the second area of system deficiencies by the end of April 2023. This noncompliance item for Central Juvenile Hall has been resolved and is still outstanding for Barry J Nidorf Juvenile Hall.

Juvenile Court Inspection

The Juvenile Court Inspection was completed for BJNJH on March 2, 2023, and for CJH on March 3, 2023.

County Supplemental Response on BJNJH and CJH:

The Juvenile Court Inspections have been conducted and this noncompliance item has been resolved.

Title 15, Section 1321(a) and (b): Staffing

The Department is actively recruiting and hiring staff to fill existing vacancies in the Detention Services Officer (DSO) and Group Supervisor Nights (GSN) classifications at both BJNJH and CJH. Concurrent Juvenile Correctional Officer Core (JCOC) academies are being conducted to expedite the number of new staff being deployed to the institutions. Forty-one new staff completed JCOC in January and February 2023, with another 23 and 20 scheduled to complete JCOC in April and May, respectively. Incentive pay (20% increase in base pay and double overtime pay) was implemented for select classifications between October 1, 2022 and April 1, 2023. Additionally, field staff continue to be mandatorily deployed to work in the two juvenile halls on a rotational basis. In March 2023, under emergency provisions, a minimum of 100 field staff will be temporarily reassigned from field assignments to the juvenile halls through December 31, 2023. These reassignments, coupled with volunteer overtime staff and new hires, will be continuously monitored to ensure staffing levels meet regulations and support the overall safety and security of the youth and staff.

BSCC Response:

In your, March 23, 2023, response, you indicated the following "To resolve the issues of inadequate staffing, the CAP indicates that the department is working to expedite the completion of Juvenile Correctional Officer Core academies for deployment of up to an additional 43 staff through May. In addition, the CAP references additional incentive pay, which, the CAP also notes, expires in April 2023. Finally, the CAP references the temporary reassignment of a minimum of 100 staff from the field to the juvenile halls through December 31, 2023. Unfortunately, even if we could assume the full deployment of these staff into the juvenile halls, some of which we note are not trained as juvenile correctional officers, there is insufficient information to determine what staffing plan would be in place to address the items listed above. Nor do we believe this staffing will be sustainable given the short term, emergency measures involved. Without additional details describing staffing levels across the units for which we can then inspect for compliance, this plan cannot be approved."

County Supplemental Response:

Probation Departments are not immune to the hiring challenges and staffing shortages seen in many organizations nationwide. The ability to recruit and retain is even more difficult given the negative perception of law enforcement in many communities. Competition among other agencies has also grown due to the limited pool of candidates, with organizations offering bonuses and assistance with housing to name a few. The pool of qualified applicants is also further reduced because of the strong economy and younger generations being less likely to seek traditional employment that does not squarely align with the work-life balance that many desire. All of the aforementioned makes hiring and retaining quality candidates a challenge for all Probation Departments in California, with many facing

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shortages up to 30%. Probation is adding 100 staff, via reassignment, who will supplement the current juvenile hall staffing effective start date of April 10, 2023, after receiving 40 hours of training. These additional staff were notified on March 30, 2023 and will begin the 40 hours of training on April 3, 2023. The additional staff will provide adequate direct supervision and the human power to meet the requirements of education, recreation, programming, and supervision, while Probation continues to onboard new hires. Some examples of the operation factors that directly affect staffing are: required one-on-one supervision designated by the Department of Mental Health, fluctuation of population per housing unit, violence, and both racial and gang tension.

Recruitment, Hiring and Retention Supplemental Plan

In response to the daily staffing issues in our Juvenile Halls, and in addition to the reassignment of staff, the Los Angeles County Probation Department will implement a long-term recruitment, hiring, and retention plan to reduce the high number of vacancies within our institutions as outlined below:

- **Marketing and Recruitment:** Probation will engage an outside consultant to develop a long-term recruitment marketing plan based on best practices, including a digital social media campaign, to increase the application volume for qualified applicants.
- **Hiring Process Improvement:** Probation is collaborating with the Department of Human Resources to review the hiring process to identify opportunities to maximize the use of existing training resources, solutions for bottlenecks, and processes that can be streamlined to expedite the hiring of candidates and their successful completion of the academy.
- **Retention Strategies:** Probation will work collaboratively with the outside consultant and Department of Human Resources to improve recruitment and retention by understanding the factors that matter to candidates and employees that caused them to join and stay with the Department. Probation will enhance our onboarding process that will allow for the Department's more experienced staff to provide the necessary guidance, training and mentoring in efforts to foster a supportive culture.

Given the immediate need to fill vacant positions in the Department, the above strategies will be initiated concurrently with the below interim recruitment and hiring efforts.

- **New Hires:** As stated in the Department's March 14, 2023 CAP, Probation will hire and retain up to 150 employees within the Group Supervisor, Nights (GSN) and Detention Services Officer (DSO) Classifications by June 2023.
 - **Fiscal Year 2022-23 Academy:** The Department continues its significant efforts to attract and retain additional staff. As of April 7, 2023, Probation will have conducted three training academies, with three more planned, graduating more than 64 new probation officers who will provide much needed staffing in these facilities. The County is committing all necessary resources

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to continue this progress to hire an additional 70 staff by the end of June 2023. These highly focused employment efforts are fully supported by the County's Board of Supervisors.

- Interim Recruitment and Hiring Plan: Probation will continue to hire for vacancies by:
 - Building relationships with educational institutions, community-based organizations, and professional organizations;
 - Attending in-person or virtual job fairs and events, to market different populations that fit the care first, jails last model;
 - Expanding social media presence;
 - Developing marketing materials that cover a comprehensive range of mediums: flyers, opening and closing slates of a video, billboard, bus shelters, and radio spot ideas.
 - Increase the Department's recruitment budget for personnel, recruitment services, and marketing materials.
- Fiscal Year 2023-24 Academy: In addition to the above, and to ensure hiring is a continuing priority and that the hiring process is implemented consistently on a long-term basis, the Department plans to hold at a minimum 6 additional academy classes in Fiscal Year 2023-24. The minimum hiring target is 35 DSOs per class.

Supplemental Operational Changes

In addition, in support of the Supplemental CAP, the Department will make the following operational changes to increase, sustain and stabilize the daily staffing levels in the halls as new recruits are being hired:

- Reassign Field staff to the Halls: Effective March 30, 2023, the Department reassigned 100 Field DPO IIs to the Halls.
 - The Field staff will receive a 40-hour training block with the minimal required trainings for all staff working in the institution to be held from April 3-7, 2023. A second 40-hour training block will take place later in April. Field staff will be deployed to their assigned Hall on April 9th.
 - Based on daily staffing numbers at the Halls, the current temporary field staff redeployment will continue. On average, 125 Field staff are redeployed to the Halls on a temporary basis, a minimum of 2 days a week.
 - As Hall staffing stabilizes and the emergent concerns lessen, the Department will reassess both the current redeployment and the mandatory reassignment of the 100 Field DPO IIs.

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- Kilpatrick Staff 56-Hour Schedule: Due to the emergency, the Department will remove the 56-hour schedule required by the Union MOU for the approximately 34 staff currently reassigned from Camp Kilpatrick to the juvenile halls and place them on a 5/40 schedule. By doing so, the Department will maximize staff availability on-site for supervision and provision of services to the youth.
- Reserve Probation Officers: The Department will deploy approximately 60 Reserve Probation Officers (PO) to assist in the Halls daily operational needs, not including direct supervision of youth. A daily schedule will be generated utilizing the Reserve POs to assist with visiting on Saturdays and Sundays at the halls and camps and to also perform perimeter monitoring 7-days a week, in pairs, to cover all institutions to reduce the entry of contraband. Additional tasks and assignments, as appropriate, will be developed. By doing so, this will allow the supervision staff to focus on providing supervision and direct services to the youth.
- SYTF Special Recruitment Notice: The Department's SYTF Recruitment bulletin was issued on February 23, 2023 and closed on March 15, 2023. A total of 80 applications were received. Interviews were conducted over a 7-day period beginning on March 23, 2023, through March 31, 2023. Successful candidates will be identified by April 3, 2023. Specialized training will be provided in cohorts beginning May 1, 2023 to minimize any disruption to operations. The training will be three weeks in length and will consist of the following: LA Model, Activating Intentional Youth Development, Motivational Interviewing, Restorative Justice, Suicide Prevention, Mental Health Training for Juvenile Justice, Child Abuse Prevention and Reporting, Enhanced and Specialized Supervision Requirements for Juvenile Institutions, HOPE Center Policy, Title 15 Regulations, Use of Force, Handcuffing, Self Defense, Control Holds, Physical Intervention Training, De-escalation Training, Peace Officer Ethics and LGBTQ+ Awareness. The Department will see an increase in staff in the Halls from this recruitment effort if those selected are currently assigned to the Camp and/or Field. Based on our review, all 80 applicants have either a Camp or Field assignment.
- Chief Executive Office Staffing Analysis: The CEO is currently conducting a staffing analysis of the Department to determine how many staff are needed to safely operate our halls, camps, and juvenile field operations. As part of this review, the CEO will determine if the Department is operating more camps than needed given the current youth population statistics, and the appropriate per officer caseload ratio for the field offices and programs. If the CEO determines that the Department can consolidate camps and/or reduce the officer per caseload ratio, and may do so safely, any identified excess staff will be reassigned to the halls. The CEO analysis is due to the Board on April 18, 2023.

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- **Financial Incentives:** Effective April 1, 2023, the Department will offer financial incentives to staff assigned to the Halls to stabilize staffing levels. Payment Eligibility Requirements are as follows:
 - Juvenile Detention staff and/or field or camp staff reporting to work at the Halls providing direct supervision of any population in the Department's care as well as programming and services, such as, but not limited to, recreation and exercise shall be entitled to a lump sum bonus payable at the end of their commitment term.
 - The commitment term shall be determined by hours worked in the Juvenile Hall:
 - ✓ 1,000 hours worked for 6 months
 - ✓ 1,500 hours worked for 9 months
 - ✓ 2,000 hours worked for 12 months
 - ✓ (Note: 2,088 working hours in a typical year)
 - Eligibility will be affected by attendance
 - All payments are subject to the discretion of the Board and may be rescinded at any time deemed necessary.

The above efforts focus on increasing the staff in the juvenile halls. The Department also plans to identify ways to reduce the current youth census.

Supplemental Plan for Reducing the Youth Census

- To reduce the number of youth in our halls, the Department will collaborate with prosecutors, defense counsel and Superior Court to ensure all eligible and appropriate youth are calendared for release consideration to a more therapeutic setting or home with supportive services and supervision pending disposition.

Title 15, Section 1325(f): Fire Safety Plan

The Fire Plan for BJNJH was signed off on February 9, 2023. The Fire Plan for CJH was signed off on March 3, 2023. The Department continues to receive technical assistance from the BSCC regarding the use of Los Padrinos Juvenile Hall for the emergency housing of youth in the event of an evacuation of one or both juvenile halls.

County Supplemental Response:

On March 30, 2023, BSCC Representative Lisa Southwell along with representatives from Probation, CEO and the Internal Services Department conducted a site visit of the Los Padrinos facility to obtain BSCC authorization to use the facility if an evacuation is necessary due to an emergency. In the event of an emergency, Probation has identified several leadership individuals with access to a county credit card who would immediately be able to reserve hotel rooms as necessary to temporarily relocate the nonprofit clients' recipients who are currently housed at Los Padrinos.

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Title 15, Section 1327(f): Emergency Procedures (BJNJH Only)

The Building Emergency Plan and Fire Suppression Pre-Plan were disseminated to all sworn staff and non-sworn staff at BJNJH on February 10, 2023. Collection of the final sign-off sheets is in process, with a due date of March 17, 2023.

County Supplemental Response:

As of March 30, 2023, all staff signatures of current Detention Services Bureau assigned staff have been obtained. The only staff that have not signed off on the emergency procedures are either on medical leave, off due to an internal affairs investigation, or on vacation. A process has been established to have those individuals sign off on the procedures as they return to work. This noncompliance item, therefore, is resolved.

Title 15, Section 1328: Safety Checks

An electronic Safety Check System was installed in each living unit throughout both juvenile hall facilities, with a go-live date of January 23, 2023. Staff received training on the system prior to implementation and received the revised Safety Check Policy (DSB 630) issued on January 19, 2023, with a required sign-off documenting receipt of the policy.

The Senior Detention Services Officer (Sr. SDO) assigned to each unit is responsible for ensuring that safety checks are conducted within their assigned unit. Supervisors are required to regularly audit the safety check system by generating a log report to ensure compliance with the random and varied safety checks. If it is determined that a safety check is missed by more than one minute, the supervisor must initial the safety check on the log and direct the Sr. DSO to ensure that a note in the "observation" section of a room check is completed. Further, at least once per eight-hour shift, as time and circumstances permit, supervisors must conduct unannounced rounds to inspect the safety check system and inspect any posted hard copies of Safety Check Sheets.

Managers and the Quality Assurance (QA) Team are conducting random video reviews to ensure staff have a direct visual observation of youth at a minimum of every 15 minutes, at random or varied intervals, when youth are asleep or when youth are in their rooms.

The Video and In-Person Observation Log continues to be utilized by managers when conducting random video reviews of Title 15 Programming and/or walking through units. Each manager and supervisor are required to provide immediate correction and instruction when witnessing non-compliance. In the event of any potential egregious behavior, a referral for disciplinary action is required.

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County Supplemental Response:

Probation continues to conduct audits and provide real time technical assistance for the RFID Safety Check systems. Personnel who are not conducting regular safety checks are being counseled and referred to Internal Affairs.

Title 15, Section 1354.5(a) and (b)(2): Room Confinement

The Room Confinement policy, specifically addressing room confinement during transitional times such as shift change, showers and after incidents continues to be reemphasized to staff and will be redistributed to all staff at both facilities with a required sign-off documenting receipt.

Documentation will continue to be reviewed daily and if any concerns are identified, the facility will be immediately contacted to make the correction. The QA Team and BSCC Subject Matter Experts are providing immediate real-time training when corrections are required.

Managers and the QA Team at both facilities are conducting random video reviews during critical times of the day such as school, visiting, religious services and in the evenings. Additionally, all videos are reviewed after an incident has occurred to ensure room confinement is not occurring unless within policy.

The Video and In-Person Observation Log continues to be utilized by managers when conducting random video reviews of Title 15 Programming and/or walking through units. Each manager is required to provide immediate correction and instruction when witnessing non-compliance. In the event of any potential egregious behavior, a referral for disciplinary action is required.

The Compliance Unit at each facility continues to review documentation to ensure compliance with BSCC regulations, which includes but is not limited to, justification for room confinement. Any documentation requiring additional clarification is immediately referred to the Compliance Unit Supervisor who follows up and provides training.

COVID Guidelines for Hybrid Units have been modified in collaboration with Juvenile Court Health Services (JCHS) and approved by the BSCC.

County Supplemental Response:

Probation continues to conduct audits and provide real time technical assistance. Personnel who are engaging in room confinement are being counseled and referred to Internal Affairs.

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Title 15, Section 1357: Use of Force

The Detention Services Bureau – Physical Intervention Policy (DSB – 1000) was issued on June 22, 2022. A one-hour training specific to policy revisions has since been developed and is being provided to all sworn staff assigned to the juvenile halls.

Training on the use of force policy is ongoing at both juvenile halls. As of March 13, 2023, 446 juvenile hall staff have been trained in person. Central Juvenile Hall has trained 178 staff. Barry J Nidorf has trained 268 staff. We continue to train the remaining staff and expect to be fully in compliance with the use of force policy training by April 2023.

Staff are receiving hands on defensive tactics training and report writing in Block Weeks. Attendance in the block weeks continues to be difficult due to ongoing staffing concerns at the halls. Staff from the Staff Training Office are being deployed to the institutions to provide ongoing training in de-escalation and handcuffing. Additional staff from the Staff Training Office are being temporarily reassigned to the juvenile halls to ensure that all staff continue to receive use of force, de-escalation, handcuffing, and training in appropriate documentation.

A plan to address processes specific to the use of force reviews has been developed in collaboration with the State Department of Justice. This plan was implemented on March 5, 2023.

BSCC Response:

In addition to providing an inadequate plan to resolve the issues involving staffing, there are several places in the CAP where Probation notes that a plan has been developed and will be in place, but there is no detail of these plans included. For example, on page 5 of the CAP, there is a description of a plan developed in collaboration with the California Department of Justice that was implemented on March 5, 2023 to “address processes specific to the use of force reviews” as it relates the findings of noncompliance with Section 1357, Use of Force. However, the CAP does not describe specifically what the plan entails or how compliance with Section 1357 is supported by this plan. Likewise, the details for correcting the deficiencies noted in implementing Section 1390, Discipline, are also lacking.

County Supplemental Response:

As of March 30, 2023, staff continue to be trained on the use of force. Below is the plan that has been developed to address the review of use of force incidents. Effective April 10, 2023, the facilities will begin to enforce Directive 1477 – Detention and Residential Treatment Services Bureaus Physical Intervention Policy. Any staff that is involved in or witnesses a physical intervention incident, including deployed staff, will be expected to complete all required documentation immediately or when reasonably possible, but no later than prior to the end of their assigned shift. For 30 consecutive days beginning April 10, 2023, institutions staff shall demonstrate capability of completing Use of Force incidents within five (5) days of receipt and forwarding the documents to the FIRST Team for review. As part of this plan,

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any outstanding Use of Force incidents from January 1, 2023, must be completed and reviewed. If Institutions can demonstrate that they can stay current with their Use of Force documentation for 30 days, all incidents prior to January 1, 2023, will be separated out as a backlog and will be address in the second phase of this plan.

Title 15, Sections 1358 and 1358.5(c): Use of Physical Restraints (CJH Only)

The Detention Services Bureau Policy (DSB-1000) is the policy section regarding the use of Mechanical Restraints and Safe Crisis Management. This policy was developed in collaboration Juvenile Court Health Services (JCHS) and the Department of Mental Health (DMH).

The use of mechanical restraints (handcuffs) at CJH is limited. However, documentation of mitigating circumstances that may preclude the use of mechanical restraints has been lacking in our Physical Intervention Report (PIR) documentation per policy. Real time training is being provided by the Probation BSCC Compliance Team to staff when writing reports post use of mechanical restraints. Policy review will be conducted with staff and sign offs will be collected. The policy review will highlight the documentation in the PIR to include the assessment of mental health, medical and trauma that would preclude the use.

County Supplemental Response:

Training continues to be provided to staff on report writing after the use of mechanical restraints.

Title 15, Section 1360(a): Searches

The ability to conduct searches on a consistent basis has been impacted by low staffing levels. Mandatorily deployed field staff, overtime staff and continuous hiring of new staff is in process to increase staffing levels at both facilities. Staff assigned to the Department's Special Enforcement Operations (SEO) have deployed to the juvenile halls to assist with searches, as needed. K-9s assigned to these staff are frequently utilized to conduct searches. Effective March 6, 2023, a team of eight to ten SEO staff were dedicated to BJNH Monday through Friday from 7 AM to 3 PM to assist with searches and school movements. An additional SEO Team will be assigned to conduct unannounced searches twice per week. Search teams are being deployed to CJH, as available and necessary. Additionally, the reassignment of a minimum of 100 field staff to the juvenile halls will be effectuated beginning March 20, 2023.

County Supplemental Response:

Effective April 10, 2023, staff shall search youths' room on a daily basis. In addition to daily searches, each shift shall conduct at least two thorough unit contraband searches each week to be led by the supervisor. The addition of the 100 reassigned staff will support compliance with required searches.

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Title 15, Section 1370(b)(6) – Education

Due to low staffing levels, youth do not consistently attend school in the classrooms. When youth are not in classrooms, they are either provided instruction in the Unit and/or receive educational packets in lieu of in-person instruction. The reassignment of 100 field staff to the juvenile halls will enable more consistent movement of young people in both facilities to classrooms.

County Supplemental Response:

Staff are being assigned to specifically take youth to school. The Department has deployed staff who are assigned to the Special Enforcement Operations unit to each hall to assist in providing the needed supervision to ensure the transportation of youth from the living units to the school.

Title 15, Section 1371: Programs, Recreation and Exercise

Programs (CJH Only): Written annual program reviews, to ensure content offered is current, consistent, and relevant to the population, have been submitted to the BSCC for seven of eight programs offered at CJH. In addition to community-based organizations and volunteers, Probation staff provide programming in the forms of arts and crafts and topical group discussions with youth. The Department of Mental Health (DMH) is also partnering to provide additional programming at CJH. The County's Chief Executive Office is assisting the Department with the procurement of additional services through a Master Services Agreement process that will shorten the time to identify and quality relevant service providers.

Exercise: Daily large muscle activity has not consistently been provided due to low staffing levels. The reassignment of 100 field staff to the juvenile halls will enable more consistent access to exercise for young people in both facilities. The Los Angeles County Office of Education has incorporated Physical Education (PE) into their school schedule, providing access to workout equipment. Badminton has been added to several dorms at CJH as a physical activity used daily.

County Supplemental Response:

The Department has a Master Services Agreement in place and are currently working with approximately eight (8) agencies and community-based providers to pre-qualify them in their respective service category. In addition, Juvenile Hall operational staff are currently developing Statements of Works to meet the programmatic needs of the youth. SOWs are being submitted on a flow basis and upon completion, a competitive Work Order solicitation will be released.

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Services to be Provided:

- Life Skills
- Music Production
- Culinary
- Barber
- Gang Intervention
- Gender Specific

Title 15, Section 1374: Visiting (CJH Only)

A dedicated child-friendly visiting room has been established for the youth and their children. Staffing in the Family Resource Center has been implemented and training for this role has begun. A consistent process of documentation specific to virtual calls provided when in-person visits do not occur will provide proof of practice. Additional smart phones have been ordered for each Supervisor and Director to increase the use of virtual calls.

County Supplemental Response:

Additional phones were ordered and have been distributed to each designated staff person. This noncompliance item is therefore resolved.

Title 15, Section 1390: Discipline

Technical assistance is being provided by the Council of Juvenile Justice Administrators (CJJA), via the Department of Justice (DOJ) Monitor, to create a robust Behavior Management Program (BMP). A draft manual will be completed by March 31, 2023 and submitted to the DOJ for review. A 16-hour training course will be implemented in April 2023 and two pilot units at each facility will be identified for a phased roll-out in May 2023. Both facilities have continued to build on their existing programs, as an interim solution.

BSCC Response:

In your March 23, 2023, letter your Board stated "Likewise, the details for correcting the deficiencies noted in implementing Section 1390, Discipline, are also lacking."

County Supplemental Response:

The County will submit a revised Behavior Management Program manual to the CA DOJ Monitoring Team for approval on April 6, 2023. The County expects the CA DOJ Monitoring Team will approve the revised BMP manual during their April 6, 2023 visit. The County is in the process of developing the training curriculum which will include 8 to 16 hours of in person training. Additionally, a training schedule is being developed to ensure full implementation of this new BMP program prior to reinspection. Pending the roll out of the new BMP program, the County will continue to use the existing BMP program. Attached is the handbook for the existing BMP program.

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Title 24, Section 1230.2.10: Security Glazing

Per the BSCC, this regulation became effective in 2003. However, this item of non-compliance was not previously identified in prior BSCC inspections. The Department continues to work with the BSCC to identify an acceptable “detention grade” glass to serve as a replacement of the approximately eighty-one broken windows in need of replacement. The Department has submitted to the BSCC a possible solution that would not require the reframing of each of these windows to support the “detention grade” glass replacement.

County Supplemental Response:

On March 29, 2023, Probation Leadership met with BSCC and sought additional clarification on the type of windows required to replace the broken windows as the building was constructed in 1998 in the absence of Title 24 regulations. The BSCC has never raised this issue before during its inspections or when the County replaced windows after the regulations were updated. BSCC representatives advised us on May 29, 2023, that they would investigate this issue and provide us a written response as to whether the County is being held to the pre-2003 standard for the halls or the post-2003 Title 24 standards. It is important to note that this investigation was not performed before the BSCC issued its noncompliance finding to the County. Since receiving the noncompliance notice, Probation received inconsistent answers from the BSCC about which standard the County is required to meet to get into compliance. In lieu of clear BSCC guidance, the County continues to pursue various options for detention grade glass replacements.

Probation’s Management Services Bureau is in the process of ordering and installing Title 24 compliant windows in the juvenile halls to be completed by May 28, 2023. There are a total of 87 broken glass replacement orders that will be addressed on a phased-in basis. However, in some instances, the current frames will not accept the Title 24 compliant ¾ inch glass. Where this occurs, the department plans to temporarily install polycarbonate 3/8 or ¼ inch material (a high impact product) to eliminate blind spots which is a safety concern for staff and youth. To address the frame/glass issue, MSB is coordinating with the County’s Internal Services Department (meeting held on March 31, 2023) to inspect and develop a plan to augment and/or replace the frames to accept the thicker glass. As this is completed, MSB will update the frames and glass accordingly.

Title 24, Section 1230.1.7: Single Occupancy Sleeping Rooms

Effective March 3, 2023, the Department’s Management Services Bureau (MSB) began prioritizing work orders specific to obscured windows, providing a response within one day. MSB identified obscured windows at both BJNH and CJH, both blurred with personal hygiene products and those that are scratched/etched. The cleaning of blurred windows is being immediately corrected. Windows with significant etching that obscures staffs’ ability to monitor youth in their rooms will be prioritized for replacement.

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County Supplemental Response:

The Department identified a total of 2,498 etched windows: 1,622 at BJNJH and 876 at CJH. Operational staff has conducted a review of BJNJH and determined no etched windows required servicing and/or replacement as the etching does not obscure the ability of staff to effectively perform safety checks. A review of CJH is in progress and once the number of etched glasses that require replacement are identified, MSB will initiate the procurement process.

Title 24, Section 1230.2.6: Lighting

Staff will continue to instruct youth not to cover night lights. The Department has conducted an evaluation of technology to dim night lighting and has selected a solution. This solution will be rolled-out with homelike improvements, as a list of vendors are established. An anticipated timeline will be provided to the BSCC as the vendor procurement is completed.

County Supplemental Response:

The light dimmers have been ordered. The lead time for delivery is 4 to 6 weeks with the expected arrival in early May and full installation by June 2023.

Title 24, Section 1230.1.5: Living Unit

The structure of the existing juvenile halls includes offices that hinder direct access and supervision of youth when staff are positioned in the office and youth are in their rooms. An Instructional Memo will be provided to staff by March 31, 2023 directing them that there must always be one staff present in the unit whether a youth is in their room or not.

County Supplemental Response:

The instructional memo was provided to staff on March 31, 2023.

Title 24, Section 1230.1.11: Physical Activity and Recreation Areas

On March 9, 2023, MSB and an Internal Services Department (ISD) electrician supervisor/project manager met to review possible upgrades to the current field lighting at BJNJH. An engineering assessment is pending completion. If this work cannot be completed within 90 days, we will explore bringing in lights affixed to generators to remedy this finding. CJH upgraded the outdoor lighting in February 2022, however, an assessment of this lighting upgrade will be further considered to determine if the lighting is sufficient or if additional enhancements are necessary.

County Supplemental Response:

MSB is coordinating with ISD to identify vendors who can provide temporary stadium lights for both juvenile halls. ISD will provide lighting options to Management Services Bureau by

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April 4, 2023 and the most expedient option will be selected to move forward to ensure compliance by June 2023.

Suitability Determination

Lastly, in the March 29, 2023, meeting with the BSCC Representative Lisa Southwell and General Counsel Aaron Maguire, we were informed that in the event that Barry J Nidorf Juvenile Hall was deemed unsuitable that the post disposition SYTF youth that are currently housed in the facility would be allowed to remain as they reside in the hall under a separate designation. We requested further clarification as to which areas of noncompliance are being evaluated for the basis of the suitability hearing pursuant to the Welfare and Institutions Code section 209 because the County did not receive two separate documents detailing noncompliance items for the pre-disposition youth and post-disposition SYTF youth currently housed at Barry J Nidorf Juvenile Hall. It is important to note that the conditions facing the pre-disposition youth are exactly the same for SYTF youth in the halls. If the BSCC contends the halls are unsuitable, then please confirm: (1) the state will not send any additional SYTF youth to the County until these suitability concerns have been resolved; and (2) the state will accept back into its custody the SYTF youth currently in the halls until those concerns have been resolved as well.

The Department is committed to ensuring and maintaining compliance with both Title 15 and Title 24 Regulations in all of our facilities. Should you have any questions regarding this Corrective Action Plan, please do not hesitate to contact me at (562) 940-2501.

Sincerely,



Karen L. Fletcher
Interim Chief Probation Officer

c: Fesia Davenport, Chief Executive Officer, Los Angeles County
Dawyn R. Harrison, County Counsel, Los Angeles County
Celia Zavala, Executive Officer, Board of Supervisors
Max Huntsman, Office of Inspector General, Los Angeles County
Wendelyn Julien, Executive Director, Probation Oversight Commission
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court

LOS ANGELES COUNTY PROBATION DEPARTMENT
DETENTION SERVICES BUREAU
9150 E. Imperial Highway, Downey, CA 90242

**JUVENILE HALLS'
BEHAVIOR MANAGEMENT PROGRAM**

INTRODUCTION

The Los Angeles County Probation Department operates three juvenile halls and houses an average of 1,600 minors per day. While the basic mission of the juvenile hall is to provide temporary custody for juveniles while they proceed through the court process, the detention time is also utilized as an opportunity to assist in redirecting delinquent minors toward a positive, more productive, law abiding lifestyle. Herein lies the ultimate goal of the juvenile hall, which is to promote and enhance public safety while attempting to increase pro-social behaviors on the part of all detained minors.

The overall program in the juvenile halls ties together many concurrent and interrelated efforts of the Detention Services Bureau and its collaborative partners (other County departments, community-based organizations and volunteers), into a cohesive strategy to reduce recidivism and influence detained minors into becoming productive citizens. This is accomplished through a **Behavior Management Program (BMP)** that identifies rules/expectations and reinforces positive behaviors through a mechanism that links rewards, incentives/privileges, and consequences to the minor's behavior, and encourages progress toward achieving identified short-term goals.

The **Behavior Management Program** is a collaborative effort between the Los Angeles County Probation Department (LACPD), the Los Angeles County Office of Education (LACOE), the Department of Mental Health (DMH), and Juvenile Court Health Services (JCHS). The BMP is an activity-rich and highly structured programming model that emphasizes positive reinforcement for appropriate behaviors while seeking to minimize the use of negative consequences. The program is designed to provide minors with services to meet their physical, emotional, social and educational needs that will assist them in making appropriate decisions to avoid re-offending. It also provides multiple opportunities for minors to practice new behaviors each day. The BMP holds minors accountable for carrying out the activities and practicing the skills identified in the curriculum while placing the decision to change and the effort required for change solely on the detained minor. The program is vital to the adoption of productive and pro-social behaviors by detained minors who will upon release return to their respective communities.

The BMP identifies specific activities to be performed and skills to be learned in order to mitigate criminogenic risk factors that research indicates predict future criminal behavior. Probation and its collaborative partners provide targeted programs and services to help mitigate these risk factors.

The criminogenic risk factors identified are: (1) *delinquency*, (2) *education*, (3) *family*, (4) *peer*, (5) *substance abuse*, and (6) *individual*. *Delinquency* includes prior arrests, significant crime in neighborhood, offenses committed while under the influence, assaultive or fighting behavior, and delinquent orientation. *Education* includes poor academic achievement, pattern of truancy during past year, pattern of suspension/expulsions, disruptive classroom/school history, and presently not in educational program. *Family* includes poor relations with parent(s), parental supervision deficiencies, chaotic family, parental criminality/substance abuse, and runaway history. *Peer* includes social isolation, very few pro-social acquaintances, gang affiliation/association, delinquent friends, and no meaningful relationship with any adult. *Substance Abuse* includes a pattern of alcohol use, use of mood altering substances (other than alcohol), frequent use of substances, substance use that interferes with daily functioning, and early onset of substance abuses. *Individual* includes no pro-social interests, supportive of delinquency, anger management issues, sensation seeking, and manipulative/deceitful behaviors.

In summary, the **Behavior Management Program** is a facility-wide multi agency effort that integrates the interdependent components of the juvenile hall operation into one comprehensive approach to behavioral change. The components include educational opportunities, mental health care, medical treatment, and the provision of probation services, including recreational activities.

Role of Collaborative Partners:

The following is a description of each partner agency and their role in the execution of the BMP:

Los Angeles County Office of Education

The Los Angeles County Office of Education (LACOE) is a partner agency that provides educational services to minors detained in juvenile hall. In addition to the regular education program it provides, LACOE assists Probation in the delivery of the LEAPS (Life Excelerator - Assessment of Personal Skills) skills development program. LEAPS is an instructor-led, comprehensive library of turn-key lesson plans that trains minors in the essential coping, adapting and functioning skills they need to experience success in life. In the classroom, LACOE personnel reinforce LEAPS skills development training by having minors complete the "Discussion Points" section of the LEAPS exercise that was delivered the previous day by Probation personnel.

Los Angeles County Department of Mental Health

Mental Health is a partner agency that provides mental health services to the minors detained in juvenile hall. Mental Health staff are active in the living units of the juvenile halls and assist Probation staff with behavior management and rehabilitation-oriented programming. Mental Health's participation includes information on how to structure group activities, establishment of mechanisms for minors to practice skills, and effective methods to motivate and reward minors for building and demonstrating learned skills.

Juvenile Court Health Services

Juvenile Court Health Services (JCHS) is a partner agency that provides health related services (medical, dental, nursing, etc.) to minors detained in juvenile hall. JCHS contracts with health educators who assist Probation in the development of the curriculum for health education. JCHS currently provides medical screening, routine, non-emergency and emergency medical care to all medical minors in juvenile Hall. JCHS also provides sexually transmitted disease (STD) screening and follow up and gender-specific case management through its affiliation with the Los Angeles County Department of Health Services. The Public Health Nurse from the Public Health Prenatal Counseling Program (PCP) provides pregnant girls with medical follow up and educational information. The public health nurse also assists pregnant girls (upon release) in establishing linkages with community-based resources.

POLICY

The policy of the Los Angeles County Probation Department - Detention Services Bureau is to encourage the pro-social behavior of all minors detained in its three secured juvenile hall facilities. This is accomplished through a **Behavior Management Program** that identifies rules/expectations and reinforces positive behaviors through a mechanism that links rewards, incentives/privileges, and consequences to the minor's behavior, and encourages progress toward achieving identified short-term goals. The program incorporates a structured environment where minors can experience emotional growth and practice pro-social behaviors.

The **Behavior Management Program** serves as a blueprint for change and is central to long-term public safety.

BMP Objectives:

The primary objectives of the **Behavior Management Program** are:

- To foster minors' compliance with the detention facility rules and expectations through a system of rewards, incentives/privileges and consequences;
- To provide opportunities for minors to learn and practice alternative pro-social means of meeting their needs and methods of dealing with problems;
- To promote a safe, healthy and productive approach to life, free from alcohol, substance abuse, and gang activity; and
- To celebrate diversity and encourage respect for others.

Target Population/Groups:

The **Behavior Management Program** is designed to serve the diverse needs of 13-18 year old male and female juvenile offenders. The program uses a structured program of activities to address various criminogenic needs that numerous studies have concluded contribute to delinquent behavior.

RATIONALE

The **Behavior Management Program** motivates the minors to be consistent in demonstrating appropriate pro-social behaviors by providing rewards, incentives/privileges and consequences that provides them with on-going feedback concerning their behavior. To this end, the staff maintains an ongoing level of interaction with detained minors in order to provide a safe laboratory to learn better ways of analyzing problems and resolving difficulties. In short, the minor's behavior management system provides a structured environment where they can utilize their time in a positive and constructive manner.

PROGRAM STRUCTURE

The **Behavior Management Program** is comprised of two major components:

- 1) **Behavioral Component:** comprised of a token economy, various incentives/privileges, and recreation programming. Collectively, they are designed to reinforce desired behaviors, including active participation in skills development training sessions.
- 2) **Rehabilitative Component:** designed to teach minors the emotional and social skills needed to lead healthy and productive lives. The rehabilitation component integrates two curriculums, that is, the Life Excelerator -

Assessment of Personal Skills (LEAPS) and Girls Reaching Out to Womanhood (GROW), into one comprehensive skill development training program.

BEHAVIORAL COMPONENT

The behavioral component of the **Behavior Management Program** is designed to increase desired behaviors through positive reinforcement. Lasting behavior change does not occur as a result of punishment. Instead, minors must be engaged in programs, motivation must be enhanced through positive reinforcement, and minors must be given skills to handle feelings and social pressures in alternative healthier ways for behavioral change to take place.

Rewards and incentives are powerful reinforcers and, therefore, a vital component of the BMP. Learning, which is a significant element in the program, is best facilitated by a reward and incentive system. These reinforcers enhance the motivation of minors to learn new behaviors and adopt new attitudes; thus, it is essential that rewards and incentives be given when they are deserved. Rewards and incentives also increase the probability that newly learned skills will be used in new settings and at later times.

The BMP utilizes rewards as tangible reinforcers (e.g., food and personal items) and incentives as privilege reinforcers (e.g., movie and healthy snacks).

Rewards

The following are some of the rewards that can be utilized as reinforcers to maintain and promote minors' pro-social behaviors:

Verbal Rewards: A kind word, gesture, or smile, can serve as a basic form of reward and should always accompany the completion of a task.

Reward Points: Staff and teachers award points to minors as recognition for their behavioral accomplishments and acknowledgement of a job well done.

Special Activities: Barbecues and other activities are effective forms of rewards. These activities are instrumental in providing opportunities for minors to try out new behaviors and attitudes learned through the behavior management program. Also, these activities allow staff to observe the minor's new behavior and evaluate his/her progress.

Certificates of Merit: The successful completion of assigned tasks, rehabilitation-oriented trainings, school programs, and other special achievements can be acknowledged with specially designed certificates. These certificates (e.g., Minor of the Week and/or Group of the Week) will be awarded during the

Community Structure. Minors will be given the opportunity to display certificates in their rooms to serve as a reminder and reinforcement of the behavior that lead to their achievement.

Other Rewards:

- Magazines and Books
- Games and Movies
- Healthy Snacks (low fat)
- Toiletries (toothpaste, soap, shampoo, conditioner, deodorant, lotion)
- Commendations
- Paper Rewards - Letters and Certificates

Incentives

The following are incentives that will be utilized as reinforcers in the Behavior Management Program to maintain and promote pro-social behavior:

1. Pro-Social Bonus Points

Staff shall award bonus points to minors observed demonstrating pro-social behaviors. Minors that demonstrate pro-social behaviors can be awarded a maximum of three bonus points per shift. For example, a minor is being provoked to fight, but instead of engaging in the fight the minor chooses to walk-away from the confrontation and/or brings the matter to the attention of staff. In the referenced situation the minor could have chosen to respond with aggression, but instead chose a response that he learned in skills development training sessions. Staff shall respond with praise and encouragement for the minor's positive actions and award points to reinforce the behavior. When staff rewards such behavior, the likelihood that that it will continue increases a great deal.

LACOE teachers and Mental Health staff can also award pro-social bonus points by completing the *Pro-Social Bonus Points Notification* form. Completion and submission of the form alerts unit staff that the minor has demonstrated pro-social behaviors and should be awarded the designated number of points (maximum of three points).

Examples of pro-social behavior include:

- 1) Minor's giving encouragement to other minors not to fight.
- 2) A minor's personal items are stolen, but instead of engaging in a heated confrontation with others, the minor alerts staff to resolve the matter.
- 3) A minor becomes angry and has a verbal outburst directed at staff, but once corrected he accepts responsibility and apologizes for his actions.

Token Economy Point System

Rewards and incentives are *administered* through a token economy point system. Token economies are one of the most often-used behavior management techniques, especially in settings where minors have learning and/or behavioral difficulties. A token economy system aims to increase the frequency of a minor's desirable behaviors and decrease the frequency of undesirable behaviors. This behavioral change system involves awarding tokens (or points) to minors who demonstrate desired behaviors. Minors may periodically exchange their tokens for rewards, which are items or activities desirable to them.

Token economies are often quite effective for minors who are resistant to other types of motivational and/or behavior management techniques. Among the other benefits of this system are ease of administration; the use of tokens for immediate reinforcement while teaching delayed gratification (holding tokens until trade in time); lack of boredom or satiation for the minor due to the availability of a variety of back-up reinforcers; and lack of competition between minors as they compete only against themselves.

Token economies have great flexibility and utility. In fact, they have been shown in research studies to be effective with minors having various kinds and severities of disabling conditions. Perhaps the reason why they are so effective is that tokens earned are visible evidence of progress. Token economies also remind the minor to display proper behavior, and assure that staff will notice appropriate behavior and interact with the minor in a positive manner.

The token economy of the Los Angeles County Probation Department - Detention Services Bureau works on the same premise, but utilizes points instead of tokens to reward minors for the successful completion of identified pro-social behaviors. The points earned can then be utilized to purchase items from the Al Jones Store (named in honor of a former Probation Director).

Providing minors with positive reinforcement for their demonstration of desired behavior will increase the frequency of the behavior. Therefore, staff must not wait for a desired behavior to occur on its own to provide reinforcement. Instead, staff should create contexts in which positive behavior is likely to occur and praise it. For example, if the desired behavior is for the minor to get through an 8-hour shift without engaging in disruptive behavior, the staff might first set a goal for the minor to go 3-hours without demonstrating disruptive behavior. If and when the minor meets the three-hour goal, staff would give praise for the minor's accomplishment, thereby reinforcing the behavior. The 3-hour goal provides an opportunity for the minor to begin taking incremental steps toward achieving a

desired behavior. By providing such incremental goals, staff will give the minor an opportunity to practice being successful and begin shaping the minor's behavior. Such practice will not only reinforce desired behavior, but will bolster the minor's hope for change.

Point Awarding Framework

The **Behavior Management Program** is designed to furnish minors with prompt feedback regarding behavior-related performance. This feedback is accomplished through many avenues, one of which is the awarding of points for the successful demonstration of pro-social behaviors during scheduled programming activities.

Some examples of pro-social behaviors may include: 1) a minor giving encouragement to other minors not to fight; 2) a minor whose personal items are stolen by another minor alerts staff to resolve the matter rather than engaging in a heated confrontation; 3) a minor becoming angry and having a verbal outburst directed at staff, but once corrected he accepts responsibility and apologizes for his actions; and 4) a minor being provoked to fight, but instead of engaging in a fight the minor chooses to walk-away from the confrontation and/or brings the matter to the attention of staff.

Of course, in all the above mentioned situations the minors could have chosen an inappropriate/unacceptable behavior to handle the challenge, but instead chose a pro-social response that he/she probably learned in a scheduled programming activity. So, what is important is that staff responds with praise and encouragement for the minor's positive actions and award points to reinforce the behavior. The likelihood of that behavior continuing increases a great deal when staff rewards such behavior.

The successful completion of these pro-social behaviors is monitored daily by living unit and school staff. Points are awarded throughout the day in different activity periods, including school periods. Depending on the activity period, probation staff or school staff awards the minor the appropriate number of points allocated for that particular programming activity/period.

The daily maximum number of points a minor can earn is thirty (30). The daily allotment of points is divided equally between Probation and LACOE from Mondays to Fridays (i.e., 12 points from probation and 12 points from school).

Minors attend six (6) classes per school day and will be awarded two (2) points in each class for the successful completion of pro-social behaviors in the educational setting. Minors can accumulate a grand total of twelve (12) points for each day of school. School staff (i.e., teachers) will determine whether or not a minor has successfully behaved in a pro-social manner in a particular class.

When a minor fails to complete the pro-social behaviors for a particular class, the teacher shall complete a “*No Points Earned Notification*” form.

Although school is not in session during weekends and holidays, minors will still be able to earn thirty (30) points per day from probation staff during Saturdays, Sundays, and Holidays. The twelve (12) points that are normally allocated for school performance on weekdays will be equally divided amongst and added to the AM and PM period (6 points per period) during weekends and holidays.

Three (3) bonus points for the **AM Probation Period** and three (3) bonus points for the **PM Probation Period** can be awarded daily by probation staff to minors exhibiting pro-social behavior for a grand total of six (6) bonus points. These bonus points can be earned Monday through Fridays, weekends and holidays.

Over the course of a seven (7) day week, a minor can accumulate a grand total of two hundred and ten points (210).

The following is a description of the points that can be awarded Monday through Friday, as well as Saturday, Sunday and Holidays, during a particular period/time:

----- *Monday through Friday* -----

<u>Period</u>	<u>Time</u>	<u>Maximum Points Possible</u>
AM Probation Period	(6 AM to 2 PM)	5 Points + 3 Bonus points
PM Probation Period	(2 PM to 10 PM)	5 Points + 3 Bonus points
Night Probation Period	(10 PM to 6 AM)	2 Points
AM School Period	(8:30 AM to 11:45 AM)	8 points
PM School Period	(1 PM to 2:45 PM)	4 points

----- *Saturday, Sunday and Holidays* -----

<u>Period</u>	<u>Time</u>	<u>Maximum Points Possible</u>
AM Probation Period	(6 AM to 2 PM)	11 Points + 3 Bonus points
PM Probation Period	(2 PM to 10 PM)	11 Points + 3 Bonus points
Night Probation Period	(10 PM to 6 AM)	2 Points

Minors will be awarded these points based upon their successful participation and demonstration of appropriate behavior during scheduled programming activities.

Additional Point Awarding Guidelines

1. Points can only be earned for the successful completion of pro-social behaviors during scheduled programming activities.
2. Minors temporarily transported to another juvenile facility for court hearings, medical/dental appointments, hospitalization, etc., will still accumulate points as long as the minor exhibits pro-social behaviors.
3. Minors that have already graduated from high school and are not participating in any school program will have twelve (12) points added to their daily score. These points shall be based on good behavior and the completion of assigned chores.
4. The number of points necessary to purchase specific items from the Al Jones Store with either reward points, Al Jones Stamps and/or E-Tickets will be clearly posted in the store.
5. When behavior fails to meet the required standard for a scheduled programming activity, a zero (0) shall be designated in the column that corresponds to that programming activity.
6. When a minor receives any of the consequences listed for *mildly disruptive, moderately disruptive and/or severely disruptive* behaviors by probation staff, no points will be awarded to the minor. The probation staff handling the Board will designate a zero (0) in the appropriate activity column to any minor that falls within these categories.
7. When a minor is suspended from school and/or is sent to the Special Handling Unit (SHU), no points shall be awarded to the minor for the activity period during which the infraction occurred or any remaining activity periods for that day.
8. The *Merit Ladder* weekly grading period runs from Saturday through Friday. **Reward/bonus points cannot be deducted once a minor earns them and they are recorded on the merit ladder by staff.** The only exception to this rule is when minors purchase items from the Al Jones Store.
9. ***Merit Ladder* points shall be always treated as the minor's personal bank account.**

Transfer of Merit Ladder Points

Merit Ladder points earned in one juvenile hall can be utilized in another juvenile hall. Therefore, minors who are transferred between juvenile halls will have their merit ladder points transferred with them.

When a minor is going to be transferred between juvenile halls, detention staff is required to record/document in the minor's behavior file both the minor's transfer and the cumulative total number of merit ladder points. The detention staff handling the minor in the receiving juvenile hall (on any shift) is responsible for adding the minor to the population record, *Daily Rating Tally Sheet*, and

Merit Ladder. The referenced staff is also responsible for transferring the minors' cumulative number of merit ladder points from the incoming juvenile hall to the merit ladder in the receiving juvenile hall.

Activity Periods Framework

To ensure the equitable distribution of reward points and bonus points throughout the day, each day is divided into several periods. Monday through Friday is divided into five (5) periods, and weekends and holidays are divided into three (3) periods because school is not in session.

What follows is a breakdown of each period and their time span during a day:

----- *Monday through Friday* -----

<u>Period</u>	<u>Time</u>
AM Probation Period	(6 AM to 2 PM)
PM Probation Period	(2 PM to 10 PM)
Night Probation Period	(10 PM to 6 AM)
AM School Period	(8:30 AM to 11:45 AM)
PM School Period	(1 PM to 2:45 PM)

----- *Saturday, Sunday and Holidays* -----

<u>Period</u>	<u>Time</u>
AM Probation Period	(6 AM to 2 PM)
PM Probation Period	(2 PM to 10 PM)
Night Probation Period	(10 PM to 6 AM)

Each period is divided into one or more activities irrespective of whether it occurs on a weekday or weekend. Incorporated within each of these activities are pro-social behaviors that are specific and relevant to that activity. The successful completion of a specified number of these pro-social behaviors (**see Appendix I**) ultimately determines the reward points, bonus points and incentives/privileges each minor receives.

The following is a breakdown of each period and the relevant activities, with the points assigned per activity in parenthesis:

----- *Monday through Friday* -----

Period Activity

AM Period ----- Wake-up/Breakfast (3 points)

Wake-up
Grooming
Movement to dining area
Breakfast
Unit/room Clean-up
Movement to school

Lunch (2 points)

Movement to unit
Meal
Movement to school

PM Period ----- After School/Skills Development Training (2 points)

Movement from school
Preparation for recreation
Recreation/Skills Training
Dinner /Skills Development Training (2 points)
Meal
Rehabilitation-oriented training
After Dinner/Showers (1 Point)

Night Behavior --- Sleep time (2 points)

AM School ----- Class 1 (2 points)

Class 2 (2 points)
Class 3 (2 points)
Class 4 (2 points)

PM School ----- Class 5 (2 points)

Class 6 (2 points)

----- *Saturday, Sunday and Holidays* -----

Period Activity

AM Period ----- Wake-up/Breakfast (3 points)

Wake-up
Grooming

Movement to dining area
Meal
Recreation/Skills Development Training (6 points)
Rehabilitation-oriented training
Recreation
Lunch (2 points)

PM Period ----- Recreation/Skills Development Training (6 points)
Preparation for recreation or skills development training
Recreation or skills development training
Dinner/Skills Development Training (4 points)
Meal
Rehabilitation-oriented training/Recreation
After Dinner/Showers (1 point)

Night Behavior ----- Sleep time (2 points)

TOKEN ECONOMY-POINT AWARDING DOCUMENTS

There are four types of point awarding documents utilized in the token economy of the Behavior Management Program:

- 1) *Daily Rating Tally Sheet*
- 2) *Merit Ladder*
- 3) *No Points Earned Notification*
- 4) *Pro-Social Bonus Points notification*

1. Daily Rating Tally Sheet

This document is used by probation staff to record reward points and bonus points for the successful demonstration of pro-social behaviors. The *Daily Rating Tally Sheet* is completed by probation staff working the **6-2 pm, 2-10 pm and 10-6 am** shifts, and must include the date of completion, juvenile hall/unit, name of each staff per shift responsible for completing the form, and the name of each minor assigned to the unit.

What follows are the responsibilities of probation staff at the line and supervisory levels:

1. The **6-2 pm shift** is responsible for assigning reward points and bonus points in the morning section of the *Daily Rating Tally Sheet*, and forwarding the tally sheets to probation staff working the 10/6 shift at the end of each day.
2. The **2-10 pm shift** is responsible for assigning reward points and bonus points in the afternoon/evening section of the *Daily Rating Tally Sheet*, excluding

the category for sleeping, and forwarding the tally sheets to probation staff working the 10/6 shift at the end of each day.

3. The **10-6 am shift** is responsible for:

a. Using the *Daily Rating Tally Sheet* to tally the total number of points (i.e., reward points and bonus points) a minor earned each day during the probation periods (morning shift, afternoon shift, and evening shift) and during the school periods.

b. Transferring the cumulative total number of points to the *Merit Ladder*.

c. Preparing the new *Daily Rating Tally Sheet* for the **6-2 pm shift** and adding new minors as necessary.

d. Copying and posting the *Merit Ladder* in a designated area that is in plain sight of all minors.

4. When a minor misses the opportunity to earn reward points and/or bonus points due to inappropriate/unacceptable behaviors, probation staff have the responsibility to reflect a zero (0) point, or point loss, on the *Daily Rating Tally Sheet* in the minor's behavior file.

5. To ensure that minors are participating positively in the behavior management program and that probation staff are properly documenting their progress, Sr. DSO's are also responsible for reviewing, correcting and signing the *Daily Rating Tally Sheet* on a daily basis and the *Merit Ladder* on a weekly basis before advancing them to their supervisors.

2. Merit Ladder

This document is used by probation staff working the **10/6 night shift** to record the number of points each minor earned each day (i.e., reward points and bonus points) and the cumulative number of merit ladder points for the week. The *Merit Ladder* shall include the juvenile hall, unit, date, name of each minor assigned to the unit, number of points accumulated by each minor for the previous day (during all probation and school periods), and the number of merit ladder points accumulated by each minor for the week.

3. No Points Earned Notification

LACOE teachers utilize this document to indicate a minor has failed to successfully complete pro-social behaviors in a particular class and thus has failed to earn the available reward points for that class. Unlike probation staff, LACOE teachers do not utilize a point-awarding document to award points. Instead, minors automatically receive two (2) points for each class they attend; however, when a minor fails to behave appropriately in a particular class,

the teacher completes a *No Points Earned Notification* form. The form serves as notification to probation staff that the minor failed to earn points in the class indicated.

The teacher completes and forwards the form to the school office where it is later picked up by the Probation School Post staff. The school post staff ensures delivery of the form to the appropriate unit. Once unit staff receives the form, the Board DSO or designee will record a zero (0) on the *Daily Rating Tally Sheet* for the appropriate class period. A minor can only earn a zero (0) for those classes where he/she failed to behave in a pro-social manner. When the minor's school behavior is appropriate, the minor shall receive a full complement of points for all other class periods.

4. Pro-Social Bonus Points Notification

LACOE, Mental Health, and JCHS personnel shall utilize this document to award bonus points to minors that demonstrate pro-social behavior.

The staff observing the pro-social behavior completes the notification and forwards it to the minor's unit staff or to the school office if the behavior was observed in the classroom. The probation school monitor picks up the notification and ensures delivery of the form to the appropriate unit.

Once unit staff receives the form, the Board DSO or designee will transfer the number of points recommended to the *Daily Rating Tally Sheet* bonus point's column. Minors can receive a maximum of three (3) bonus points per shift. In cases where multiple pro-social bonus point notifications are received, all points exceeding the 3-point maximum per shift will not be allocated. However, multiple notifications shall be attached in the minor's behavior file. A minor can only earn a zero (0) for those classes where he/she failed to behave in a pro-social manner.

MINORS' PARTICIPATION IN PROGRAMMING ACTIVITIES

The opportunity is available to all minors (male and female) detained in juvenile hall to participate in scheduled programming activities, which are aimed at keeping them occupied in a positive and productive manner with a variety of learning experiences. As such, minors are expected to participate in the programming activities appearing on the daily schedule. The probation staff handling a scheduled programming activity is responsible for the primary behavior management of the minors and for providing continual supervision of the minors during said activity. Programming activities will include those scheduled in the living units, school, and other areas in the detention facility.

Minors are expected to demonstrate the following appropriate behaviors during all scheduled programming activities:

- Positive attitude/cooperation.
- Good listening/communication.
- Good citizenship/sportsmanship.

Minors are assessed according to the following areas of functioning during scheduled programming activities:

- Attentiveness.
- Respectfulness.
- Ability to follow instructions.
- Participation, cooperation and effort according to ability.
- Completion of activity.

Staff is to encourage the participation of minors in all scheduled programming activities such as educational, rehabilitation, recreational, and religious. The participation of minors in scheduled programming activities is expected to help their self-awareness and self-improvement and, likewise, promote the positive interactions between minors and staff.

Scheduled programming activities are expected to be conducted and administrative decisions are expected to be made in a non-discriminatory manner without regard to race, color, sex, national origin, age, sexual orientation, religious or political opinions, or handicap.

Minors with documented medical and/or emotional/behavioral issues will be restricted from scheduled programming activities:

1. Only Nursing/Medical and Mental Health staff is permitted to restrict minors from participation in scheduled programming activities due to medical, mental and/or developmental limitations. These staff are responsible for documenting a minor's restriction(s) on an *Activity Gram* (green slip) that shall indicate the nature of the restriction, the length of restriction, starting date/time and ending date/time.

2. In all cases involving physical, mental (emotional/behavioral), and/or developmental restrictions, appropriate documentation (*SIR's: Special Incident Reports; PIR's: Physical Intervention Reports; Activity Grams* (green slip); etc.) must be attached in the minor's behavior file, **with no exception**.

MINORS' NON-PARTICIPATION IN PROGRAMMING ACTIVITIES

A minor who refuses to participate in scheduled programming activities without a justifiable cause will not receive reward points and incentives/privileges for the particular period in which the inappropriate behavior(s) was (were) exhibited.

Minors that refuse to participate in scheduled programming activities including, but not limited to, education, rehabilitation, recreation/exercise, religious activities, or any other type of schedule programming activity, must receive the following consequences:

- a. Minors will not be eligible to engage in reading and/or writing activities during the time of the scheduled program activity.
- b. Minors will not be eligible to watch television during the time of a scheduled program activity.
- c. Minors will not be eligible to use the telephone during the scheduled program activity.
- d. Minors are not to engage in any other kind of activity, except for those allowed by policy and/or regulation, during the time a scheduled program activity is refused.

DISCIPLINARY CONSEQUENCES

Just as rewards must exist in any motivational program that promotes behavioral change, consequences must also exist. Many of the minors in our system come from home and community environments that are unstructured, permissive of inappropriate and disruptive behaviors, and/or are overly punitive.

Staff must give minors structure by making clear the consequences (positive or negative) that will be forthcoming if they engage in inappropriate/unacceptable behaviors. Minors must learn that compliance with rules/expectations and the demonstration of pro-social behaviors will result in positive consequences, and that manipulative, non-compliant, aggressive, and/or oppositional behavior will always be met with disciplinary consequences. Staff must remain cognizant of the fact that, in order to be effective, consequences must always be aversive to the minor. Aversive consequences decrease the probability of a behavior occurring again.

Continuity of Disciplinary Consequences

Staff shall always ensure that disciplinary consequences are applied in a fair and impartial manner. Minors shall be held accountable for their actions at all times. Minors demonstrating negative behavior (defiant, disruptive, disrespectful, etc.)

shall be counseled and have appropriate sanctions immediately imposed (e.g., Modified Program, SHU Transfer, etc.).

Staff shall not, under any circumstances, reward negative behavior. Staff that reward negative behavior cause irreparable damage to the integrity of the Behavior Management Program and thus, such actions cannot be tolerated. The rewarding of negative behavior also sends a message to all minors that negative behavior is condoned and will be rewarded.

Minors who demonstrate continuous behavioral difficulty shall have a Detention Observation Report (DOR) initiated by the Board DSO by the end of the shift during which the behavior occurred. The DOR shall be attached in the minor's behavior file. Any and all subsequent violations shall be documented in the minor's behavior file and on the attached DOR.

Managing Inappropriate/Unacceptable Behaviors

Staff must be able to identify those behaviors that are inappropriate/unacceptable and assess the need for disciplinary consequences. Staff must always remain cognizant that not every undesirable behavior requires a punishment.

When giving consequences for a minor's behavior the focus must remain on the behavior, not on the underlying issues. Minors may act out for a number of reasons, which may include beliefs and/or attitudes that are racist, sexist, or otherwise victimizing in nature. Therefore, the time to resolve issues or restructure a minor's beliefs and/or attitudes should not be done immediately following an outburst. When a minor displays a behavioral outburst, the immediate objective must be to stop the problem behavior and teach the minor alternative ways to behave.

Addressing the question of *why* a minor did something should only be done after a "cooling off" period. Asking a minor to defend or analyze his behavior in the moment may risk reinforcing the behavior by giving it attention. Rather, staff should calmly give the designated consequence for the behavior, stating clearly to the minor what the problem behavior is, with no further attention to the question of *why*. If the question of *why* needs to be addressed, it should be done later, and only if the minor has the skills to cope with thoughts and emotions that may emerge as a result of such introspection.

The Board DSO is the staff responsible for responding to a minor's specific question regarding their participation in the behavior management program. He/she and the Sr. DSO are responsible for reviewing all the necessary

documentation on a minor when considering the disciplinary consequence required in a particular situation.

The following conditions must be met prior to consequences being applied to any minor for inappropriate/unacceptable behavior:

1. The minor must understand the rules and expectations for his behavior.
2. The minor must know how to perform the expected behavior. If the minor cannot perform the behavior, staff must attempt to teach each skill or provide assistance when and where necessary.
3. Minors should understand why they are expected to behave or perform in a certain manner. Staff must respond to any questions a minor may have in a professional manner.
4. Minors must understand that they may not earned some or all of their reward points and incentives/privileges for a particular day based on inappropriate/unacceptable behaviors, including any threat that they may have posed to the safety, order and security of minors and/or staff in the detention facility.
5. Minors must not only understand the disciplinary consequence associated with inappropriate/unacceptable behavior, but also the reward points and incentives/privileges that are available if they are in compliance exhibiting pro-social behaviors.
 - a. Each staff administering discipline is responsible for informing the minor of the consequences of their behavior at the time of the infraction.
 - b. At the time of the infraction, attempts should also be made to re-establish a rapport with the minor by discussing the incident.
 - c. If attempts fail at re-establishing rapport, the staff must continue to make efforts to communicate effectively with the minor throughout the shift.
6. Staff should not limit themselves to correcting inappropriate/unacceptable behaviors of those minors in their direct supervision because they are responsible for overall behavior management in the juvenile halls. Inappropriate/unacceptable behaviors must be corrected immediately whenever they are observed in the juvenile hall.

Categories of Inappropriate/Unacceptable Behaviors

Inappropriate/unacceptable behaviors are classified into three categories: *mildly disruptive*, *moderately disruptive* and *severely disruptive*. Each category has its own consequences, which follow a level of progression based on the seriousness of the behavior violation. The severity of the behavior determines the disciplinary consequences.

1. *Mildly Disruptive Behavior*

Mildly disruptive behavior is a category of behavior where minimal disruption is expected to occur to the safety, order and security of minors and/or staff in the detention facility.

Mildly disruptive behavior can occur unexpectedly and must be corrected immediately. Management of these behaviors does not tend to impact facility staffing and deployment of staffing resources.

The violations under mildly disruptive behavior include:

1. Profanity
2. Name Calling
3. Lying
4. Excessive Noise
5. Demanding/Ordering
6. Excessive Complaining
7. Littering
8. Misleading
9. Improper Dress Appearance
10. Trading Food/Property
11. Horseplay
12. Possession of Extra Clothing
13. Losing County Property
(e.g., clothing, towels, school books, tools, etc.)
14. Other (as deemed by Probation Director or designee)

The consequences for mildly disruptive behaviors are:

- Verbal warning.
- Re-clarification of the rules and expectations.

2. *Moderately Disruptive Behavior*

Moderately disruptive behavior is a category of behavior that may cause disruption to the orderly management of the detention facility and thus requires

staff intervention to avoid compromising the safety and security of minors and/or staff.

Moderately disruptive behavior can occur unexpectedly and must be corrected immediately. Management of these behaviors may impact facility staffing and deployment of staffing resources.

The violations under moderately disruptive behavior include:

1. Failure to follow instructions
2. Racial remarks/slurs
3. Damaging property of minor(s) and/or staff
4. Damaging County property
5. Instigating
6. Theft
7. Verbal and/or physical vulgarity
8. Verbal and/or physical abuse
9. Failure to participate in facility scheduled programming
10. Possession/distribution of contraband
11. Flooding toilets or sinks
12. Unauthorized telephone usage
13. Entering unauthorized areas without permission
14. Tattooing
15. Moving out of staff supervision
16. Falsifying information
17. Repetitious acts of misconduct
18. Gang behavior
19. Gambling
20. Runs own program
21. Other (as deemed by Probation Director or designee)

The consequences for moderately disruptive behaviors are:

- Modified program.
- Referral/transfer to the Special Handling Unit (SHU) per approval of Sr. DSO.
- Detention Observation Report (DOR).
- Administrative Hold pending filing of additional charges with administrative approval (e.g., 1111, 602, 777, etc.).

3. Severely Disruptive Behavior

Severely disruptive behavior is a category of behavior that usually causes a major disruption in the orderly management of the detention facility and thus requires staff intervention to avoid compromising the safety and security of minors and/or staff.

Severely disruptive behaviors are considered **zero tolerance behaviors** because they are blatant acts of defiance and will not be tolerated.

Severely disruptive behaviors can occur unexpectedly and must be corrected immediately. Management of these behaviors certainly impacts facility staffing and the deployment of staffing resources.

The violations under severely disruptive behavior include:

1. **Participation in major disturbance**
2. Creating a disturbance after lights out
3. **Self-injurious/suicidal behavior**
4. Fighting
5. Gassing
6. Threats
7. **Inciting/Participating in riotous behavior**
8. **Tampering with security equipment**
9. **Exchanging medication(s)**
10. **Group Disturbance**
11. Intimidation/Bullying
12. **Inappropriate/unacceptable sexual behavior**
13. **AWOL/Attempted AWOL**
14. **Individual assault on minor and/or staff**
15. **Group assault on minor and/or staff**
16. Need for physical, chemical and/or mechanical restraint
17. Possession of drugs and/or alcohol
18. Smoking
19. **Other (as deemed by Probation Director or designee)**

The consequences for severely disruptive behaviors are:

- Suspension (during the rating week in which the violation occurred) of all BMP rewards/bonus points and incentives, including Al Jones Stamp, E-Ticket, and Al Jones Store visitation privileges.
- Contact parent and minor's probation officer.
- Referral/transfer to the Special Handling Unit (SHU) per approval of Sr. DSO.
- Referral to the Individualized Behavior Management Plan (IBMP).
- Administrative Hold pending filing of additional charges with administrative approval (e.g., 1111, 602, 777, etc.).

Restrictions Due to Behavior

Phone Calls

Minors that engage in inappropriate/unacceptable behaviors and/or fail to earn at least 17 points per day shall be restricted from making any phone calls above and beyond the one call per week that is afforded to each minor detained in juvenile hall.

Housekeeping

Minors that engage in inappropriate/unacceptable behaviors and/or fail to earn at least 17 points per day shall also be restricted from engaging in housekeeping duties and other operational functions, that is, making shower rolls, messenger duty, sweeping, mopping, cleaning, etc. Rewarding these minors by allowing them to engage in such functions reinforces their behavior, undermines the positive efforts of other minors in the unit, and creates a negative perception amongst minors.

Documentation of Disciplinary Consequences

The staff handling a scheduled programming activity is responsible for applying disciplinary consequences to minors engaging in unacceptable/inappropriate behaviors and completing all necessary documentation.

If the scheduled activity is a probation activity, probation staff are responsible for disciplining minors. If the scheduled activity is a school activity, school staff are responsible for disciplining minors.

When a minor receives any of the consequences listed for *mildly disruptive*, *moderately disruptive* and/or *severely disruptive* behaviors and/or when a minor is suspended from school, a *SIR* must be completed by probation staff and reviewed by the living unit's Sr. DSO and approved by the building SDSO, or Officer of the Day (OD). A copy of the *SIR* must be placed in the minor's behavior file.

REHABILITATION COMPONENT

The rehabilitation component of the **Behavior Management Program** integrates the gender-specific Girls Reaching Out to Womanhood (GROW) curriculum and the Life Excelerator - Assessment of Personal Skills (LEAPS) curriculum into one comprehensive skills development training program.

The integrated curriculum is comprised of both interactive skill development activities/exercises and related reinforcement components that work in collaboration to motivate participation and personal growth. The goal of the skills training curriculum is to replace ineffective and maladaptive emotional and behavioral responses with more effective and socially appropriate behaviors.

Skills development training is the backbone of any effective rehabilitation program. It provides minors with information to better manage their lives. Unlike the traditional subjects taught in school to minors such as math, history and geography, skills development training employs a curriculum, which if utilized, can assist in improving an individual's life circumstances. The curriculum does not tell minors how to live their lives, but rather ensures they have good information to develop a clear, eyes-open plan for the life THEY desire to live.

The BMP's skills development training curriculum is delivered daily (except Wednesdays and Thursdays) by detention staff (DSO's and Sr. DSO's) over a twenty-one (21) day rotational period (most exercises are repeated every twenty-one days). The curriculum utilizes interactive group presentations and a variety of communication strategies such as demonstrations, modeling, role-playing, and handouts. Each minor detained in juvenile hall for at least 21 days, which is the average detention stay, receives a minimum of 15 hours of skills development training instruction.

A Monthly Activity Calendar is utilized to schedule all skills development training sessions and is custom-developed for each living unit by the facility BMP Coordinator. To ensure the consistency of programming at all three juvenile halls, the calendar lists the days and times of the skills development training sessions and other supporting activities/exercises conducted in each unit. Compliance with the schedule is mandatory for all staff.

Although detention staff is the primary provider of instruction for the rehabilitation curriculum, LACOE and Mental Health staff have significant supporting roles in the delivery of the curriculum. In the classroom, LACOE personnel reinforce LEAPS training by having minors complete the "Discussion-Points" section of the LEAPS activity/exercise that was presented the previous night by probation personnel. This requires significant coordination and collaboration between LACOE and Probation, which is effectively accomplished through the Monthly Activity Calendar of the Behavior Management Program that is distributed to both organizations. Mental Health personnel provide training to probation staff and others on identifying and dealing with minors' mental health issues and effective handling of inappropriate/unacceptable behaviors on the part of minors.

Girls Reaching Out to Womanhood (GROW) Curriculum

GROW is a gender-specific curriculum designed to provide females minors detained in juvenile hall with information and resources that will assist them in their transition to camp, placement and/or their return to the community.

The **GROW** curriculum is delivered in three phases:

- 1) Orientation Phase
--- Minors are introduced to the particulars of this gender-specific program.
- 2) Educational Component Phase
--- Minors receive skills development training that addresses the areas identified as risk factors that contribute to juvenile delinquency.
- 3) On My Own Phase
--- Minors are introduced to skills development training and tools that will aid them in their transition back into the community.

The **GROW** curriculum is comprised of the following instructional categories:

- A Woman's Sexuality
- Violence
- Personal and Family Relationships
- Healthy and Unhealthy Relationships
- Parenting Requires Sacrifices
- How to Balance Your Checkbook

The GROW curriculum creates multiple learning opportunities for female minors.

Life Excelerator - Assessment of Personal Skills (LEAPS) Curriculum

LEAPS is an instructor-led, comprehensive library of turn-key lesson plans that train minors in the essential coping, adapting and functioning skills they need to experience success in life. The LEAPS program utilizes an individualized assessment tool that possesses the capacity to create automated profiles that aggregate and indicate functionality, categorizes strengths and weaknesses, and prescribes specific skills development training regimens to intervene in inappropriate/unacceptable behaviors, prevent the onset of maladaptive behaviors, and support the maturation process. Overall, the LEAPS curriculum is designed to enhance the personal, interpersonal, and social-cognitive skill levels of minors with the purpose of ensuring their pro-social behavior.

The LEAPS approach consists of a series of social learning instructional procedures. Through LEAPS, groups of delinquent adolescents are:

- a. Shown several examples of expert use of the behaviors that constitute the skills in which they are deficient (i.e., modeling);
- b. Given several guided opportunities to practice and rehearse these competent behaviors (i.e., role-playing);

c. Provided with praise, reinstruction and related feedback on how well their role-playing skill enactments match the facilitator model's portrayals (i.e., feedback); and

d. Encouraged to engage in a series of activities and discussions designed to increase the chances that skills learned in the training setting will endure and be available when needed in home, school, community, institutional, or other real-world settings (i.e., discussion points).

The LEAPS curriculum is comprised of 89 low maturity skill lessons and 109 high maturity skill lessons grouped into the following ten (10) modules:

1. Friends
2. School Rules
3. Stress and Anxiety
4. Respecting Self and Others
5. Anger and Emotional Management
6. Communication and Presentation
7. Decisions and Consequences
8. Hygiene
9. Managing Time and Attention
10. Social Life

The skills selected for the LEAPS program are pre-determined and reflected on the Monthly Activity Calendar of the Behavior Management Program. The large number of skills available allows the facilitator/trainer some flexibility to substitute some skill lessons for others.

Each lesson of the program is structured in the following format.

1. Goal - a statement of why the skill is necessary.
2. Objective - what the lesson will do for the student.
3. Exercise - a comprehensive step-by-step instruction guide on how to teach, assimilate and organize the skills development training session.
4. Discussion Points - probing questions to help determine comprehension and assimilation as well as the beginning points for group discussions.
5. I Pledge – a self-affirming statement which the student repeats as a pledge to use this skill.
6. Compliments and Pack-Pats – congratulatory and affirming statements for the students.
7. Right Ways and No Ways – scenarios that offer the appropriate and inappropriate use of the skill and ask the student(s) to determine which.
8. Summary - a wrap up statement of the lesson.

Monthly Activity Calendar

The Monthly Activity Calendar of the **Behavior Management Program** is the official schedule for all the program skills development training sessions, meetings, and other related activities. In short, it provides staff with the dates and times that specific activities and/or programs are to be conducted.

The calendar ensures the consistency of BMP programming at all three juvenile halls and is custom designed to fit the needs of each individual unit. The facility BMP Coordinator produces and distributes the calendar before the beginning of each month. The coordinator ensures that scheduled activities do not conflict with one another. LEAPS training courses are scheduled to ensure that minors who remain in juvenile hall for at least 21 consecutive days receive a minimum of 15 hours of skills development training instruction. The BMP Coordinator will meet monthly with each building SDSO to discuss special needs and programming preferences.

All activities listed on the calendar are in abbreviated form. The following legend of abbreviations is located at the bottom of the calendar:

- **(CS) - Community Structure**
- **(CBO) - Community Based Organization**
- **(LEAPS) - Life Excelerator – Assessment of Personal Skills**
- **(GP) - Group Presentation**
- **(ATE) - Abstract/Lateral Thinking Exercises**
- **(BMSC) - BMP Sponsored Competition**
- **(BMG)-BMP Sponsored Games**

The calendar is also utilized to conduct observational audits once per week. During these unannounced audits, units are observed for their compliance in conducting skill development training sessions as scheduled.

Reinforcement Practices

The reinforcement practices of the **Behavior Management Program** intend to keep information alive in the mind of the detained minor. These supplementation and strengthening practices create a total learning environment that maintains program focus, aiding in the development of a therapeutic community that minimizes negative peer pressure and allows individual and group positive change.

Reinforcement consists of the following components.

- Periodic Reviews
- Learning Opportunities
- Rituals
- Community Structure

- Recreation

All of these components are integrated into the normal juvenile hall unit schedule. The minor's continuous exposure and practice of these components will enable him/her to internalize and apply them to situations they encounter on a daily basis.

Periodic Reviews

The Periodic Review is a one-on-one counseling session that provides minors detained in juvenile hall with routine, but meaningful communication with staff. This communication is intended to furnish staff with information regarding the minor's adjustment in the unit and to provide information to the minor to ease his time in detention.

Short-term counseling sessions can significantly reduce stress, anxiety and enhance communication between staff and minors. By using these reviews, minors will be easier to work with, staff and minors will establish rapport, staff will feel better about their contributions, and juvenile hall can provide a more structured and safe environment leading to an overall positive and caring detention environment.

All periodic reviews shall be documented on the official *Periodic Review* form. Periodic Reviews that are written on a Daily Behavior Record in a minor's behavioral file will not be accepted and will not receive audit credit.

Periodic Review forms must be fully completed to receive audit credit. Forms that are incomplete, missing, or have been completed by minors, are unacceptable and will not receive audit credit.

Periodic Review Criteria:

- Each minor must receive an initial Periodic Review within the first seven (7) days of being admitted to a unit. If the minor's assigned DSO is not available, another DSO shall be assigned to conduct the review.
- Periodic Reviews shall be documented on an official *Periodic Review* form and must be fully completed to receive audit credit. Staff are the only persons allowed to complete the periodic review form. The completed form must be securely attached in the minors behavior file. Audit credit will not be granted for any missing form.
- Each DSO shall be assigned a fluctuating number of minors to what is referred to as a Periodic Review caseload.
- Periodic Review assignments shall be equally distributed amongst all DSO's.

- Periodic Review assignments shall not be allocated alphabetically as this will lead to an unequal workload for some DSO's. For example, if the AM shift were assigned all minors having last names beginning with A-I and two of that shifts DSO's become injured, one or two DSO's is/are then responsible for reviewing a large number of minors.
- Equity in the Periodic Review assignment process is essential.
- Each DSO is required to meet at least once per week with each of the minors assigned to them.
- A list of staff and minors assigned to them shall be maintained in the unit office on the periodic review board.
- Sr. DSO's will be responsible for assigning minors to each DSO based upon the number of minors in each unit. Ideally, this should be completed following the orientation process.
- Sr. DSO's will be responsible for the daily maintenance of the periodic review board and shall update the board to reflect the names of minors admitted to or released from the unit.
- Sr. DSO's shall audit the minors' behavioral files on a weekly basis for the presence of periodic reviews completed by staff on their shift.
- SDSO's shall audit the work of all subordinate staff.
- If a staff is on vacation, his/her minors shall be temporarily assigned to other DSO's.
- When staff is on I.A. or long-term illness, they shall not be listed on the periodic review board.

Guidelines for Conducting Periodic Reviews:

1. Periodic Reviews shall be conducted similar to one-on-one counseling sessions.
2. The official *Periodic Review* form is the only form to be used when conducting Periodic Reviews; all other forms are unacceptable.
3. The form must be fully completed by the Periodic Review counselor, not the minor.
4. Staff shall review a minor's behavior file before conducting a Periodic Review. Any problems the minor may have experienced during the week (e.g., school referrals, medical problems, SIR's, etc.) shall be noted.
5. Staff should explain to the minor the benefits of a Periodic Review and how it is intended to improve communication between staff and minors.
6. Periodic Reviews are not an account of a minor's behavior on a particular day, but are instead a review and acknowledgement of the minor's needs, concerns, and well-being (physical and mental).
7. Always end the Periodic Review session on a positive note
8. The staff and minor must sign the *Periodic Review* form.
9. The date of the review must be written in the space provided on the form (essential for audit credit).

10. The completed *Periodic Review* form is to be securely attached in the minor's behavioral file

Listed below are a few relevant topics that can be discussed during a Periodic Review:

- Ask the minor about any problems he/she may be experiencing, including the use of phone privileges.
- Ask the minor about adjustments he/she has made or needs to make.
- Ask the minor about his/her relationship with staff, parents, friends, and peers.
- Ask about achievements, interests, and hobbies.
- Ask about objectives and goals during and after confinement.
- Discuss any problems or concerns relating to recent court appearances, but do not discuss their specific cases.
- Discuss participation in skills development training sessions.
- Review school performance.
- Discuss the BMP Orientation Checklist.

Learning Opportunities

Learning opportunities are interactive group discussions that are conducted by staff throughout the day. Learning opportunities are nothing more than the application of skills development training information to normal unit functions. For example, dining periods become opportunities to discuss proper nutrition/diet; shower periods become opportunities to discuss personal hygiene; etc.

Staff shall conduct learning opportunities by asking questions related to nutrition, substance abuse, LEAPS information, etc. For example, during the meal period, staff may ask the group, "Can somebody tell me a few of the nutritional characteristics of an apple?" That question could be followed by the question, "How does an apple aid in digestion?."

It is important that the topic of discussion have some relevance to the present or preceding activity; so, they should never conflict. That is, staff should not utilize a meal period to talk about personal hygiene, as this would be inappropriate; nutrition and/or diet would be suitable topics of discussion at mealtime.

Rituals

Rituals, common to all institutions, are the methods utilized to conduct everyday unit routines. Rituals formalize repetitive functions, such as movements,

restroom calls, meals, showers, etc. Formalization of these functions clearly defines to the minor how each activity is to be conducted allowing the minor to quickly learn how to operate in the unit. Thereafter, minors have to think less about the normal mechanics of functioning in the unit and can focus on their behavior management objectives and goals.

Rituals also create a sense of safety and comfort among the minors. When minors feel safe in their environment, the need to maintain safety is met. Therefore, delinquent behavior (e.g., fighting to maintain status, being disruptive, concealing weapons or contraband, gang affiliation for protection), which historically has met these needs, is not necessary. Individuals feel more secure when they are aware of what's going on around them. A program that uses rituals (i.e., consistent procedures) helps provide this security.

It is incumbent upon each building SDO to ensure that the rituals (i.e., methods) by which all routine activities are conducted on each shift are done consistently. For example, each shift should conduct restroom calls in the same manner, whether they are conducted from the dayroom or the hallway. Further, building SDO's shall ensure all building staff utilizes the established methods in their daily operational routines.

With staff direction, rituals will free minors' minds to reflect on topics that reinforce their behavior management objectives and goals.

Community Structure

This is a form of community meeting that is designed to develop and support a sense of family among unit members/peers. They are conducted during each shift, usually at the Board DSO's first opportunity to address the entire unit face-to-face.

Community structure is similar to traditional juvenile hall structuring in that it requires:

- Getting the groups undivided attention;
- Informing minors of all scheduled activities and the roles they play to ensure a successful outcome;
- Reinforcing positive behavior during the activity; and
- Being clear and concise about the consequences or sanctions that will follow any inappropriate behavior.

During community structure, staff must recognize each minor's progress towards responsible and acceptable behavior. Inclusion of behavior management terminology, philosophy, and slogans during the community structure period is critical to the success of the program.

Community structure meetings shall commence with staff reciting the “Assurance of Quality Care” pledge.

Recreation

Recreation is a vital component of the overall behavior management program. Every attempt is made to ensure minors are continuously involved in active and non-active recreational activities each and every day.

Recreational activities are conducted afternoons, evenings, and weekends. They are always structured and scheduled for each unit by the Program Services Coordinator via a weekly recreation schedule, which is also integrated into the Monthly Activity Calendar of the Behavior Management Program. Basketball, soccer, kickball, volleyball, swimming, board games, etc., are some of the activities minors can engage in during scheduled recreation activities.

For the sake of variety, each unit is rotated between available recreation fields on a daily basis. Periodically, inter-unit competitions are also scheduled to help build unit/group cohesiveness and pride. The facility Program Services Coordinator monitors participation in all recreation activities. The Officer of the Day (OD) ensures that all units participate in scheduled activities.

STAFF TRAINING

All staff are required to participate in comprehensive training in order to familiarize themselves with the **Behavior Management Program**. The training is designed to ensure that staff are:

- Knowledgeable of program components;
- Understand the curriculum;
- Able to properly apply program content in the unit;
- Able to effectively deliver program content; and
- Understand the role of collaborative partners.

A training manual/handbook is issued to each participant and is retained by the employee. Probation staff, which includes Probation Directors, Division Supervisors, Sr. DSO's, DSO's, and GSN's are required to take the training.

LACOE, Mental Health and Medical personnel are also provided with training to familiarize them with the program, specifically the behavioral and rehabilitation components and its relevance to their particular areas of endeavor.

All detention staff participates in Intensified Format Training (IFT) sessions to strengthen their knowledge and understanding of skills development training content and presentation techniques. Additionally, all staff will be continuously assessed on their service delivery skills based on performance measures to ensure they are adept at facilitating/leading groups, modeling pro-social behaviors, redirecting inappropriate behaviors, and reinforcing pro-social behaviors.

Professional trainers provide training to staff on the principles of effective interventions and cognitive behavioral theory/techniques.

ROLE OF STAFF

In spite all of the valuable information and services the **Behavior Management Program** provides, its effectiveness is entirely dependent upon staff. Staff set the stage for change in the lives of minors involved in the program. Staff must realize people are inclined to do only that which is in their best interest, and for change to occur, they must view the change as being in their best interest. A minor's beliefs, attitudes, values, and norms can only be changed if they perceive staff as being sincere and acting positively on their behalf. Staff, therefore, must demonstrate care and sensitivity in accomplishing this task.

Staff must remain cognizant that their behavior should exemplify those behaviors exhorted in the Behavior Management Program curriculum, and can be no less than the behavioral expectations they hold for the minors under their care. Staff are models of leadership and must strive to set a good example. Like it or not, staff must realize they **lead by example** and that their actions are being constantly scrutinized by the minors under their care.

The staff relationship with minors, peers, team leaders (Sr. DSO's), supervisors, and directors alike, shall reflect a positive and cooperative tone. Staff shall never use sarcasm, ridicule, profanity, or threats. Praise and encouragement is what actually promote desired behavior. Staff exhibiting crass, immature, and unprofessional behavior, will unwittingly undermine the behavior management program's philosophy and the contributions of their co-workers. These behaviors could destroy any positive impact previous efforts may have accomplished. Care must be taken to avoid scolding or directing personalized criticism that may embarrass or antagonize a minor. When it is necessary to reprimand minors or to lower their daily conduct grades, it should be done without personal involvement on the part of staff.

Staff involved in the program must understand there are several roles they must play, but none more important than the roles of teacher, counselor and disciplinarian. The role of teacher involves instructing the minor in appropriate behavior and responsible living. The role of counselor provides guidance and insight, reinforcing lessons learned throughout the detention experience. The role of disciplinarian maintains the minor's compliance with institutional rules and program expectations.

It is important that staff remains flexible in all of their roles and act appropriately as situations dictate. All staff must execute the program with consistency. Consistency, especially within the same living unit, will demonstrate to the minors the seriousness of institutional rules and program expectations. If staff does not take the program seriously, why should the minors?

Staff shall be held accountable for conducting the program each and every day in their assigned unit. Ultimately, the success or failure of the Behavior Management Program will fall squarely on the shoulders of detention staff.

BMP ORIENTATION

All new minors admitted to juvenile hall (excluding those charged with 187 P.C./murder) are initially housed in the Intake Unit where they are assessed and given an orientation regarding rules, expectations, programs and services available in the juvenile hall. In addition to the facility orientation, minors are given a BMP Orientation that includes a BMP Orientation Guide.

The BMP Orientation is designed to provide minors with a clear understanding of the rules, expectations, activities/programs and services available at each juvenile hall and to facilitate the positive interaction between staff and minors. The BMP Orientation Guide is a reference booklet that contains written information of the juvenile hall rules, expectations for appropriate behavior, rewards, incentives, consequences for inappropriate/unacceptable behaviors, as well as activities/programs and services available to minors.

Further, minors are given an in-depth overview of the behavioral and rehabilitation components of the Behavior Management Program and a LEAPS Self-Assessment.

QUALITY ASSURANCE

The BMP Coordinators in each juvenile hall are primarily responsible for the quality assurance of the **Behavior Management Program**. The quality assurance process is founded upon the concept of continuous improvement, while focusing on *processes*, *outcomes* and *costs* directed toward achieving the objectives of the behavior management program. Failing to evaluate processes, outcomes and costs will provide an incomplete picture of the effectiveness of the program.

A basic principle of total quality management states that it is more cost effective to improve a current program, if possible, than to re-create a program. Often, if root problems are not identified and solved, merely creating a new service or program will result in the same problem.

The quality assurance efforts of the behavior management program are aimed at evaluating the internal *processes* in the program, assessing the program's impact through *outcome* measures, and determining the overall *cost* of the program to determine the level of performance and the quality of the services being provided to the minors.

The quality assurance process is comprised of an evaluation of the following:

1. Compliance Audits
 - Observational
 - Periodic Review
 - Recreational
 - Daily Rating Tally Sheet / Merit Ladder
 - Logbook Documentation
2. Safe Crisis Management (SCM) Incidents
3. Youth-on-Youth Violence Incidents
4. Number of Disciplinary SHU Referrals
5. Number of Disciplinary School Referrals

An analysis of the staff compliance with programming processes which is assessed through the compliance audits and how those compliance impacts an increase or decrease in outcome measurements statistics will provide the reviewer with an objective assessment of the quality of the BMP.

GLOSSARY

Active Behavior Management: This is the supervision process by which staff is directly and actively responsible for managing the minors' individual and/or group behaviors in order to avoid problem situations and create a safe and secure environment.

Al Jones Stamps: These are stamps designed to maintain the minors' motivation and participation in all rehabilitation-oriented activities/programs. Minors can use them as privileges/incentives in the unit (e.g., phone calls) and purchase items at the Al Jones Store, which have been designated for purchase with stamps.

Al Jones Store: This is a store full of items that minors may purchase with the reward points earned in the units and the school of the juvenile hall. The store is only opened on Saturday mornings between the hours of 9:00 am and 4:00 pm. There is a store in each of the three juvenile halls (Central, Los Padrinos, Barry J. Nidorf).

Board Counselor: This is the probation staff assigned individual caseload and group supervision responsibilities of minors in a unit.

Categories of Behavior: These are the levels of severity in which minors' inappropriate/unacceptable behaviors are classified for disciplinary purposes. The categories of behavior follow a level of progression based on the severity of a minor's behavioral infraction. That is, the severity of the behavior determines the disciplinary consequence.

1. Mildly Disruptive Behavior: This is a type of behavior that usually creates minimal disruption in and out of a unit and/or a juvenile hall. These inappropriate/unacceptable behaviors are always followed by immediate correction from staff to ensure the safety, order and security of minors and/or staff.

2. Moderately Disruptive Behavior: This is a type of behavior that usually causes disruption in the orderly management of a unit and/or a juvenile hall. These inappropriate/unacceptable behaviors are immediately followed by staff intervention to avoid jeopardizing the safety and/or security of minors and staff.

3. Severely Disruptive Behavior: This is a type of behavior that usually causes a major disruption in the orderly management of a unit and/or a juvenile hall. These inappropriate/unacceptable behaviors are immediately followed by staff intervention to avoid jeopardizing the safety and/or security of minors and staff.

Certificate of Merit: This is a document specially designed to recognize the minor's successful completion of assigned tasks, rehabilitation-oriented activities/programs, school programs and other special achievements.

Community Structure: This is an information meeting conducted on each shift where the Board Counselor provides minors with information on all scheduled activities/programs and the roles minors play to ensure a successful outcome.

Consequence: This is an action taken by probation staff to either reward minors based on their pro-social behaviors or discipline minors based on their inappropriate/unacceptable behaviors.

D.H.S.: This abbreviation stands for Department of Health Services.

D.M.H.: This abbreviation stands for Department of Mental Health.

E-Ticket: These are tickets specially designed as awards for minors who have earned a specified number of reward points (210) on the Merit Ladder. Minors can use these tickets to purchase any item at the Al Jones Store, which have been specifically designated as items allowed to be bought with reward points, Al Jones Stamps and/or E-Tickets. Also, minors can exchange these tickets for participation in available special activities/programs that they

might not otherwise be able to participate due to seating and/or participant limitations.

Game Room: This is an area where a minor can go to play games and enjoy movies because he/she has gained the privilege for his/her good behavior. The game room is among the incentives meant to motivate or induce minors to display positive behavior.

GROW: This is the acronym for Girls Reaching Out to Womanhood, a gender-specific curriculum designed to provide females minors detained in juvenile hall with information and resources that will assist them in their transition to camp, placement and/or their return to the community.

Incentives: These are privileges that urge minors to make an effort (or take action) toward something they want to get or experience.

L.A.C.O.E.: This abbreviation stands for Los Angeles County Office of Education.

LEAPS: This is the acronym for the Life Excelerator - Assessment of Personal Skills training program. It is an instructor-led, comprehensive library of turnkey lesson plans that train minors in the essential coping, adapting and functioning skills they need to experience success in life.

Learning Opportunities: These are interactive group discussions that are conducted throughout the day. They are nothing more than short discussions that reinforce skills training information during normal unit functions. For example, dining periods become opportunities to discuss proper nutrition/diet and shower periods become opportunities to discuss hygiene.

Merit Ladder: This is the form where the reward/bonus points earned by each minor are recorded daily and the cumulative number of reward/bonus points is summarized weekly. **Reward/bonus points cannot be deducted once a minor earns them and they are recorded on the merit ladder by staff.** The reward/bonus points recorded next to each minor's name on the merit ladder are always treated as his/her personal bank account. The *Merit Ladder* form is commonly displayed in the dayroom of every unit. The form is prepared by the staff working the night shift (10-6 am), and is available to view by all minors in a unit at the beginning of the morning shift (6-2 pm). The minors' names are listed from the higher number of points to the lowest number of points.

Orientation Guide: This is the pamphlet/booklet that describes the behavior management program in the juvenile halls.

Other Rewards: These are the other forms of recognition given to minors who demonstrate pro-social behaviors while detained in the juvenile halls. They include: magazines and books; games and movies; healthy low fat snacks;

toiletries (toothpaste, soap, shampoo, conditioner, deodorant, lotion); plaques and trophies; and commendations.

Periodic Review: This is a one-on-one counseling session that provides minors detained in juvenile hall with routine, but meaningful communication with staff. This communication is intended to furnish staff with information regarding the minor's adjustment in the unit and provide information to the minor to ease his time in detention.

Prize Patrol: This is a group of BMP Coordinators that visit units during various times of the day to award prizes to minors that can correctly answer questions that relate to rehabilitation-oriented activity/programs in which they have participated earlier in the week.

Pro-social Bonus Points: These are bonus points awarded to minors that demonstrate pro-social behavior. Three (3) bonus points for the **AM Probation Period** and three (3) bonus points for the **PM Probation Period** can be awarded daily by probation staff to minors exhibiting pro-social behavior for a grand total of six (6) bonus points. These bonus points can be earned Monday through Fridays, weekends and holidays.

Recreation: These are the organized and structured exercises and play activities offered to the minors on a daily basis as refreshments of strength and spirit after school days and during weekends and holidays.

Reward Points: These are the points awarded to minors in recognition of their behavioral accomplishments and acknowledgement of a job well done.

Rituals: These are the methods staff utilized to conduct everyday unit routines. Rituals formalize repetitive functions such as movements, restroom calls, meals, showers, etc. Formalization of these functions clearly defines to the minor how each activity is to be conducted allowing the minor to quickly learn how to operate in the unit. Thereafter, minors have to think less about the normal mechanics of functioning in a unit and can focus on their behavior management objectives and goals.

Skill Behaviors: These are specifically designated behaviors described in objective and measurable terms, which require minimal interpretation by minors and staff. The successful completion of a specified number of these skill behaviors (**listed in Appendix I**) ultimately determines the reward points, bonus points and incentives/privileges each minor receives.

Special Activities/Programs: These are activities/programs that are not part of the regular schedule of activities in a juvenile hall unit. They include, among others, barbecues and other organized extracurricular activities.

Transfer: This is the process by which a minor is moved from one living unit or juvenile hall to another living unit or juvenile hall.

Unit: This is the housing/living unit where minors reside while detained in the juvenile hall. Each unit is made up of the following areas: bedrooms (used for sleeping, dressing, and private/personal matters), bathroom (used for grooming, restroom calls, and showering), and dayroom (used for dining and in-house recreation).

Verbal Rewards: These are the kind gestures and/or words that provide a basic form of reward to minors who exhibit pro-social behaviors while detained in the juvenile hall.

APPENDIX I

DAILY ACTIVITIES AND SKILL BEHAVIORS

DAILY ACTIVITY PERIODS

The following is a list of the daily activity periods and their relevant skill behaviors:

AM PERIOD - PROBATION

Wakeup/Breakfast

- Wake-up and out of bed within five minutes of being instructed to do so.
- Get dressed. Put on underwear, shirt, pants, socks, and shoes. Comply with any additional instructions (e.g., wear coat or sweatshirt in cold weather).
- Groom as appropriate to personal needs, which includes washing face, combing hair and brushing teeth with toothbrush and paste.

- Cleanup of room, which includes, making bed, depositing dirty laundry in proper place, and removing all trash and debris from room.
- Come to the dayroom when instructed to do so quietly and fully dressed.
- Pick up your meal tray from the cart when instructed to do so and be seated quietly at your assigned table.
- Remain seated during breakfast.
- Use appropriate table manners.
- Do not trade or give food away.
- Clean your surrounding area following the meal and take your meal garbage to the trash can as instructed.
- Prepare for AM school.
- Make movement to school quietly.
- No looking around during movements.
- Exit the line quietly when instructed to do so.
- No gang activity.
- No disruptive activity.

Lunch

- Pick up your meal tray from the cart when instructed to do so and be seated quietly at your assigned table.
- Remain seated during lunch.
- Use appropriate table manners.
- Do not trade or give food away.
- Clean your surrounding area following the meal and take your meal garbage to the trash can as instructed.
- Prepare for PM school.
- Make movement to school quietly.
- No looking around during movements.
- Exit the line quietly when instructed to do so.
- No gang activity.
- No disruptive activity.

AM PERIOD - SCHOOL

- Students are expected to check in with the teacher.
- Students are expected to follow all directions promptly.
- Students are expected to show respect for all persons and property.
- Students are expected to leave all personal items in the living unit.
- Students are expected to do their best to learn and allow others to learn.
- Students are expected to obey all school rules.
- Students are expected to participate in all assignments.
- Students are expected to remain in their seat unless otherwise directed.

- Students are expected not to receive a student behavior report.
- Students are expected to remain in the classroom for duration of class.

PM PERIOD - SCHOOL

- Students are expected to check in with the teacher.
 - Students are expected to follow all directions promptly.
 - Students are expected to show respect for all persons and property.
 - Students are expected to leave all personal items in the living unit.
 - Students are expected to do their best to learn and allow others to learn.
 - Students are expected to obey all school rules.
 - Students are expected to participate in all assignments.
 - Students are expected to remain in their seat unless otherwise directed.
 - Students are expected not to receive a student behavior report.
 - Students are expected to remain in the classroom for duration of class.
-

PM PERIOD - PROBATION

After School/Skills Development Training

- Participate in afternoon activity / Skills Development Training
- No gang activity.
- No disruptive activity.

Dinner

- Follow all staff instructions.
- Come to the dayroom when instructed to do so quietly and fully dressed.
- Pick up your meal tray from the cart when instructed to do so and be seated quietly at your assigned table.
- Remain seated during dinner.
- Use appropriate table manners.
- Do not trade or give food away.
- Clean your surrounding area following the meal and take your meal garbage to the trash can as instructed.
- Complete homework.
- Participate in evening activity / Skills Development Training
- No gang activity.
- No disruptive activity.

Showers

- Follow all staff instructions.
- Shower appropriately to maintain hygienic needs.

- No gang activity
- No disruptive activity.

PRO-SOCIAL BONUS POINTS

- Must demonstrate pro-social behaviors at all times.
- Must not engage in disruptive activity.
- Must not engage in gang activity.
- Must participate in all applicable skills development trainings.
- Must participate in sessions/meetings with mental health therapist as needed.
- Must demonstrate effort in meeting mental health and/or medical treatment objectives as needed.
- Must take medication as prescribed.

NIGHT BEHAVIOR

- No gang activity.
- No disruptive activity.
- Must follow all staff instructions.

Attachment 2



March 27, 2023

Karen Fletcher
Interim Chief Probation Officer
Los Angeles County Probation Department
1601 Eastlake Avenue
Los Angeles, California 90033

*****PLEASE TAKE NOTICE*****

Dear Interim Chief Fletcher:

This letter is to provide you with written notice that the California Board of State and Community Corrections will make a determination of suitability of the Barry J. Nidorf Juvenile Hall and the Los Angeles County Central Juvenile Hall at its next scheduled board meeting on **April 13, 2023** pursuant to Welfare and Institutions Code section 209, subdivision (d).¹

The Board of State and Community Corrections establishes the minimum standards for juvenile halls and camps and conducts biennial inspections of those facilities. (Welf. & Inst. Code, §§ 209, 210, & 885.) Regulations setting forth these minimum standards can be found in Sections 1300-1511 of Title 15 of the California Code of Regulations.

¹ Welfare and Institutions Code section 209, subdivision (d), provides:

[A] juvenile hall, special purpose juvenile hall, law enforcement facility, or jail shall be unsuitable for the confinement of minors if it is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under [Section 210](#) or [210.2](#), and if, within 60 days of having received notice of noncompliance from the board or the judge of the juvenile court, the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail has failed to file an approved corrective action plan with the Board of State and Community Corrections to correct the condition or conditions of noncompliance of which it has been notified. The corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the board shall either approve or deny. In the event the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail fails to meet its commitment to resolve noncompliance issues outlined in its corrective action plan, the board shall make a determination of suitability at its next scheduled meeting.

Summary of 2020-2022 Biennial Inspection

On January 13, 2023, following the inspection of the county's juvenile facilities, we notified your agency of several items of noncompliance with the Board's regulations. A copy of the initial inspection report and final inspection can be found here:

https://drive.google.com/drive/folders/1W_HwQLU98Q5pgsateq-KBO1ZA5ww3B5h

Pursuant to Welfare and Institutions Code section 209, the county was required to submit a corrective action plan (CAP) to our agency within 60 days or by March 14, 2023.

On March 14, 2023, we received the county's corrective action plan. This corrective action plan does not provide enough detail about the specific plans that will be relied upon to correct the items of noncompliance and does not provide a reasonable timeframe for resolution. Many of the items of noncompliance at the juvenile halls can be directly linked to issues with staffing; in addition to the inability to carry out the overall facilities operations and programming, and providing for the safety and security of youth and staff, youth are regularly not being provided with required services because of insufficient staff on duty. The corrective action plan fails to provide sufficient information that the BSCC would rely on to determine what staffing plan would be in place to address these issues of noncompliance during an inspection.

Corrective action plans for items of noncompliance not directly related to staffing also fail to provide sufficient detail. The corrective action plan does not describe the specific details for correction of other items of noncompliance, including Section 1357, Use of Force and Section 1390, Discipline.

In the absence of an approved corrective action plan, the Board is required to make a determination of suitability at its next scheduled board meeting, April 13, 2023. Based on the final inspection report, the county's juvenile halls remain out of compliance with the following regulations:

Barry J. Nidorf

- § 1321. Staffing.
- § 1325. Fire Safety Plan.
- § 1327. Emergency Procedures.
- § 1328. Safety Checks.
- § 1354.5. Room Confinement.
- § 1357. Use of Force.
- § 1360. Searches.
- § 1370. Education Program.
- § 1371. Programs, Recreation, and Exercise.

- § 1390. Discipline.
- § 1230.2.10 Security glazing
- § 1230.1.7 Single occupancy sleeping rooms
- § 1230.2.6 Lighting
- § 1230.1.5 Living unit.
- § 1230.1.11 Physical activity and recreation areas

Central Juvenile Hall

- § 1321. Staffing.
- § 1328. Safety Checks.
- § 1354.5. Room Confinement.
- § 1357. Use of Force.
- § 1358.5. Use of Restraint Devices for Movement and Transportation Within the Facility.
- § 1360. Searches.
- § 1370. Education Program.
- § 1371. Programs, Recreation, and Exercise.
- § 1374. Visiting.
- § 1390. Discipline.
- § 1230.2.10 Security glazing
- § 1230.1.7 Single occupancy sleeping rooms
- § 1230.2.6 Lighting
- § 1230.1.5 Living unit.
- § 1230.1.11 Physical activity and recreation areas

In addition to the above-items of noncompliance, during an unannounced inspection at the Barry J. Nidorf Juvenile Hall on March 8, 2023, BSCC staff found that there had been no progress made towards access to outdoor exercise and programming pursuant to Section 1371, Recreation, Programs and Exercise and also observed that youth were eliminating urine in receptacles in their rooms during the night shifts due in part to continued lack of staffing.

Please note that if the Board finds that either juvenile hall is not being operated and maintained as a suitable place for the confinement of minors, the Board shall give notice of its findings to all persons having authority to confine youth pursuant to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code and commencing 60 days thereafter the juvenile hall shall not be used for confinement of minors until the time the Board finds, after reinspection of the juvenile hall, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of minors. (Welf. & Inst. Code, § 209, subd. (a)(4).)

County Response

The county may, but is not required to, participate at the April 13, 2023 board meeting as part of the Board's determination of suitability. If the county wishes to respond in writing, we request that a response be submitted no later than April 3, 2023. This response will be included as part of the Board's 10-day agenda, which will also be posted on April 3, 2023. The response should include specific facts articulating to what extent the county is, in fact, in compliance with the Board's regulations and may include any evidence or testimony rebutting staff's preliminary findings of noncompliance included in the links to the reports above. To the extent you anticipate that the county facilities will be in compliance prior to the board meeting or soon thereafter, please provide estimated dates of completion of any further corrective actions. The Board may also consider additional information submitted as part of a supplemental corrective action plan explaining how the county will come into compliance no later than 90 days, which the Board may also approve or deny.

While participation is not mandatory, the Board formally requests that you appear in person to discuss the corrective action plan and any outstanding issues of noncompliance.

Determination of Suitability

The determination of suitability is a quasi-judicial process in which the Board will determine whether the county facilities are or are not in compliance with the Board's regulations. The proceeding is part of the Board's meeting agenda and is not a formal adversarial hearing. Oral testimony, if provided, will not be subject to cross-examination. Board staff will present its findings and recommendations to the Board, which will be followed by questioning by board members through the Chair. The county will be given the opportunity to provide rebuttal evidence or testimony followed by questioning by board members through the Chair.

Following the presentation of the staff report and county response, the Board will issue a written decision regarding any items of noncompliance with the Board's minimum standards and the suitability of each juvenile facility. If the Board is unable to make a determination of suitability based on the information provided, the Board may, in its discretion, continue the proceedings to a future board meeting.

The proceedings will be open to the public and is subject to the Bagley-Keene Open Meeting Act. (Gov. Code, §§ 11120-11132.)

If you have any questions about this process, please contact our general counsel,
Aaron.Maguire@bscc.ca.gov.

Sincerely,



LINDA PENNER
Chair

cc:

Board Members, Board of State and Community Corrections
Kathleen T. Howard, Executive Director, Board of State and Community Corrections
Aaron R. Maguire, General Counsel, Board of State and Community Corrections
Allison Ganter, Deputy Director, Board of State and Community Corrections
Lisa Southwell, Field Representative, Board of State and Community Corrections
Fesia Davenport, Chief Executive Officer, Los Angeles County
Honorable Eric C. Taylor, Presiding Judge Los Angeles County Superior Court
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court
Celia Zavala, Executive Officer, Board of Supervisors
Dawyn R. Harrison, County Counsel, Los Angeles County
Max Huntsman, Office of Inspector General, Los Angeles County
Wendelyn Julien, Executive Director, Probation Oversight Commission

Attachment 3



March 23, 2023

Karen Fletcher, Interim Chief Probation Officer
 Los Angeles County Probation Department
 1601 Eastlake Avenue
 Los Angeles, California 90033

SUBJECT: RESPONSE TO LOS ANGELES COUNTY'S CORRECTIVE ACTION PLAN FOR BARRY J. NIDORF AND CENTRAL JUVENILE HALLS

Dear Interim Chief Fletcher:

The Board of State and Community Corrections (BSCC) is in receipt of the Corrective Action Plan (CAP) submitted by the Los Angeles County Probation Department for the items of noncompliance identified in the January 13, 2023 initial inspection report that was part of the 2020/2022 Biennial Inspection of the Central and Barry J. Nidorf Juvenile Halls. After careful review, we have determined that this CAP is inadequate to address the ongoing and serious items of noncompliance at both facilities. Consequently, this CAP cannot be approved and the Board will make a determination of suitability at the next scheduled board meeting on April 14, 2023.

Pursuant to Welfare and Institutions Code section 209, subdivision (d), the County of Los Angeles was required to "file an approved corrective action plan" with the BSCC within 60 days following the notice of noncompliance. This corrective action plan was required to "outline how the juvenile hall... plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the [BSCC] shall either approve or deny." (Emphasis added.) On March 14, 2023, the BSCC received the department's corrective action plan. As explained in more detail below, the information provided in the corrective action plan does not provide enough detail about the specific plans that will be relied upon to correct the items of noncompliance and does not provide a reasonable timeframe for resolution.

It is important to note at the outset that many of the items of noncompliance at the juvenile halls can be directly linked to issues with staffing. Both facilities are currently out of compliance with Section 1321¹ of Title 15 of the California Code of Regulations, Staffing, due to the inability to carry out the overall facility operation and programming and provide for the safety and security of youth and staff.² Moreover, youth are regularly

¹ All citations are references to Title 15 of the California Code of Regulations unless otherwise noted.

² Section 1321 provides, in pertinent part,

Each juvenile facility shall:

- (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations;

not being provided with required services because of insufficient numbers of staff on duty. This ongoing and consistent lack of staffing also contributes to the noncompliance with several other sections of Title 15, including the following:

1. Section 1354.5, Room Confinement
2. Section 1357, Use of Force
3. Section 1360, Searches
4. Section 1370, Education
5. Section 1371, Programs, Recreation and Exercise

To resolve the issues of inadequate staffing, the CAP indicates that the department is working to expedite the completion of Juvenile Correctional Officer Core academies for deployment of up to an additional 43 staff through May. In addition, the CAP references additional incentive pay, which, the CAP also notes, expires in April 2023. Finally, the CAP references the temporary reassignment of a minimum of 100 staff from the field to the juvenile halls through December 31, 2023. Unfortunately, even if we could assume the full deployment of these staff into the juvenile halls, some of which we note are not trained as juvenile correctional officers, there is insufficient information to determine what staffing plan would be in place to address the items listed above. Nor do we believe this staffing will be sustainable given the short term, emergency measures involved. Without additional details describing staffing levels across the units for which we can then inspect for compliance, this plan cannot be approved.

In addition to providing an inadequate plan to resolve the issues involving staffing, there are several places in the CAP where Probation notes that a plan has been developed and will be in place, but there is no detail of these plans included. For example, on page 5 of the CAP, there is a description of a plan developed in collaboration with the California Department of Justice that was implemented on March 5, 2023 to “address processes specific to the use of force reviews” as it relates the findings of noncompliance with Section 1357, Use of Force. However, the CAP does not describe specifically what the plan entails or how compliance with Section 1357 is supported by this plan. Likewise, the details for correcting the deficiencies noted in implementing Section 1390, Discipline, are also lacking. As such, the CAP for these sections cannot be approved.

At the BSCC’s February 2023 board meeting, the Board considered the county’s initial inspection report and, given the seriousness of the items of noncompliance, had approved a motion to invite Chief Gonzales to the April board meeting to provide an interim update on what had been expected to be the implementation of the county’s corrective action plan. Given that the department has failed to provide a corrective action plan that can be approved within the timeframe specified in Welfare and Institutions Code section 209, the Board will now be required to make a formal determination of suitability for both juvenile halls at the April 13, 2023. Please consider this letter as the preliminary notice for a determination of suitability; a second notice will

(b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances;

follow. As a reminder, if the Board determines that the facilities are not suitable for the confinement of youth, the county must vacate the juvenile halls within 60 days following the determination.

If you have any questions regarding the disapproval of the county's corrective action plan, please feel free to contact me at Allison.Ganter@bscc.ca.gov.

Sincerely,



ALLISON E. GANTER
Deputy Director

Cc:

Fesia Davenport, Chief Executive Officer, Los Angeles County
Honorable Eric C. Taylor, Presiding Judge Los Angeles County Superior Court
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court
Celia Zavala, Executive Officer, Board of Supervisors
Dawyn R. Harrison, County Counsel, Los Angeles County
Max Huntsman, Office of Inspector General, Los Angeles County
Wendelyn Julien, Executive Director, Probation Oversight Commission

Attachment 4



COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2501



KAREN L. FLETCHER
Interim Chief Probation Officer

March 14, 2023

Board of State and Community Corrections
Attention: Lisa Southwell, BSCC, Field Representative
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

COUNTY OF LOS ANGELES PROBATION DEPARTMENT – JUVENILE FACILITIES CORRECTIVE ACTION PLAN

Dear Ms. Southwell:

The Board of State and Community Corrections (BSCC) conducted inspection activities for the 2020-2022 Biennial cycle at both the Barry J. Nidorf Juvenile Hall (BJNJH) and Central Juvenile Hall (CJH) in November 2022. During this inspection process, the BSCC identified the following items of non-compliance:

Title 15

- Section 1313: County Inspection and Evaluation of Building Grounds**
- Section 1321: Staffing**
- Section 1325(f): Fire Safety Plan**
- Section 1327(f): Emergency Procedures**
- Section 1328: Safety Checks**
- Section 1354.5: Room Confinement**
- Section 1357: Use of Force**
- Section 1358.5: Use of Restraint Devices - Movement and Transportation within Facility**
- Section 1360(a): Searches**
- Section 1370(b)(6): Education Program**
- Section 1371: Programs, Recreation and Exercise**
- Section 1374: Visiting**
- Section 1390: Discipline**

BSCC Corrective Action Plan
March 14, 2023
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Title 24

Section 1230.2.10: Security Glazing

Section 1230.1.7: Single Occupancy Sleeping Rooms

Section 1230.2.6: Lighting

Section 1230.1.5: Living Unit

Section 1230.1.11: Physical Activity and Recreation Areas

The BSCC's Initial Inspection Reports for both facilities were received on January 27, 2023, outlining the identified items of noncompliance. These items of noncompliance were reviewed during the Exit Briefing on January 13, 2023, at which time corrective action was immediately initiated. On February 15, 2023, the BSCC provided a checklist of the final areas of pending noncompliance required to be addressed in the Department's Corrective Action Plan (CAP).

In response to these findings, the Department has addressed each of these items with the following solutions:

Title 15, Section 1313(A),(B) and (E): County Inspection and Evaluation of Building and Grounds

County Building Inspection (CJH Only)

The County Building Inspection was conducted at CJH on August 11, 2022. Documentation was provided by the Department of Public Works on January 9, 2023.

Fire Clearance

The fire alarms at BJNJH were tested on March 11, 2023. Upon receipt of this report, the Fire Clearance Inspection will be scheduled.

The Fire Clearance was completed for CJH on March 3, 2023.

Juvenile Court Inspection

The Juvenile Court Inspection was completed for BJNJH on March 2, 2023, and for CJH on March 3, 2023.

Title 15, Section 1321(a) and (b): Staffing

The Department is actively recruiting and hiring staff to fill existing vacancies in the Detention Services Officer (DSO) and Group Supervisor Nights (GSN) classifications at both BJNJH and CJH. Concurrent Juvenile Correctional Officer Core (JCOC) Academies are being conducted to expedite the number of new staff being deployed to the institutions. Forty-one new staff completed JCOC in January and February 2023, with another 23 and 20 scheduled

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to complete JCOC in April and May, respectively. Incentive pay (20% increase in base pay and double overtime pay) was implemented for select classifications between October 1, 2022 and April 1, 2023. Additionally, field staff continue to be mandatorily deployed to work in the two juvenile halls on a rotational basis. In March 2023, under emergency provisions, a minimum of 100 field staff will be temporarily reassigned from field assignments to the juvenile halls through December 31, 2023. These reassignments, coupled with volunteer overtime staff and new hires, will be continuously monitored to ensure staffing levels meet regulations and support the overall safety and security of the youth and staff.

Title 15, Section 1325(f): Fire Safety Plan

The Fire Plan for BJNJH was signed off on February 9, 2023. The Fire Plan for CJH was signed off on March 3, 2023. The Department continues to receive technical assistance from the BSCC regarding the use of Los Padrinos Juvenile Hall for the emergency housing of youth in the event of an evacuation of one or both juvenile halls.

Title 15, Section 1327(f): Emergency Procedures (BJNJH Only)

The Building Emergency Plan and Fire Suppression Pre-Plan were disseminated to all sworn staff and non-sworn staff at BJNJH on February 10, 2023. Collection of the final sign-off sheets is in process, with a due date of March 17, 2023.

Title 15, Section 1328: Safety Checks

An electronic Safety Check System was installed in each living unit throughout both juvenile hall facilities, with a go-live date of January 23, 2023. Staff received training on the system prior to implementation and received the revised Safety Check Policy (DSB 630) issued on January 19, 2023, with a required sign-off documenting receipt of the policy.

The Senior Detention Services Officer (Sr. SDO) assigned to each unit is responsible for ensuring that safety checks are conducted within their assigned unit. Supervisors are required to regularly audit the safety check system by generating a log report to ensure compliance with the random and varied safety checks. If it is determined that a safety check is missed by more than one minute, the supervisor must initial the safety check on the log and direct the Sr. DSO to ensure that a note in the "observation" section of a room check is completed. Further, at least once per eight-hour shift, as time and circumstances permit, supervisors must conduct unannounced rounds to inspect the safety check system and inspect any posted hard copies of Safety Check Sheets.

Managers and the QA Team are conducting random video reviews to ensure staff have a direct visual observation of youth at a minimum of every 15 minutes, at random or varied intervals, when youth are asleep or when youth are in their rooms.

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The Video and In-Person Observation Log continues to be utilized by managers when conducting random video reviews of Title 15 Programming and/or walking through units. Each manager and supervisor are required to provide immediate correction and instruction when witnessing non-compliance. In the event of any potential egregious behavior, a referral for disciplinary action is required.

Title 15, Section 1354.5(a) and (b)(2): Room Confinement

The Room Confinement policy, specifically addressing room confinement during transitional times such as shift change, showers and after incidents continues to be reemphasized to staff and will be redistributed to all staff at both facilities with a required sign-off documenting receipt.

Documentation will continue to be reviewed daily and if any concerns are identified, the facility will be immediately contacted to make the correction. The Quality Assurance (QA) Team and BSCC SMEs are providing immediate real-time training when corrections are required.

Managers and the QA Team at both facilities are conducting random video reviews during critical times of the day such as school, visiting, religious services and in the evenings. Additionally, all videos are reviewed after an incident has occurred to ensure room confinement is not occurring unless within policy.

The Video and In-Person Observation Log continues to be utilized by managers when conducting random video reviews of Title 15 Programming and/or walking through units. Each manager is required to provide immediate correction and instruction when witnessing non-compliance. In the event of any potential egregious behavior, a referral for disciplinary action is required.

The Compliance Unit at each facility continues to review documentation to ensure compliance with BSCC regulations, which includes but is not limited to, justification for room confinement. Any documentation requiring additional clarification is immediately referred to the Compliance Unit Supervisor who follows up and provides training.

COVID Guidelines for Hybrid Units have been modified in collaboration with Juvenile Court Health Services (JCHS) and approved by the BSCC.

Title 15, Section 1357: Use of Force

The Detention Services Bureau – Physical Intervention Policy (DSB – 1000) was issued on June 22, 2022. A one-hour training specific to policy revisions has since been developed and is being provided to all sworn staff assigned to the juvenile halls.

Training on the use of force policy is ongoing at both juvenile halls. As of March 13, 2023, 446 juvenile hall staff have been trained in person. Central Juvenile Hall has trained

BSCC Corrective Action Plan

March 14, 2023

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178 staff. Barry J Nidorf has trained 268 staff. We continue to train the remaining staff and expect to be fully in compliance with the use of force policy training by April 2023.

Staff are receiving hands on defensive tactics training and report writing in Block Weeks. Attendance in the block weeks continues to be difficult due to ongoing staffing concerns at the halls. Staff from the Staff Training Office are being deployed to the institutions to provide ongoing training in de-escalation and handcuffing. Additional staff from the Staff Training Office are being temporarily reassigned to the juvenile halls to ensure that all staff continue to receive use of force, de-escalation, handcuffing, and training in appropriate documentation.

A plan to address processes specific to the use of force reviews has been developed in collaboration with the State Department of Justice. This plan was implemented on March 5, 2023.

Title 15, Sections 1358 and 1358.5(c): Use of Physical Restraints (CJH Only)

The Detention Services Bureau Policy (DSB-1000) is the policy section regarding the use of Mechanical Restraints and Safe Crisis Management. This policy was developed in collaboration Juvenile Court Health Services (JCHS) and the Department of Mental Health (DMH).

The use of mechanical restraints (handcuffs) at CJH is limited. However, documentation of mitigating circumstances that may preclude the use of mechanical restraints has been lacking in our Physical Intervention Report (PIR) documentation per policy. Real time training is being provided by the Probation BSCC Compliance Team to staff when writing reports post use of mechanical restraints. Policy review will be conducted with staff and sign offs will be collected. The policy review will highlight the documentation in the PIR to include the assessment of mental health, medical and trauma that would preclude the use.

Title 15, Section 1360(a): Searches

The ability to conduct searches on a consistent basis has been impacted by low staffing levels. Mandatorily deployed field staff, overtime staff and continuous hiring of new staff is in process to increase staffing levels at both facilities. Staff assigned to the Department's Special Enforcement Operations (SEO) have deployed to the juvenile halls to assist with searches, as needed. K-9s assigned to these staff are frequently utilized to conduct searches. Effective March 6, 2023, a team of eight to ten SEO staff were dedicated to BJNH Monday through Friday from 7 AM to 3 PM to assist with searches and school movements. An additional SEO Team will be assigned to conduct unannounced searches twice per week. Search teams are being deployed to CJH, as available and necessary. Additionally, the reassignment of a minimum of 100 field staff to the juvenile halls will be effectuated beginning March 20, 2023.

Title 15, Section 1370(b)(6) – Education

Due to low staffing levels, youth do not consistently attend school in the classrooms. When youth are not in classrooms, they are either provided instruction in the Unit and/or receive educational packets in lieu of in-person instruction. The reassignment of 100 field staff to the juvenile halls will enable more consistent movement of young people in both facilities to classrooms.

Title 15, Section 1371: Programs, Recreation and Exercise

Programs (CJH Only): Written annual program reviews, to ensure content offered is current, consistent, and relevant to the population, have been submitted to the BSCC for seven of eight programs offered at CJH. In addition to community-based organizations and volunteers, Probation staff provide programming in the forms of arts and crafts and topical group discussions with youth. The Department of Mental Health (DMH) is also partnering to provide additional programming at CJH. The County's Chief Executive Office is assisting the Department with the procurement of additional services through a Master Services Agreement process that will shorten the time to identify and quality relevant service providers.

Exercise: Daily large muscle activity has not consistently been provided due to low staffing levels. The reassignment of 100 field staff to the juvenile halls will enable more consistent access to exercise for young people in both facilities. The Los Angeles County Office of Education has incorporated Physical Education (PE) into their school schedule, providing access to workout equipment. Badminton has been added to several dorms at CJH as a physical activity used daily.

Title 15, Section 1374: Visiting (CJH Only)

A dedicated child-friendly visiting room has been established for the youth and their children. Staffing in the Family Resource Center has been implemented and training for this role has begun. A consistent process of documentation specific to virtual calls provided when in-person visits do not occur will provide proof of practice. Additional smart phones have been ordered for each Supervisor and Director to increase the use of virtual calls.

Title 15, Section 1390: Discipline

Technical assistance is being provided by the Council of Juvenile Justice Administrators (CJJA), via the Department of Justice (DOJ) Monitor, to create a robust Behavior Management Program (BMP). A draft manual will be completed by March 31, 2023 and submitted to the DOJ for review. A 16-hour training course will be implemented in April 2023 and two pilot units at each facility will be identified for a phased roll-out in May 2023. Both facilities have continued to build on their existing programs, as an interim solution.

Title 24, Section 1230.2.10: Security Glazing

Per the BSCC, this regulation became effective in 2003. However, this item of non-compliance was not previously identified in prior BSCC inspections. The Department continues to work with the BSCC to identify an acceptable “detention grade” glass to serve as a replacement of the approximately eighty-one broken windows in need of replacement. The Department has submitted to the BSCC a possible solution that would not require the reframing of each of these windows to support the “detention grade” glass replacement.

Title 24, Section 1230.1.7: Single Occupancy Sleeping Rooms

Effective March 3, 2023, the Department’s Management Services Bureau (MSB) began prioritizing work orders specific to obscured windows, providing a response within one day. MSB identified obscured windows at both BJNJH and CJH, both blurred with personal hygiene products and those that are scratched/etched. The cleaning of blurred windows is being immediately corrected. Windows with significant etching that obscures staffs’ ability to monitor youth in their rooms will be prioritized for replacement.

Title 24, Section 1230.2.6: Lighting

Staff will continue to instruct youth not to cover night lights. The Department has conducted an evaluation of technology to dim night lighting and has selected a solution. This solution will be rolled-out with homelike improvements, as a list of vendors are established. An anticipated timeline will be provided to the BSCC as the vendor procurement is completed.

Title 24, Section 1230.1.5: Living Unit

The structure of the existing juvenile halls includes offices that hinder direct access and supervision of youth when staff are positioned in the office and youth are in their rooms. An Instructional Memo will be provided to staff by March 31, 2023 directing them that there must always be one staff present in the unit whether a youth is in their room or not.

Title 24, Section 1230.1.11: Physical Activity and Recreation Areas

On March 9, 2023, MSB and an Internal Services Department (ISD) electrician supervisor/project manager met to review possible upgrades to the current field lighting at BJNJH. An engineering assessment is pending completion. If this work cannot be completed within 90 days, we will explore bringing in lights affixed to generators to remedy this finding. CJH upgraded the outdoor lighting in February 2022, however, an assessment of this lighting upgrade will be further considered to determine if the lighting is sufficient or if additional enhancements are necessary.

BSCC Corrective Action Plan

March 14, 2023

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The Department is committed to ensuring and maintaining compliance with both Title 15 and Title 24 Regulations. Should you have any questions regarding this Corrective Action Plan, please do not hesitate to contact my office at (562) 940-2501.

Sincerely,



Karen L. Fletcher
Interim Chief Probation Officer

c: Fesia Davenport, Chief Executive Officer, Los Angeles County
Honorable Eric C. Taylor, Presiding Judge Los Angeles County Superior Court
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court
Celia Zavala, Executive Officer, Board of Supervisors
Dawyn R. Harrison, County Counsel, Los Angeles County
Max Huntsman, Office of Inspector General, Los Angeles County
Wendelyn Julien, Executive Director, Probation Oversight Commission

Attachment 5



March 16, 2023

Karen Fletcher, Interim Chief Probation Officer
Los Angeles County Probation Department
9150 E. Imperial Hwy.
Downey, CA 90242

**RE: 2020-2022 BIENNIAL INSPECTION PURSUANT TO WELFARE AND INSTITUTIONS
CODE SECTION 209 AND 885**

Dear Chief Fletcher:

This letter is to advise you that the 2020-2022 biennial inspection of the Los Angeles County Probation Department's Juvenile Detention Facilities has been completed. This includes Barry J. Nidorf Juvenile Hall (BJN), Central Juvenile Hall (CJH), and all RTSB Facilities, including Campus Kilpatrick, Dorothy Kirby Center, Camp Scott, Camp Rockey, Camp Afflerbaugh, and Camp Paige.

All of your facility administrators, managers, BSCC coordinators, supervisors, line staff, and facility partners were a pleasure to work with during the inspection process. All were positive and helpful, and we appreciate all the hard work and time spent preparing for, organizing, and making themselves available during the onsite visits.

The complete Board of State and Community Corrections (BSCC) inspection report is enclosed and consists of the following: This transmittal letter; a Title 15 Procedures Checklist, outlining applicable minimum standards for juvenile detention facilities; a Physical Plant Evaluation, outlining applicable Title 24 minimum standards; and the Living Area Space Evaluation (LASE), summarizing the physical plant configuration and outlining the rated capacity for each facility.

Please refer to the Title 15 Procedures checklist for a summary of all relevant minimum standards, indicators of compliance or noncompliance, and information that was used to determine compliance.

MANDATORY LOCAL INSPECTIONS

In addition to the biennial inspection, Title 15, section 1313 and its authorizing statute also require local inspections conducted by the following local authorities:

- county building inspector or person designated by the Board of Supervisors
- fire authority having jurisdiction
- local health officer
- County Superintendent of Schools
- Juvenile Court
- Juvenile Justice Commission

Karen Fletcher
Interim Chief Probation Officer
Page 2

The results of those inspections are considered a part of this report. The dates of the local inspections may be found in the accompanying Procedures Checklist.

Scope of the Inspection

The inspection consisted of a review of the Los Angeles County Probation Department's Policy and Procedure Manual¹ and verification that the manual is compliant with Regulation 1324, Policy and Procedures Manual. After the review of the manual, we reviewed documentation to ensure that practice and policies are consistent with Title 15. Examples of documentation include incident reports, admission, classification and release documentation, room confinement, separation documents, grievances, screenings, and assessments. A site visit was conducted to review operations, view the physical plant, view video and other relevant documentation, and conduct interviews with administration, facility staff, youth, and collaborative partners. During the inspection, we evaluated consistency between policy and practices to confirm operational compliance.

BSCC INSPECTION RESULTS

Title 15, CCR Minimum Standards

Upon final review of all documentation received, the specific areas of noncompliance remain below. All areas of noncompliance corrected while onsite or since the out-brief have been reflected in this report. Please refer to each facility's Procedures Checklist for detailed information.

	1313(A)	1313(B)	1313(E)	1321(a)	1321(b)	1325(f)	1327(f)	1328	1354.5(a)
BJN		X	X	X	X	X	X	X	X
CJH			X	X	X	X		X	X
RTSB									
	1354.5(b)2	1357(a)	1357(a)6	1357(a)7	1357(b)3	1357(b)5	1357(c)	1357(c)1	1357(c)2
BJN		X	X			X	X	X	X
CJH	X	X	X	X	X	X	X	X	X
RTSB									
	1357(c)3	1357(c)4	1357(c)5	1357(c)6	1358	1358.5(c)	1360(a)	1370(b)6	1371
BJN	X	X	X	X	X		X	X	
CJH	X	X	X	X	X	X	X	X	X
RTSB									
	1371	1371(a)	1371(c)	1374	1374	1390			
BJN	X		X			X			
CJH	X	X	X	X	X	X			
RTSB									

¹ BSCC reviews only those policies and procedures required by, and applicable to, Title 15, CCR. BSCC staff do not "approve" policies and procedures or assess them for constitutional or legal issues. Agencies should seek review through their legal advisor, risk manager, and other persons deemed appropriate for such evaluation.

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Title 24, CCR Minimum Standards

The following Title 24 areas are noncompliant.

Central Juvenile Hall		Barry J. Nidorf Juvenile Hall	
1230.2.10	Security Glazing	1230.2.10	Security Glazing
1230.1.7	Single Occupancy Sleeping Rooms	1230.1.7	Single Occupancy Sleeping Rooms
1230.2.6	Lighting	1230.2.6	Lighting
1230.1.5	Living Unit	1230.1.5	Living Unit
1230.1.11	Physical Activity and Recreation Areas	1230.1.11	Physical Activity and Recreation Areas

Corrective Action Required

A Corrective Action Plan (CAP) was required by March 14, 2023, informing the Board how the agency intends to correct the areas of noncompliance. The CAP was received on March 14, 2023, and is being reviewed by BSCC Staff. Correspondence related to the CAP will be under separate cover.

Title 24, CCR Physical Plant

There were changes made to the physical plants and your rated capacity for some facilities. Your Living Area Space Evaluations have been updated and your facility-rated capacities have been adjusted, including your Secure Youth Track Facilities. Please see the attached documents for the specifics of these changes. The current rated capacity for each facility is as follows:

Living Area Space - Rated Capacity												
		BJN	CJH	CBA	CJP	CGR	DKC	CJS	CVK	SYTF @BJN	SYTF @CVK	SYTF @DKC
20/22 Cycle	Rated Capacity	337	403 523*	105	116	125	80	15	96	184	24	5

CJH *with double bunks

Please see individual Physical Plant Evaluations for more information.

Training

According to the most recent Standards and Training for Corrections audit, Los Angeles County Probation Department is in compliance with all relevant regulations and mandates with mitigating circumstances for both the 2020-2021 and the 2021-2022 training year.

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Juvenile Justice and Delinquency Prevention Act (JJDP) Compliance Monitoring

We reviewed all facilities operated by Los Angeles County Probation and found no violations of the JJDP. Please refer to the Title 15 Procedures checklist for detailed information.

This concludes the 2020-2022 biennial inspection report. I am available to assist as needed and happy to provide technical assistance when requested. I look forward to continuing to work together and am happy to make myself available to respond to any questions you may have. Please do not hesitate to email me at lisa.southwell@bscc.ca.gov or call (916) 838-9132.

Sincerely,



Lisa Southwell
Field Representative
Facilities Standards and Operations Division

Enclosures

cc: Presiding Judge, Juvenile Court, Los Angeles County*
Chair, Juvenile Justice Commission, Los Angeles County*
Chair, Board of Supervisors, Los Angeles County*
County Administrator, Los Angeles County*

**Copies of the full inspection are available online at www.bscc.ca.gov.*

JUVENILE HALLS, SPECIAL- PURPOSE JUVENILE HALLS AND CAMPS
Board of State and Community Corrections
PROCEDURES CHECKLIST¹

BSCC Code: 7198

FACILITY NAME: Central Juvenile Hall (CJH)			FACILITY TYPE: Juvenile Hall	
PERSON(S) INTERVIEWED: John Baima, Sr. Director; Edie Thompson BSCC Coordinator, Karen Streich and Juan Aguirre, DMH, David Oh, JCHS, Principal Scott Bastian, Facility Directors, and Supervisors, 4-line staff, and 4 female youth ages 13, 15, 16, and 17 and several male youth, from each unit.				
FIELD REPRESENTATIVE: Lisa Southwell			DATE: November 21-22, 2022, and December 12-16, 2022	
TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
1313 COUNTY INSPECTION AND EVALUATION OF BUILDING AND GROUNDS On an annual basis, or as otherwise required by law, each juvenile facility administrator shall obtain a documented inspection and evaluation from the following:				
(A) County building inspection by agency designated by the Board of Supervisors to approve building safety;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 203: County Inspections of Buildings and Grounds</p> <p>2021 The building inspection was completed by Tenneson D'Sena on August 11, 2021.</p> <p>Exit signs were found to be nonfunctioning in the chapel, in administration, in Unit C, and in Unit S. There were some exposed wires which needed correction and electrical cover plates were needed in the kitchen. No proof of corrections was provided.</p> <p>2022 An email was received from the inspector noting the inspection occurred on August 11, 2022, with no issues found and all areas of previous concern being remedied.</p> <p>The report was requested multiple times and was not received at the time of the initial inspection report. Since that time, we have received the report and it was noted there were no issues. This area has been corrected.</p>

¹ This document is intended for use as a tool during the inspection process; this worksheet may not contain each Title 15 regulation that is required. Additionally, many regulations on this worksheet are SUMMARIES of the regulation; the text on this worksheet may not contain the entire text of the actual regulation. Please refer to the complete California Code of Regulations, Title 15, Minimum Standards for Local Facilities, Division 1, Chapter 1, Subchapter 5 for the complete list and text of regulations.

<p>(B) Fire authority having jurisdiction, including a fire clearance as required by Health and Safety Code Section 13146.1 (a) and (b);</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>Section 203: County Inspections of Buildings and Grounds</p> <p>The facility was inspected by the Schools Churches and Institutions Unit of the Los Angeles Fire Department (LAFD) on May 19, 2020, and fire clearance was granted.</p> <p>2022: No current fire clearance provided. This section is non-compliant.</p> <p>In 2021, the facility received notification from Inspector Alejandro Medina noting “to approve the regulation 4 fire protection systems at your facilities. In response to the Corona Virus (Covid-19), you will be working to get all these fire protection systems in order. You will be the responsible party for getting these systems compliant. LAFD reserves the right to visit your facility to validate compliance and ensure a continued safe environment.”</p> <p><input type="checkbox"/> Additional documentation was provided on January 27, 2022, from Captain Samuel Galvan, Los Angeles Fire Department, which notes negligent violations for fire alarms, emergency power generators, stored electrical energy systems, elevators, and sprinkler systems.</p> <p>A follow-up phone conversation was held during the inspection with the LA County fire inspector and this inspector to inquire about any additional updates. The fire inspector noted obtaining the clearance has been problematic as the clearance is tied to the courthouse. Probation has been working to get the clearance, but it is still outstanding. He stated the facility is on fire watch and they continue to work towards obtaining their clearance.</p> <p>2022: No current fire clearance was provided at the time of inspection; however, on March 3, 2023, we were provided with fire clearance documentation from Inspector Medina. This area has been corrected.</p>
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<p>(C) Local health officer, inspection in accordance with Health and Safety Code Section 101045;</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>Section 203: County Inspections of Buildings and Grounds</p> <p>2021 Medical Mental Health: Completed March 12, 16-17, 2021 by Tia Mao, PHN. Areas of concern was reinspected in November 2021 and were noted to be corrected with the exception of one area that would be reviewed at the next inspection per the inspecting body.</p> <p>Nutrition: Completed March 16-17, 2021, by David Kornoff, EHS III. Areas of concern were reinspected in May 2021 and were noted to be corrected.</p> <p>Environmental Health: Completed March 16-17, 2021, by David Kornoff, EHS III. Areas of concern were reinspected in May 2021. There were items of noncompliance; these items were corrected in 2022 inspection.</p> <p>2022 Medical: Completed January 27, 2022, February 22, and March 8-9, 2022, by Tia Mao, PHN. No deficiencies were found.</p> <p>Nutrition: Completed June 29, 2022, by Yi-Jen Wendy Chen REHS. Areas of concern were reinspected in August 2022 and found not to be corrected. Areas were reinspected in January 2023, prior to the finalization of this report and the areas were found to be corrected.</p> <p>Environmental Health: Completed March 23, 2022, by Nicolas Martinez, Chief EHS; Antonio Valera, EHS III and Susan Xue, EHS III.</p> <p>Areas of concern were reinspected in June 2022 and were corrected.</p>
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<p>(D) County superintendent of schools on the adequacy of educational services and facilities as required in Section 1370;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 203: County Inspections of Buildings and Grounds</p> <p>Education for the facility is provided by Los Angeles County Office of Education</p> <p>2021 On December 21, 2021, the facility was inspected by Jonathan Raymond, Special Education Director and Scott Turner, SELPA Director, Charter Oak Unified School District found the school program to meet regulatory expectations.</p> <p>See Section 1370 for specific comments made.</p> <p>2022 On November 22nd, 2022, the facility was inspected by Maribel Martinez, Ed.D. Lynwood USD, Jose Jauregui, Coordinator of Student Services, Lynwood USD and Flavio Gallarzo, Coordinator of Student Services, Lynwood USD.</p>
<p>(E) Juvenile court as required by Section 209 of the Welfare and Institutions Code</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 203: County Inspections of Buildings and Grounds</p> <p>2021 Commissioner Robert Totten inspected CJH on December 9, 2021. The facility was found to be in full compliance and operated and maintained as a suitable place for the confinement of minors.</p> <p>2022 The 2022 inspection occurred on February 12, 2023, by Judge Miguel Espinosa. The report is pending.</p> <p>It is important to note the misunderstanding that occurred this year. The process for inspections was clarified with the new Judicial Officers in that the expectation is that an inspection occurs annually each calendar year. It was previously believed and communicated to them that the inspection should occur at the beginning of the new year for the past year. This was clarified and will be corrected moving forward.</p>

<p>(F) Juvenile Justice Commission as required by Section 229 of the Welfare and Institutions Code or Probation Commission as required by Section 240 of the Welfare and Institutions Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 203: County Inspections of Buildings and Grounds</p> <p>The Probation Oversight Commission conducts annual inspections of the facility.</p> <p>2021 The facility was inspected in October 2021.</p> <p>2022 The facility was inspected on October 14, 2022. Reports can be found at http://file.lacounty.gov/SDSInter/bos/supdocs/POC21-0136.pdf</p>
<p>1320 APPOINTMENT AND QUALIFICATIONS <i>BSCC Note: Compliance with this section is determined by receipt of the Chief Probation Officer's certification letter confirming that all elements of regulation are met.</i></p> <p>(a) Appointment In each juvenile facility there shall be a superintendent, director or facility manager in charge of its program and employees. Such superintendent, director, facility manager and other employees of the facility shall be appointed by the facility administrator pursuant to applicable provisions of law.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Appointment and qualification certification letters, dated December 20, 2021, and January 26, 2022, were received from Chief Probation Officer Adolfo Gonzales, certifying all staff appointments are pursuant to the applicable laws and that all staff present at the facility meet all required qualifications. All non-employees also receive appropriate clearances prior to entering.</p>
<p>(b) Employee Qualifications Each facility shall:</p>				
<p>(1) recruit and hire employees who possess knowledge, skills and abilities appropriate to their job classification and duties in accordance with applicable civil service or merit system rules;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(2) require a medical evaluation and physical examination including tuberculosis screening test and evaluation for immunity to contagious illnesses of childhood (i.e., diphtheria, rubeola, rubella, and mumps);</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(3) adhere to the minimum standards for the selection and training requirements adopted by the Board pursuant to Section 6035 of the Penal Code; and</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(4) conduct a criminal records review, on each new employee, and psychological examination in accordance with Section 1031 et seq. of the Government Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(c) Contract personnel, volunteers, and other non-employees of the facility, who may be present at the facility, shall have such clearance and qualifications as may be required by law, and their presence at the facility shall be subject to the approval and control of the facility manager.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

1321 STAFFING Each juvenile facility shall:			Staffing documents were requested and received for the weeks of September 22-30, 2023, and October 10-17, 2023. Detention Services Bureau Daily Information Sheet (AM, PM, LN shift breakdowns), Shift Staffing Schedules and Constant Supervision of Minors (One of One Levels). These documents provide a plethora of information. Comments are based on documentation reviewed and conversations held with staff and youth.
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<p>a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations;</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p>Section 206: Staffing Requirement and Ratios</p> <p>We noted there is an excessive number of staff callouts, staff no-shows, and staff otherwise not reporting for work per shift.</p> <p>We noted an excessive number of staff who have resigned or left their positions with difficulty backfilling either due to the County hiring freeze or the inability to recruit and retain an adequate candidate sampling to meet the demand.</p> <p>Staff who come to work, report they are held over regularly and forced to work back-to-back shifts, sometimes up to or beyond 24 hours.</p> <p>Central Juvenile Hall (CJH) routinely has several units open, generally 15 or 16. CJH is also the hub for services such as all major medical procedures for all Camp youth or youth from Barry J. Nidorf Juvenile Hall. Youth are transported daily for services. This impacts staffing at admission, holding, and medical.</p> <p>There are several units that house youth in a small group model due to their mental health needs. Certain units also require more staff due to the physical plant needs or the unit tone. We noted some unit functions require more staffing than others, and extra staff were not assigned or were not available to safely operate the units and the facility, to ensure that full operations can be accomplished and to ensure both the officer's and youth's safety.</p> <p>On paper, it appears there is enough staff, but when these staff are not counted in the overall calculation as they are assigned to a non-unit child supervision assignment, these numbers are not true reflections of child supervision. Those staff left in the unit may or may not be meeting the agency's self-imposed ratio or operating in a safe manner for the physical plant or for the safe operation of the facility.</p> <p>Interviews with both youth and staff noted that both are concerned for their ongoing safety. There have been multiple incidents where both youth and staff have been assaulted. Required functions of the facility are routinely canceled due to staffing such as outdoor exercise or activity, programming, and visitation to name a few. Schooling has also been impacted. Back-up staff are assigned to units for proper supervision but are often pulled. Regular staff who were interviewed</p>
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			<p>noted they are tired but don't want to leave their peers or the kids alone, so they continue to report. The toll is obvious.</p> <p>Deployed field staff have been utilized in both an ordered and voluntary status to fill staffing vacancies in the facility. We noted there to be so many deployed, that consistency is an issue. Technical assistance was provided to both facilities to potentially identify or assign deployed staff to regular units so a relationship could be formed with the youth or that the unit program could be learned for repetition purposes. Overall, we found that all functions of the facility have been impacted by the lack of staffing.</p> <p>We have offered technical assistance in this area however, without adequate resources, the facility continues to staff the units and the facility in the same manner, continuing to operate in the same manner which creates an unsafe environment for both the staff and the youth.</p> <p>This section is non-compliant.</p>
<p>b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances;</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p>Section 206: Staffing Requirement and Ratios</p> <p>Staffing has been a consistent concern over the course of the cycle despite the agency's efforts to utilize deployed field staff, mandatory holdovers, and overtime including overtime with additional stipend pay to fill the gaps in the staffing profiles for all shifts.</p> <p>Youth are noted to be in their rooms later and later than when the day should be starting as extra staff is being called in to report. Additionally, shift change times should be clarified as to when it is required that staff be at their post ready to start work and to get the youth started for the shift. As staff is not at their post at their start time, this impacts other regulatory noncompliance.</p> <p>There have been instances noted due to exigent circumstances and an unsafe staffing level where youth have been held in their rooms for long periods of time or were unable to be brought out due to an unsafe number of staff reporting for work.</p> <p>The agency administration is working on hiring additional staff. Technical assistance has been provided; however, without proper staffing, it will be very difficult for the facility to address all regulatory requirements.</p>

c) have a sufficient number of supervisory level staff to ensure adequate supervision of all staff members;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>206: Staffing Requirement and Ratios</p> <p>Central Juvenile Hall has a full complement of supervisory staff. Technical assistance has been provided and it is noted that supervisors should be in their units as much as possible to supervise and monitor staff and their unit and to provide an extra hand. We have also suggested that when staffing is short, appropriate supervisory staff should be considered to be pulled and placed on the line with the exception of the duty supervisor and duty director.</p>
d) have a clearly identified person on duty at all times who is responsible for operations and activities and has completed the Juvenile Corrections Officer Core Course and PC 832 training;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 206: Staffing Requirement and Ratios</p> <p>The Officer of the Day (OD) is responsible for the operations of the facility. Facility staff is responsible for the unit activities of the youth.</p>
e) have at least one staff member present on each living unit whenever there are youth in the living unit;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 206: Staffing Requirement and Ratios</p> <p>There is always a staff present where youth are present. TA provided that we did note that sometimes staff goes to the office and there is no staff in the dayroom or in the hallway when youth are present or in their rooms.</p>
f) have sufficient food service personnel relative to the number and security of living units, including staff qualified and available to: plan menus meeting nutritional requirements of youth; provide kitchen supervision; direct food preparation and servings; conduct related training programs for culinary staff; and maintain necessary records; or, a facility may serve food that meets nutritional standards prepared by an outside source;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 206: Staffing Requirement and Ratios</p> <p>Youth eat all meals in the living units. Meals are prepared by a third-party contractor and delivered to and heated in the facility kitchen. The food is then delivered to the units on meal carts that are temperature-controlled. All meals are served to the youth in the unit. Cooks do not supervise youth for any reason. There is no culinary program or work program that occurs in the kitchen.</p>
g) have sufficient administrative, clerical, recreational, medical, dental, mental health, building maintenance, transportation, control room, facility security and other support for the efficient management of the facility, and to ensure that youth supervision staff shall not be diverted from supervising youth; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 206: Staffing Requirement and Ratios</p> <p>The facility has staff identified for the individual areas as outlined in the regulation. The intent and purpose is for other facility staff who are tasked with youth supervision to not be diverted from their task.</p> <p>Juvenile Court Health Services provides medical services to the youth in Central Juvenile Hall. There is 1 Nurse Manager, 1 Supervising Clinical Nurse, 12 RN's, 3 LVN's 2 ITC's, 2 Dentists, 4 Physicians, and 1 Optometrist. The medical clinic operates 24 hours a day, 7 days a week. Medical staff are responsible for all youth health issues.</p>

h) assign sufficient youth supervision staff to provide continuous wide-awake supervision of youth, subject to temporary variations in staff assignments to meet special program needs. Staffing shall be in compliance with a minimum youth-staff ratio for the following facility types:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 206: Staffing Requirement and Ratios Staff are assigned 24 hours a day through 3 shifts: AM Shift: 6:00AM- 2:00 PM, PM Shift: 2:00 PM -10:00PM and 10:00 PM to 6:00 AM. Staff are required to always remain awake.
(1) Juvenile Halls (minimum youth-staff ratio)				
(A) during the hours that youth are awake, one wide-awake youth supervision staff member on duty for each 10 youth in detention:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 206: Staffing Requirement and Ratios Ratio met
(B) during the hours that youth are confined to their room for the purpose of sleeping, one wide-awake youth supervision staff member on duty for each 30 youth in detention;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 206: Staffing Requirement and Ratios Ratio met
(C) at least two wide-awake youth supervision staff members on duty at all times, regardless of the number of youth in detention, unless an arrangement has been made for backup support services which allow for immediate response to emergencies; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 206: Staffing Requirement and Ratios Staff are always wide awake; they are not to be asleep.
(D) at least one youth supervision staff member on duty who is the same gender as youth housed in the facility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 206: Staffing Requirement and Ratios There are always male and female staff on duty.
(E) personnel with primary responsibility for other duties such as administration, supervision of personnel, academic or trade instruction, clerical, kitchen or maintenance shall not be classified as youth supervision staff positions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 206: Staffing Requirement and Ratios Only youth supervision staff provide supervision of the youth.
(F) personnel with primary responsibility for other duties such as administration, supervision of personnel, academic or trade instruction, clerical, farm, forestry, kitchen or maintenance shall not be classified as youth supervision staff positions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1322 YOUTH SUPERVISION STAFF ORIENTATION AND TRAINING				
(a) Prior to assuming any responsibilities each youth supervision staff member shall be properly oriented to their duties, including:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training Each new staff is assigned to a facility-specific, 40-hour training module that includes sections 1-6. The last 5 officers' training documents were provided for review. All were signed off. See note below.
(1) youth supervision duties;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(2) scope of decisions they shall make;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(3) the identity of their supervisor;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(4) the identity of persons who are responsible to them;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(5) persons to contact for decisions that are beyond their responsibility; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(6) ethical responsibilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training

(b) Prior to assuming any responsibility for the supervision of youth, each youth supervision staff member shall receive a minimum of 40 hours of facility-specific orientation, including:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(1) individual and group supervision techniques;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(2) regulations and policies relating to discipline and rights of youth pursuant to law and the provisions of this chapter;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(3) basic health, sanitation and safety measures;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(4) suicide prevention and response to suicide attempts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training Suicide prevention was not initially found to be signed off and was noted as non-compliant. After further review, it was noted the trainers did not feel qualified to sign off on this section. Additional documentation was provided of a suicide training roster; it was found that staff were in fact trained in suicide prevention.
(5) policies regarding use of force, de-escalation techniques, chemical agents, mechanical and physical restraints;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(6) review of policies and procedures referencing trauma and trauma-informed approaches;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(7) procedures to follow in the event of emergencies;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training As part of the training program, the Juvenile Hall Building Emergency Plan is provided for officer review and signed off; however, the current Emergency Plan had not been signed off by the Fire Department. Attempts were made prior to the inspection period but the plan was still pending approval. As of the date of this report, we were able to contact the fire inspector and found the document has been signed and all officers completed their sign-offs as part of this section. This issue has been corrected and is no longer noted as non-compliant.
(8) routine security measures, including facility perimeter and grounds;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(9) crisis intervention and mental health referrals to mental health services;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(10) documentation; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training

(11) fire/life safety training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 205: Youth Supervision Staff Orientation and Training</p> <p>As part of the training program, the Juvenile Hall Building Emergency Plan is provided for officer review and sign-off; however, the current Emergency Plan had not been signed off by the Fire Department and therefore, has not been approved for review. Attempts had been made, but the plan approval was still pending approval.</p> <p>This section is now compliant as it was corrected prior to the completion of this report. Contact was made with the fire inspector who confirmed the document is completed.</p>
(c) Prior to assuming sole supervision of youth, each youth supervision staff member shall successfully complete the requirements of the Juvenile Corrections Officer Core Course pursuant to Penal Code Section 6035.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 205: Youth Supervision Staff Orientation and Training</p> <p>All LA County Institutional Staff complete CORE before reporting to an institution.</p>
(d) Prior to exercising the powers of a peace officer youth supervision staff shall successfully complete training pursuant to Section 830 et seq. of the Penal Code.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 205: Youth Supervision Staff Orientation and Training</p> <p>All LA County Institutional Staff complete 832 before reporting to an institution.</p>
<p>1323 FIRE AND LIFE SAFETY</p> <p>Whenever there is a youth in a juvenile facility, there shall be at least one wide awake person on duty at all times who meets the training standards established by the Board for general fire and life safety which relate specifically to the facility.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 206: Staffing Requirement and Ratios</p> <p>All staff always remain awake. All staff were again trained in Fire and Life Safety in August, September, October, and November 2020.</p>
<p>1324 POLICY AND PROCEDURES MANUAL</p> <p>All facility administrators shall develop, publish, and implement a manual of written policies and procedures that address, at a minimum, all regulations that are applicable to the facility. Such a manual shall be made available to all employees, reviewed by all employees, and shall be administratively reviewed at a minimum every two years, and updated, as necessary. Those records relating to the standards and requirements set forth in these regulations shall be accessible to the Board on request.</p> <p>The manual shall include:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Last reviewed: March 2022 Policy Last Updated: March 2022</p> <p>The policy manual is provided to all staff on PROBNET for review. Staff are notified of the new policy sections to review by email.</p> <p>Room Confinement Memo: April 15, 2022</p> <p>Directive 1477: Detention and Residential Treatment Services Bureaus Manual-Physical Intervention Policy (Section DSB-1000/RTSB-1700) Issued 06/22/2022. This policy was implemented but not trained. This is addressed under Section 1357.</p>

(a) table of organization, including channels of communications and a description of job classifications;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 201: Administrative Structure and Chain of Command Section 202: Administrative Structure and Responsibilities Section 208: Duty Statement – Supervising Detention Services Officer Section 209: Duty Statement – Senior Detention Services Officer Section 210: Duty Statement: Detention Services Officer Section 211: Group Supervisor Nights Section 212: Organizational Chart
(b) responsibility of the probation department, purpose of programs, relationship to the juvenile court, the Juvenile Justice/Delinquency Prevention Commission or Probation Committee, probation staff, school personnel and other agencies that are involved in juvenile facility programs;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 103: Role of the Juvenile Halls Section 1801: Ancillary Programs
(c) responsibilities of all employees;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 202: Administrative Structure and Responsibilities Section 208: Duty Statement – Supervising Detention Services Officer Section 209: Duty Statement – Senior Detention Services Officer Section 210: Duty Statement: Detention Services Officer Section 211: Group Supervisor Nights Section 212: Organizational Chart
(d) initial orientation and training program for employees;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training See Section 1322 for Sworn Staff

(e) initial orientation, including safety and security issues and anti-discrimination policies, for support staff, contract employees, school, mental/behavioral health and medical staff, program providers and volunteers;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 2400: Non-Sworn Personnel and Partner Agencies Handbook</p> <p>Non-sworn partner staff are required to complete an initial orientation and to complete a review of the Building Emergency Plan prior to entry into the facility.</p> <p>The documentation provided and reviewed included proof of signoffs from various partner agencies but did not include the Building Emergency Plan as it had not yet been signed.</p> <p>Technical assistance was provided to ensure all appropriate sign off documents from all agencies. Los Angeles County Office of Education, Juvenile Court Health Services, Los Angeles County Department of Mental Health, Management Services Bureau and Community Based Organizations and Religious Providers. We also suggested that both Juvenile Halls, Central and Barry J. Nidorf, develop and implement a consistent process and practice for collection for clarity.</p> <p>Prior to the finalization of the report, the Building Emergency Plan and all outstanding signoffs were completed and submitted. This section was corrected.</p>
(f) maintenance of record-keeping, statistics and communication system to ensure:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1900: Reports and Records (Group to include):</p> <p>Section 1902: Probation Case Management System (PCMS)</p> <p>Section 1903: Daily Reports</p> <p>Section 1904: Behavior Record</p> <p>Section 1905: Charting</p> <p>Section 1909: Detention Observation Report Form</p>
(1) efficient operation of the juvenile facility;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1900: Reports and Records (Group to include all the above)
(2) legal and proper care of youth;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1900: Reports and Records (Group to include all the above)
(3) maintenance of individual youth's records;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1900: Reports and Records (Group to include all the above)
(4) supply of information to the juvenile court and those authorized by the court or by the law; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1900: Reports and Records (Group to include all the above)
(5) release of information regarding youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1900: Reports and Records (Group to include all the above)
(g) ethical responsibilities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 2349: Employee Honesty
(h) trauma-informed approaches;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 207: General Staff Responsibilities
(i) culturally responsive approaches;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 207: General Staff Responsibilities
(j) gender responsive approaches;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 632: Promoting Dignity for Female Youth

(k) a non-discrimination provision that provides that all youth within the facility shall have fair and equal access to all available services, placement, care, treatment, and benefits, and provides that no person shall be subject to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, immigration status, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status, including restrictive housing or classification decisions based solely on any of the above mentioned categories;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 402: Non-Discrimination
(l) storage and maintenance requirements for any chemical agents related security devices, and weapons and ammunition, where applicable;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Directive 1477 Section 1006: OC Spray Section D. OC Spray Issuance and Accountability Security of OC Spray Canisters: Maintenance of Canisters:
(m) establishment of procedures for collection of Medi-Cal eligibility information and enrollment of eligible youth; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1716: Medi-Cal Administrative Activities
(n) establishment of a policy that prohibits all forms of sexual abuse, sexual assault and sexual harassment. The policy shall include an approach to preventing, detecting and responding to such conduct and any retaliation for reporting such conduct, as well as a provision for reporting such conduct by youth, staff or a third party.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1500: Prison Rape Elimination Act (PREA)
1325 FIRE SAFETY PLAN The facility administrator shall consult with the local fire department having jurisdiction over the facility, or with the State Fire Marshal, in developing a plan for fire safety which shall include, but not be limited to:				
a) a fire prevention plan to be included as part of the manual of policy and procedures;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 911: Fire Prevention and Suppression
b) monthly fire and life safety inspections by facility staff with two- year retention of the inspection record;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 911: Fire Prevention and Suppression Provided proof of inspections required for July 1-December 31, 2020, 2021, and 2022. Noted that in most cases, it appears that the inspections are not completed until the following month for the month prior. Technical assistance provided for review of this practice. It is understood that due to the size of the report that it may take a little extra time for the report to be completed; however, the report should be completed in the current month in which it is due.
c) fire prevention inspections as required by Health and Safety Code Section 13146.1(a) and (b);	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Section 912: Fire Safety Agency does not have a current fire clearance and will remain noncompliant until a clearance is obtained. Noncompliance captured in Section 1313.

d) an evacuation plan;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 920: Emergency Evacuation and County of Los Angeles Building Emergency Plan of County Buildings</p> <p>Each unit has an assigned evacuation location on the facility grounds. Evacuation maps were noted to be posted in the units.</p>
e) documented fire drills not less than quarterly;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 911: Fire Prevention and Suppression</p> <p>Fire Drills for 2021 and 2022 have been completed as required by regulation. The facility building emergency plan requires drills to be completed on each shift and with partner agencies. Facility managers were reminded regarding completing drills at various times on different shifts to ensure all staff are trained accordingly how to handle an emergency. This will be re-reviewed in the new year to confirm compliance.</p>
f) a written plan for the emergency housing of youth in the case of fire; and,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 921: Operation FLEE and County of Los Angeles Building Emergency Plan of County Buildings</p> <p>If the facility were to evacuate, they would normally evacuate to Barry J. Nidorf Juvenile Hall. The facility has the rated capacity available to hold the youth but, due to the myriad of construction projects, may not have available space necessary. Technical assistance provided to develop a plan as soon as possible for emergency planning for a full evacuation. At this time, until a plan is fully developed, the facility is noncompliant in this area.</p>
g) development of a fire suppression pre-plan In cooperation with the local fire department.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 911: Fire Prevention and Suppression</p> <p>At inspection, the fire suppression pre-plan was not complete. After inspection but before finalizing the report, the pre-plan was signed off by the fire department in January 2023 and the issue corrected.</p>

<p>1326 SECURITY REVIEW</p> <p>Each facility administrator shall develop policies and procedures to annually review, evaluate, and document security of the facility. The review and evaluation shall include internal and external security, including, but not limited to, key control, equipment, and staff training.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 516: Security Procedures</p> <p>A Security Review was completed for 2021 on May 13, 2021. The review was completed but did not have all the required elements. All management and responsible people are no longer present or responsible for the facility operations.</p> <p>The security review was completed for 2022 in February and again in May 2022.</p> <p>Technical assistance was provided and discussed that these reviews should be thorough and technical and include full reviews to look for security breaches and concerns and must include all areas of the regulation requirements. We will be following up with the facility in the next few months to provide onsite TA for their security review.</p>
<p>1327 EMERGENCY PROCEDURES</p> <p>The facility administrator shall develop facility-specific policies and procedures for emergencies that shall include, but not be limited to:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 900: Emergency Procedures</p>
<p>(a) escape, disturbances, and the taking of hostages;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 906: Escapes (Code Green) Section 908: Major Disturbances (Code Red) Section 916: Hostages</p>
<p>(b) civil disturbance, active shooter and terrorist attack;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 907: Outside Intruder (Code Yellow) Section 917: Active Shooter Section 918: Terrorist Attack Section 919: Civil Disturbance</p>
<p>(c) fire and natural disasters;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 911: Fire Prevention and Suppression Section 913: Power Failure Section 915: Earthquakes</p>
<p>(d) periodic testing of emergency equipment;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 910: Testing of Emergency Equipment</p>
<p>(e) emergency evacuation of the facility; and</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 920: Emergency Evacuation</p>
<p>(f) a program to provide all youth supervision staff with an annual review of emergency procedures.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 920: Emergency Evacuation</p> <p>At inspection, the annual review was not completed due to the Building Emergency Plan not being completed. The plan has now been signed off and all staff have completed their review and sign offs throughout the month of January 2023. This section has been corrected.</p>

<p>1328 SAFETY CHECKS</p> <p>The facility administrator shall develop and implement policy and procedures that provide for direct visual observation of youth at a minimum of every 15 minutes, at random or varied intervals during hours when youth are asleep or when youth are in their rooms, confined in holding cells or confined to their bed in a dormitory. Supervision is not replaced, but may be supplemented by, an audio/visual electronic surveillance system designed to detect overt, aggressive or assaultive behavior and to summon aid in emergencies. All safety checks shall be documented with the actual time the check is completed.</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p>Section 209: Duty Statement-Senior Detention Services Officer Section 210: Duty Statement-Detention Services Officer Section 211: Group Supervisor Nights Section 630: Safety Checks</p> <p>We requested and reviewed random blocks of dates and times of documented safety checks for Central Juvenile Hall. We selected 1 random day, all shifts, for a camera review.</p> <p>We found safety checks are not being documented according to regulations and policy. Checks are not random and varied. The video review did not corroborate the written documentation. We noted that staff is not consistently documenting late checks as discrepancies for supervisor review and, when they do, they are not consistently being reviewed or followed up on by the supervisors. While there is an expectation to conduct quality assurance (QA), it is unknown what that is and directors and supervisors have not been trained to do so.</p> <p>We found a wide variety of safety check outcomes, from staff conducting perfect safety checks being completed as we viewed video with staff stopping to look in each window to ensure the safety of the youth, completed at random and varied times and documented correctly, to checks that were documented despite a check not even being completed, documented in advance or the youth potentially not being viewed in the room due to the inability to adequately see him. Most of these discrepancies were on the late-night shifts although there were some instances during awake hours as well. We noted in some cases large blocks of time missing. It is believed that this is a documentation issue but without reviewing every single check facility-wide, we are unable to determine if checks were actually made.</p> <p>It was also difficult to determine for the purposes of QA when youth were in their rooms for Self-Separation to ensure room checks were being conducted on these youth as required. Technical assistance is suggested for this area as well as the utilization of a randomization timer to assist staff in the provision of random and varied safety checks. Safety checks are the basic function and role in supervision and safety. This section is non-compliant.</p> <p>In December 2022, the facility began to prepare for the implementation of an</p>
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			<p>electronic safety check tracking tool. The tool tracks each check electronically and reports this information in real-time to supervisory staff. The Pilot and training began with full implementation planned for the coming weeks. The goal is that this system will solve the problem of safety checks in the facility. TA has been provided to ensure a strong process of QA and review of downloads.</p>
<p>1329 SUICIDE PREVENTION PLAN The facility administrator, in collaboration with the healthcare and behavioral/mental health administrators, shall plan and implement written policies and procedures which delineate a Suicide Prevention Plan.</p> <p>The plan shall consider the needs of youth experiencing past or current trauma.</p> <p>Suicide prevention responses shall be respectful and in the least invasive manner consistent with the level of suicide risk.</p> <p>The plan shall include the following elements:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1601: Suicide Prevention-Introduction</p> <p>We spoke to Juan Aguirre, Manager, LMFT with the Department of Mental Health (DMH). Mr. Aguirre stated there is a good, collaborative relationship between DMH and Probation. We discussed the current status and operation of the mental health program as well as future plans and the vision Mr. Aguirre has for the facility in the future.</p> <p>There are approximately 60-plus mental health staff. 35 clinical staff, 6 supervisors, 4 clericals, 4 clinical psychologists, and various other supporting staff. Staff provides services between 7:30 AM- 10:00 PM, 7 days a week. After hours, there are always doctors on call to address any issue or problem that may arise.</p> <p>On any given weekday, AM shift, there are generally about 10 clinicians available in the facility. Evenings, there are 6-7 in the facility. On weekends, there are generally at least 4 mental health staff on duty.</p> <p>Most youth are assigned to a clinician by unit. There is an on-duty clinician assigned 7 days a week to respond. Each youth is assigned a clinician unless they decline. The youth is offered therapy based on their individual case plans. They may have group therapy, family phone therapy and/or psychiatric services, and medication management.</p> <p>Probation, mental health, and medical work together in MDT's and case conferences and collateral work to meet the needs of the youth to ensure the youth's safety. If a youth is placed on a level by a DMH staff, the youth must be cleared by a DMH staff.</p> <p>Youth we spoke to spoke highly of their therapists and noted that it was relatively easy to reach them or to be seen.</p> <p>All individual regulatory requirements have been met.</p>

<p>(a) Suicide prevention training as required in Section 1322, Youth Supervision Staff Orientation, and Training and the Juvenile Corrections Officer Core Course.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1604: Training</p> <p>All staff are trained in suicide prevention training at CORE and upon arrival to their facility for facility specific training. Additionally, staff receive a 4-hour refresher training during block week.</p>
<p>(b) Screening, Identification Assessment and Precautionary Protocols</p> <p>(1) All youth shall be screened for risk of suicide at intake and as needed during detention.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1606: Identification and Referral of At-Risk Youth</p> <p>1608: Intervention to Prevent Self-Harming or Suicidal Behavior</p> <p>Intake admission documents were provided and reviewed. All included a mental health screening at intake by probation. Every youth is screened at intake for risk of suicide. Youth are asked about the history of hospitalization, mental health treatment, medication, if suicide has been considered, and current emotional status.</p>
<p>(2) All youth supervision staff who perform intake processes shall be trained in screening youth for risk of suicide.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1604: Training</p> <p>All youth supervision staff are trained in screening processes for the risk of suicide. This is a part of the initial and ongoing training that staff receive at CORE, upon arrival at the facility, and during refresher training at block week.</p>
<p>(3) All youth who have been identified during the intake screening process to be at risk of suicide shall be referred to behavioral/mental health staff for a suicide risk assessment.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1606: Identification and Referral of At-Risk Youth</p> <p>17 youth Special Incident Reports (SIR's) were initiated for intake processes and appropriate referrals. All youth reviewed were identified as being at-risk for suicide either through previous behaviors or current ideation. All were referred to mental health, placed on a level 3, and on either a small group or a one-on-one direct supervision until seen by behavioral health staff.</p> <p>Youth are also screened by medical during their admission process and again no later than 72 hours by mental health who conduct the full MAYSI on each youth. Youth are triaged based on risk level.</p>

<p>(4) Precautionary protocols shall be developed to ensure the youth's safety pending the behavioral/mental health assessment.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1606: Identification and Referral of At-Risk Youth</p> <p>Any youth who is found to be at-risk is placed on a Level II or a Level III and supervised accordingly. These levels can be either a probation level or a mental health-initiated level. If a youth is placed on a mental health level, he or she must be removed by mental health staff.</p> <p>We noted while reviewing documentation that in some circumstances, youth were placed on a lower-level watch based on the lack of staff or a "critical staffing level". While this was not an ongoing, consistent issue, this did occur. When this occurs, this is noncompliant. This noncompliance is captured under staffing noncompliance.</p>
<p>(c) Referral process to behavioral/mental health staff for assessment and/or services.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1607: Interagency Communication Regarding Self-Harming Youth</p> <p>Officers submit mental health referrals to DMH for services. Referrals are submitted for all major actions. Issues are triaged for care by action and if the youth is assigned to a clinician.</p>
<p>(d) Procedures for monitoring of youth identified at risk for suicide.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1405: Level 2 Enhanced Supervision Requirements Section 1406: Level 3 Enhanced Supervision Requirements</p> <p>Youth are placed on levels dependent on their level of risk. Procedures are specific to the level.</p>
<p>(e) Safety Interventions</p> <p>(1) Procedures to address intervention protocols for youth identified at risk for suicide which may include, but are not limited to:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1601: Suicide Prevention-Introduction Section 1608: Intervention to Prevent Self-Harming or Suicidal Behavior</p>
<p>A. Housing consideration</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1403: Procedure Section 1601: Suicide Prevention-Introduction</p> <p>Youth are generally housed in their regular housing unit if placed on any level or could be housed in the HOPE Center, if necessary, on a SSP. (currently, CJH does not have a HOPE Center)</p>
<p>B. Treatment strategies including trauma-informed approaches</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1600: Suicide Prevention Section 1608: Intervention to Prevent Self-Harming or Suicidal Behavior</p> <p>Youth are seen based on mental health's treatment guidelines.</p>

(2) Procedures to instruct youth supervision staff how to respond to youth who exhibit suicidal behaviors.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1601: Introduction Section 1608: Intervention to Prevent Self-Harming or Suicidal Behavior Section 1403: Procedure Mental Health staff provides unit staff with instruction through verbal and also with written communication in the form of the Mental Health Recording Form. This form provides all information for staff, including the recommendations to keep youth safe.
(f) Communication (1) The intake process shall include communication with the arresting officer and family guardians regarding the youth's past or present suicidal ideations, behaviors or attempts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1607: Interagency Communication Regarding Self-Harming Youth The documentation reviewed was compliant.
(2) Procedures for clear and current information sharing about youth at risk for suicide with youth supervision, healthcare, and behavioral/mental health staff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1607: Interagency Communication Regarding Self-Harming Youth Any issues that arise as a result of communication with arresting officers or staff are shared with mental health staff.
(g) Debriefing of Critical Incidents Related to Suicides or Attempts (1) Process for administrative review of the circumstances and responses proceeding, during and after the critical incident.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1913: Critical Incident Review Process No documentation was provided. No incidents to report per facility staff.
(2) Process for a debriefing event with affected staff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1913: Critical Incident Review Process
(3) Process for a debriefing event with affected youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1913: Critical Incident Review Process
(h) Documentation (1) Documentation processes shall be developed to ensure compliance with this regulation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1912: Preliminary and Follow Up Incident Notification Procedures Section 1913: Critical Incident Review (CIR) Process
Youth identified at risk for suicide shall not be denied the opportunity to participate in facility programs, services and activities which are available to other non-suicidal youth, unless deemed necessary for the safety of the youth or security of the facility. Any deprivation of programs, services or activities for youth at risk of suicide shall be documented and approved by the facility manager.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1606: Identification and Referral of At-Risk Youth We did not note any situations where youth on Level 3 were denied programming other youth were taking part in. Youth choose what they participate in.
1340 REPORTING OF LEGAL ACTIONS Each facility shall submit to the Board a letter of notification on each legal action, pertaining to conditions of confinement, filed against persons or legal entities responsible for juvenile facility operation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 202: Administrative Structure and Responsibilities Request made to Executive Management.

<p>1341 DEATH AND SERIOUS ILLNESS OR INJURY OF A YOUTH WHILE DETAINED</p> <p>(1) Death of a Youth.</p> <p>(a) The facility administrator, in cooperation with the health administrator and the behavioral/mental health director, shall develop written policies and procedures in the event of the death of a youth while detained, which include notifications to necessary parties, which may include the Juvenile Court, the parent, guardian or person standing in loco parentis and the youth's attorney of record.</p>	☒	☐	☐	<p>There have been no deaths in the facility. Sections b, c and d are marked as yes, for compliance with policy.</p>
<p>(b) The health administrator, In cooperation with the facility administrator, shall develop written policies and procedures to assure there is a medical and operational review of every in-custody death of a youth.</p> <p>The review team shall include the facility administrator and/or facility manager, the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.</p>	☒	☐	☐	<p>Section 2002: Deaths</p>
<p>(c) The administrator of the facility shall provide to the Board a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted to the Board within 10 calendar days after the death.</p>	☒	☐	☐	<p>Section 2002: Deaths</p>
<p>(d) Upon receipt of a report of the death of a youth from the administrator, the Board may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of this subchapter. Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations.</p>	☒	☐	☐	<p>Section 2002: Deaths</p>
<p>(2) <u>Serious Illness or Injury of Youth</u></p> <p>(a) The facility administrator, In cooperation with the health administrator, shall develop written policies and procedures for the notification to necessary parties, which may include the Juvenile Court, the parent, guardian or person standing in loco parentis and the youth's attorney of record in the case of a serious illness or injury of a youth.</p>	☒	☐	☐	<p>Section 922: Serious Illness or Injury of a Youth While Detained</p> <p>Section 1912: Preliminary and Follow Incident Notification Procedures</p> <p>Section 1900: Parent/Guardian/Caregiver Notification and Court/Attorney Notification</p> <p>Section 1909: Detention Observation Report Form</p> <p>Serious incidents are defined in policy but are in no means an exhaustive list. Facility PINS provided for review. Notifications completed as required.</p>
<p>1342 POPULATION ACCOUNTING</p> <p>Each juvenile facility shall submit required population and profile survey reports to the Board within 10 working days after the end of each reporting period, in a format to be provided by the Board.</p>	☒	☐	☐	<p>Section 202: Administrative Structure and Responsibilities.</p> <p>All population reports have been provided as required.</p>

<p>1343 JUVENILE FACILITY CAPACITY</p> <p>When the number of youth detained in a living unit of a juvenile facility exceeds its rated capacity for more than fifteen (15) calendar days in a month, the facility administrator shall provide a crowding report to the Board in a format provided by the Board.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 202: Administrative Structure and Responsibilities.</p> <p>The facility has not exceeded its rated capacity this cycle.</p>
<p>1350 ADMITTANCE PROCEDURES</p> <p>The facility administrator shall develop and implement written policies and procedures for admittance of youth that emphasize respectful and humane engagement with youth, and reflect that the admission process may be traumatic to youth who may have already experienced trauma. Policies shall be trauma-informed, culturally relevant, and responsive to the language and literacy needs of youth. In addition to the requirements of Sections 1324 and 1430 of these regulations:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>40 individual admission CJH packets were randomly selected and reviewed for the timeline provided. All individual regulatory requirements have been met.</p>
<p>(a) the admittance process shall include:</p> <p>(1) Access to two free phone calls within one hour of admittance in accordance with the provisions of Welfare and Institution Code Section 627;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>Samples of case notes were provided documenting phone calls made to the youth's parents upon entry into the facility.</p>
<p>(2) Offer of a shower;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>All youth interviewed confirmed being offered a shower upon entry.</p>
<p>(3) Documented secure storage of personal belongings;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>Property is inventoried and stored securely. Random property receipts were viewed. Some are documented more thoroughly than others. TA provided to ensure that all items are documented, specifically valuable items.</p>
<p>(4) Offer of food upon arrival;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>All youth interviewed confirmed being offered something to eat upon arrival.</p>
<p>(5) Screening for physical and behavioral health and safety issues, intellectual or developmental disabilities;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>Section 404: Special Needs screening Procedures</p> <p>Section 405: Accommodation Procedures for Hearing Impaired Youth</p> <p>Section 414: Identification, referral, collaborative Care, Habilitative Treatment, Management, and discharge of Youth's with or suspected of Having a Developmental Disability Admitted to Juvenile Hall</p> <p>Screenings for medical and mental health are completed by Probation staff, by medical staff, and by mental health staff.</p>

<p>(6) Screening for physical and developmental disabilities in accordance with Sections 1329, 1418, and 1430 of these regulations;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth Section 404: Special Needs screening Procedures Section 405: Accommodation Procedures for Hearing Impaired Youth Section 414: Identification, referral, collaborative Care, Habilitative Treatment, Management and discharge of Youth's with or suspected of Having a Developmental Disability Admitted to Juvenile Hall</p> <p>Screenings are completed by Probation staff, by medical staff, and by mental health staff. Every youth is screened for Regional Center upon entry. Each packet reviewed contained a screening form.</p>
<p>(7) Contact with Regional Center for the Developmentally Disabled for youth that are suspected of or identified as having a developmental disability, pursuant to Section 1418; and,</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 414: Identification, Referral, Collaborative Care, Habilitative Treatment, Management and Discharge of youths with or Suspected of Having a Developmental Disability Admitted to Juvenile Hall</p> <p>Central Juvenile Hall has several units that house youth with developmental disabilities or mental health issues. Youth are identified and classified into the various specialty units where additional services can be provided to meet the youth's individual needs.</p>
<p>(8) Procedures consistent with Section 1352.5.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth Intake</p> <p>At the time of inspection, there were no transgender youth in custody to interview.</p>
<p>(b) juvenile hall administrators shall establish written criteria for detention that considers the least restrictive environment.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 407: Los Angeles County Detention Screening (LADS) Assessment Tool</p> <p>The facility uses both the Krisberg Scale and the Los Angeles County Screening Tool to ensure only youth who require detention remain detained.</p>
<p>(c) juvenile camps and post-dispositional programs in juvenile halls shall develop policies and procedures that advise the youth of the estimated length of stay, inform them of program guidelines and provide written screening criteria for inclusion and exclusion from the program.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Section 421: Estimated Length of Stay</p> <p>Per BSCC Coordinators, there are no post-dispositional programs at Central JH.</p>

(d) juvenile halls shall develop policies and procedures that advise any committed youth of the estimated length of his/her stay.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Section 421: Estimated Length of Stay Per BSCC Coordinators, Central Juvenile Hall youth generally are committed to a Camp facility, to placement, or are released home. If committed to one of these programs, youth would be notified by either their Probation Officer or by the Camp Assessment Unit. The Placement Unit will provide this information to the youth.
1350.5. SCREENING FOR THE RISK OF SEXUAL ABUSE The facility administrator shall develop and implement written policies and procedures to reduce the risk of sexual abuse by or upon youth. The policy shall require facility staff to assess each youth within 72 hours of admission based on the following information:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1509: Screening for Risk of Sexual Victimization and Abusiveness. Admission packets were reviewed for those youth who remained detained and were screened for risk of sexual abuse. These screenings are completed as part of the admission process and are documented in PEMRS - the facility medical/mental health electronic system. All screenings were completed as required.
(a) Prior sexual victimization or abusiveness;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(b) Gender nonconforming appearance or manner; or identification as lesbian, gay or bisexual, transgender, queer or intersex, and whether the youth may, therefore, be vulnerable to sexual abuse;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(c) Current charges and offense history;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(d) Age;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(e) Level of emotional and cognitive development;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(f) Physical size and stature;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(g) Mental illness or mental disabilities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(h) Intellectual or developmental disabilities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(i) Physical disabilities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(j) The youth's perception of vulnerability; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(k) Any other specific information about the individual youth that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.

Staff shall ascertain this information through conversations with the youth during the admittance process, medical and behavioral health screenings; during classification assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the youth's files.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness. Documentation noted information gathered based on PCMS. TA provided to ensure to document thoroughly all areas reviewed and to include conversations with the youth and any other person as well as any review of other documentation outside of PCMS.
The facility administrator shall implement appropriate controls on the dissemination of information within the facility relative to responses received pursuant to this assessment in order to ensure that sensitive information is not exploited to the youth's detriment by staff or other youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness. The screening tool is completed within PEMRS which requires an additional level of security.
1351 RELEASE PROCEDURES The facility administrator shall develop and implement written policies and procedures for release of youth from custody which provide for:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	25 release documents were reviewed for regulatory compliance.
(a) verification of identity/release papers;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 309: Release Procedures Parents were notified and signed the release documents.
(b) return of personal clothing and valuables;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(c) notification to the youth's parents or guardian;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 309: Release Procedures Parents are notified by the probation officer, the court, and the facility.
(d) notification to the facility health care provider in accordance with Sections 1408 and 1437 of these regulations, for coordination with outside agencies; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 309: Release Procedures Nursing staff are specifically identified and noted as a notification on the release form.
(e) notification of school staff;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 309: Release Procedures School staff were not found to be listed in any notification. School staff are notified telephonically of all releases. Depending on the time the youth spent in custody, the school prepares information i.e., transcripts with credits, grades etc. and forwards it on to the youth's home school. Proof of this practice was provided to us and we reviewed several transcripts of released youth. Discussions were held of the need to formalize the telephonic process to have documentation of that phone call either through a case note or an email etc. for proof of practice reasons. This was immediately rectified.

(f) notification of facility mental health personnel.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 309: Release Procedures</p> <p>Mental health staff were not found to be listed in the notification. Mental health staff are notified telephonically if they are not present during the youth's release. Medical sees all youth and the youth will see Mental health if they are present in the facility. If they are not, Mental Health release or referral documents are completed and sent to the parent. Youth receive any medication through the clinic staff. Documentation of this process was provided but this too was not a formalized notification with proof of practice. This was immediately addressed.</p>
The facility administrator shall develop and implement policies and procedures for post-disposition youth to coordinate the provision of transitional and reentry services including, but not limited to, medical and behavioral health, education, probation supervision and community-based services.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 309: Release Procedures</p> <p>There are no post dispositional programs at Central Juvenile Hall.</p>
The facility administrator shall develop and implement written policies and procedures for the furlough of youth from custody.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 309: Release Procedures
<p>1352 CLASSIFICATION</p> <p>The facility administrator shall develop and implement written policies and procedures on classification of youth for the purpose of determining housing placement in the facility.</p> <p>Such procedures shall:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(a) provide for the safety of the youth, other youth, facility staff, and the public by placing youth in the appropriate, least restrictive housing and program settings. Housing assignments shall consider the need for single, double or dormitory assignment or location within the dormitory;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 412: Classification and Assignment of Youth</p> <p>All rooms in Central Juvenile Hall are utilized as single room. Each youth is classified upon entry. Each classification form was found to be completed in its entirety.</p>
(b) consider facility populations and physical design of the facility;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 412: Classification and Assignment of Youth</p> <p>Any overrides must be approved by the OD. We did not view many overrides.</p>
(c) provide that a youth shall be classified upon admittance to the facility; classification factors shall include, but not be limited to: age, maturity, sophistication, emotional stability, program needs, legal status, public safety considerations, medical/mental health considerations, gender and gender identity of the youth;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 412: Classification and Assignment of Youth</p> <p>New intakes are currently classified to the Medical Housing due to the COVID testing protocols. Once a youth tests negative, they are reclassified and moved to their actual appropriate living unit within the facility. Youth are moved as soon as their test results are available. The facility has significantly reduced their testing result time in the last 6 months.</p>

(d) provide for periodic classification reviews, including provisions that consider the level of supervision and the youth's behavior while in custody; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 412: Classification and Assignment of Youth Periodic classifications are completed during the periodic review of the case plan. Staff are trained to ask weekly during the periodic review if the youth is experiencing any problems or concerns and to update the classification as appropriate. They are also trained to update any classification changes if it has not already been done. All documents reviewed were found to be compliant.
(e) provide that facility staff shall not separate youth from the general population or assign youth to a single occupancy room based solely on the youth's actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status. This section does not prohibit staff from placing youth in a single occupancy room at the youth's specific request or in accordance with Title 15 regulations regarding separation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 412: Classification and Assignment of Youth
(f) facility staff shall not consider lesbian, gay, bisexual, transgender, questioning or intersex identification or status as an indicator of likelihood of being sexually abusive.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 412: Classification and Assignment of Youth
<p>1352.5 TRANSGENDER AND INTERSEX YOUTH.</p> <p>The facility administrator shall develop written policies and procedures ensuring respectful and equitable treatment of transgender and intersex youth. The policies shall provide that:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth</p> <p>Facility administration reported there have been transgender youth held in the facility during the inspection cycle; however, there were none currently in detention to discuss compliance with regulation or treatment while in custody.</p> <p>All individual regulatory requirements have been met.</p> <p>There were no grievances noted regarding treatment of transgender youth.</p>
(a) Facility staff shall respect every youth's gender identity, and shall refer to the youth by the youth's preferred name and gender pronoun, regardless of the youth's legal name. Facilities may prohibit the use of gang or slang names or names that otherwise compromise facility operations as determined by the facility manager or designee, and shall document any decision made on this basis.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth

(b) Facility staff shall permit youth to dress and present themselves in a manner consistent with their gender identity, and shall provide youth with the institution's clothing and undergarments consistent with their gender identity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth
(c) Facility staff shall house youth in the unit or room that best meets their individual needs, and promotes their safety and well-being. Staff may not automatically house youth according to their external anatomy, and shall document the reasons for any decision to house youth in a unit that does not match their gender identity. In making a housing decision, staff shall consider the youth's preferences, as well as any recommendations from the youth's health or behavioral health provider.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth
(d) Facility administrators shall ensure that transgender and intersex youth have access to medical and behavioral health providers qualified to provide care and treatment to transgender and intersex youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth
(e) Consistent with the facility's reasonable and necessary security considerations and physical plant, facility staff shall make every effort to ensure the safety and privacy of transgender and intersex youth when the youth are using the bathroom or shower, or dressing or undressing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth
Facility staff shall not conduct physical searches of any youth for the purpose of determining the youth's anatomical sex. Whenever feasible, the facility shall respect the youth's preference regarding the gender of the staff member who conducts any search of the youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth Youth are asked at admission for their preference of the gender of the staff member to conduct their searches. Admission documentation noted this information was asked of all youth at admission. Youth are not searched to determine anatomical sex.

<p>1353 ORIENTATION</p> <p>The facility administrator shall develop and implement written policies and procedures to orient a youth prior to placement in a living area. Both written and verbal information shall be provided and supplemented with video orientation if feasible. Provision shall be made to provide accessible orientation information to all detained youth including those with disabilities, limited literacy, or English language learners. Orientation shall include information that addresses:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 416: Orientation Process for Detained Youth</p> <p>40 individual admission CJH packets were randomly selected and reviewed for the timeline provided. Youth are provided with a primary, initial orientation when in the admission process that addresses all orientation areas required by regulation and a secondary, more thorough orientation as part of the actual admission/facility orientation process once in either Mental Health Unit or Boys Receiving or Unit C.</p> <p>All individual regulatory requirements have been met.</p> <p>Youth interviewed stated they were oriented twice: once upon entry and again with a longer process where they signed several documents.</p> <p>Some youth noted that they were given the option of a new orientation if they were a returnee, suggesting that youth are given the option if they want an orientation or not. TA provided and a discussion held that all youth should be orientated to be sure all you have a full understanding of the facility expectations.</p> <p>There are several bilingual staff who are able to conduct orientation and the agency has access to a language interpreter service if necessary.</p>
<p>(a) facility rules including contraband and searches and disciplinary procedures;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 416: Orientation Process for Detained Youth</p>
<p>(b) facility's system of positive behavior interventions and supports, including behavior expectations, incentives that youth will receive for complying with facility rules, and consequences that may result when youth violate the rules of the facility;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 416: Orientation Process for Detained Youth</p>
<p>(c) age appropriate information that explains the facility's policy prohibiting sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 416: Orientation Process for Detained Youth</p>
<p>(d) identification of key staff and their roles;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 416: Orientation Process for Detained Youth</p>
<p>(e) the existence of the grievance procedure, the steps that must be taken to use it, the youth's right to be free of retaliation for reporting a grievance, and the name of the person or position designated to resolve the issue;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 416: Orientation Process for Detained Youth</p>
<p>(f) access to legal services and information on the court process;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 416: Orientation Process for Detained Youth</p>

(g) access to routine and emergency health and mental health care;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(h) access to education, religious services, and recreational activities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(i) housing assignments;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(j) opportunity for personal hygiene and daily showers including the availability of personal care items	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(k) rules and access to correspondence, visits and telephone use;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(l) availability of reading materials, programming, and other activities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(m) facility policies on the use of force, use of restraints, chemical agents and room confinement;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(n) immigration legal services;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(o) emergencies including evacuation procedures;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(p) non-discrimination policy and the right to be free from physical, verbal or sexual abuse and harassment by other youth and staff;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(q) availability of services and programs in a language other than English if appropriate;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(r) the process for requesting different housing, education, programming and work assignments;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(s) a process for which parents/guardians receive information regarding the youth's stay in the facility that at a minimum includes answers to frequently asked questions and provides contact information for the facility, medical, school and mental health; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth There is a parent handbook that is specific to DSB and one for RTSB for youth to review.
(t) a process by which youth may request access to Title 15 Minimum Standards for Juvenile Facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
1354 SEPARATION The facility administrator shall develop and implement written policies and procedures that address:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(a) separation of youth for reasons that include, but are not be limited to, medical and mental health conditions, assaultive behavior, disciplinary consequences and protective custody.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1301: Separation Room Confinement Memo: April 15, 2022</p> <p>The types of separation that occur in the facility are as follows:</p> <ul style="list-style-type: none"> • Room Confinement • Cool Down • Specialized Supervision Plan (SSP) • Self-Separation <p>All separations except for self-separation were to occur in the HOPE Center. CJH no longer has a HOPE Center. All separations now occur in the units. In April 2022, the Bureau changed policy noting that separations no longer were required to occur in the HOPE Center, that separations could occur in the youth's living unit with proper notification and documentation.</p> <p>Youth may self-separate from the group and remain in his or her room. When this occurs, the youth signs off his/her separation on the safety hall check sheet. It was noted that in some cases, youth did not sign the document and subsequent occurrences were not always signed off by the youth either. Policy Addendum Memo dated June 8, 2022, specific to policy direction for Self-Separation. Youth are to sign off on safety check sheet their request for Self-Separation. The inconsistencies found were brought to the attention of managers.</p> <p>Technical assistance provided for Self-Separation and, to ensure compliance moving forward, we will review through targeted inspection to ensure this issue has been addressed and does not drift into noncompliance.</p>
(b) consideration of positive youth development and trauma-informed care.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1301: Separation
(c) separated youth shall not be denied normal privileges available at the facility, except when necessary to accomplish the objective of separation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1301: Separation
(d) when the objective of the separation is discipline, Title 15 Section 1390 shall apply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1301: Separation
(e) when separation results in room confinement, the separation shall occur in accordance with Welfare and Institutions Code Section 208.3 and Section 1354.5 of these regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1301: Separation

<p>(f) policies and procedures shall ensure a daily review of separated youth to determine if separation remains necessary.</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p>Section 1306: HOPE Center Daily Audit Report</p> <p>Until the HOPE Center is reopened, this audit is no longer applicable. SSP's are not occurring without the use of the HOPE Center. If a youth is in room confinement and paperwork is completed, the youth are being reviewed every two hours to determine if the separation is still appropriate. Self-Separation youth are documented on the safety hall check sheets and are reviewed 3 times a day by supervisors. BSCC coordinator is aware of this issue.</p>
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1354.5 ROOM CONFINEMENT

(a) The facility administrator shall develop and implement written policies and procedures addressing the confinement of youth in their room that are consistent with Welfare and Institutions Code Section 208.3. The placement of a youth in room confinement shall be accomplished in accordance with the following guidelines:

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Section 1303: Room Confinement
 Section 608: Transition Periods
 Room Confinement Memo: April 15, 2022

We requested and reviewed room confinement documentation for incidents that occurred from September 22-30, 2022, and October 10-17, 2022. For these dates and times, we were provided with 7 incident packets for the September dates and 6 incident packets for the October dates. All room confinement occurred in the youth's unit.

These packets, other than not completing the Behavior Chain Analysis requirement (see below), met agency policy and procedure requirements. Safety check documentation was problematic for some youth as noted in the safety check section.

Technical assistance has been provided and will continue to be provided to enhance documentation. See below.

Room confinement per policy has historically been required to occur in the HOPE Center. As policy was revised, directive memos were clear in that all procedures previously required were to continue unchanged. We found tracking notifications were not being made as required as CJH did not reopen the HOPE Center upon return from BJNJH. This issue was brought to the attention of the compliance team for review and consideration. This issue has been brought to the attention of the BSCC Compliance team for review; this issue must be resolved as soon as possible to address these issues. Policy will need to be addressed as soon as possible and can be addressed through this section.

It was noted through the review of other inspection documentation that in some units, youth were placed in rooms for early bed contrary to policy directives and some were found to be in their room after incidents confirmed through either regular safety checks or were noted through self-separation checks. There were few instances in which youth were in their rooms for periods beyond what is allowable for transitions i.e., shift change. These practices seem to occur sporadically throughout the documentation viewed and do not appear to be widespread throughout the full facility but is still room confinement. Technical

			<p>Assistance has been provided in that, throughout the PM and weekend shift, supervisory staff should be in the facility providing a heavy presence and inquiring about the status of youth who are in their rooms and ensuring that all regulatory and policy functions are adhered to. We also noted some self-separation incidents were not thoroughly and consistently documented by the youth as required by policy.</p> <p>Several of the youth interviewed confirmed the above actions, but noted that although incidents still occur, they reported the facilities continue to do better than from what has occurred in the past. Youth stated any long-term room confinement is the result of lack of staff. For instance, when oncoming relief staff are late, youth spend more time in their rooms.</p> <p>We noted, through video review and while onsite, many oncoming staff to be routinely late to their posts resulting in the on-duty unit staff not being relieved timely. Youth are kept in their rooms while staff wait to be relieved, until staff are called in or they make it to the unit. There were also circumstances that occurred where the facility suffered significant staffing events which kept youth in their room longer as well as exigent circumstances that resulted in youth remaining in their rooms due to lack of staff reporting to work. When this occurred, video review noted that some units tried to get the youth out a few at a time to use the phone at the minimum.</p> <p>Prior to inspection, we also expressed concern to both administration and to the medical team regarding the practice of “hybrid units” for housing of COVID positive and COVID negative youth together as this practice would result in room confinement for those youth who were not COVID positive and would be without a Medical Order for Isolation. Medical guidance has since been updated and this issue has been addressed and corrected.</p> <p>Lastly, the agency transition policy requires that incident reports must include times in which youth were secured and brought out to resume programming and we found this not to occur as a consistent practice.</p>
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(1) Room confinement shall not be used before other, less restrictive, options have been attempted and exhausted, unless attempting those options poses a threat to the safety or security of any youth or staff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(2) Room confinement shall not be used for the purposes of punishment, coercion, convenience, or retaliation by staff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(3) Room confinement shall not be used to the extent that it compromises the mental and physical health of the youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(b) A youth may be held up to four hours in room confinement. After the youth has been held in room confinement for a period of four hours, staff shall do one or more of the following:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement While regulation allows for youth to be held for 4 hours, agency policy requires immediate action. Per documentation provided, received, and reviewed, no youth were held in their room longer than 4 hours.
(1) Return the youth to general population.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement Youth are required to be reassessed every 2 hours for return to the general population. If youth can safely be returned, they are.
(2) Consult with mental health or medical staff.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement Per policy, all youth placed in room confinement are to be referred to mental health for a behavior chain analysis within 30 minutes. If a clinician is not available, it is to be completed when time permits. This did not occur in October and all samples in September were from the same incident in which youth were all seen by a mental health clinician. In April 2022, a Detention Services Bureau memo was initiated authorizing all youth to be placed in room confinement in the units and that staff must follow the room confinement procedures outlined in DSB Policy 1303 and all documentation remains the same. Communication was had with DMH regarding the Behavior Chain Analysis. It was noted that the youth refused to cooperate in most of the samples in September 2022, but that they only received 1 call for service in October 2022. This is inconsistent with the number of OC's. This section is noncompliant.
(3) Develop an individualized plan that includes the goals and objectives to be met in order to reintegrate the youth to general population.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement

(4) If room confinement must be extended beyond four hours, staff shall do each of the following:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement No incidents reviewed were beyond 4 hours. Policy requires the same actions, i.e., reassessment every two hours as well as regulatory requirements to be completed.
(A) Document the reasons for room confinement and the basis for the extension, the date and time the youth was first placed in room confinement, and when he or she is eventually released from room confinement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(B) Develop an individualized plan that includes the goals and objectives to be met in order to integrate the youth to general population.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(C) Obtain documented authorization by the facility superintendent or his or her designee every four hours thereafter.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(5) This section is not intended to limit the use of single-person rooms or cells for the housing of youth in juvenile facilities and does not apply to normal sleeping hours.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(6) This section does not apply to youth or wards in court holding facilities or adult facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(7) Nothing in this section shall be construed to conflict with any law providing greater or additional protections to youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(8) This section does not apply during an extraordinary emergency circumstance that requires a significant departure from normal institutional operations, including a natural disaster or facility-wide threat that poses an imminent and substantial risk of harm to multiple staff or youth. This exception shall apply for the shortest amount of time needed to address this imminent and substantial risk of harm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(9) This section does not apply when a youth is placed in a locked cell or sleeping room to treat and protect against the spread of a communicable disease for the shortest amount of time required to reduce the risk of infection, with the written approval of a licensed physician or nurse practitioner, when the youth is not required to be in an infirmary for an illness. Additionally, this section does not apply when a youth is placed in a locked cell or sleeping room for required extended care after medical treatment with the written approval of a licensed physician or nurse practitioner, when the youth is not required to be in an infirmary for illness.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
1355 INSTITUTIONAL ASSESSMENT AND PLAN The facility administrator shall develop and implement written policies and procedures for assessment and case planning.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>(a) Assessment: The assessment is based on information collected during the admission process with periodic review, which includes the youth's risk factors, needs and strengths including, but not limited to, identification of substance abuse history, educational, vocational, counseling, behavioral health, consideration of known history of trauma, and family strengths and needs.</p>	☒	☐	☐	<p>Section 413: Institutional Assessment, Case Plan and Periodic Review</p> <p>An assessment was completed for each youth as part of the facility entry admission procedure.</p>
<p>(b) Institutional Case Plan: (1) A case plan shall be developed for each youth held for at least 30 days or more and created within 40 days of admission.</p>	☒	☐	☐	<p>Section 413: Institutional Assessment, Case Plan and Periodic Review</p> <p>Case plans were found to be completed within the regulatory timeline.</p>
<p>(2) The institutional plan shall include, but not be limited to, written documentation that provides:</p>	☒	☐	☐	
<p>(A) objectives and time frame for the resolution of problems identified in the assessment;</p>	☒	☐	☐	<p>Section 413: Institutional Assessment, Case Plan and Periodic Review</p> <p>Objectives are tied to the regulatory requirements and timelines are noted by various means i.e., weekly, monthly, or daily.</p>
<p>(B) a plan for meeting the objectives that includes a description of program resources needed and individuals responsible for assuring that the plan is implemented;</p>	☒	☐	☐	<p>Section 413: Institutional Assessment, Case Plan and Periodic Review</p> <p>Unit Staff are responsible for ensuring that the case plan includes appropriate objectives. Individual staff may also be tasked if there is a relationship built with a certain staff member or a particular staff member is working directly with a youth on a goal such as an educational or vocational goal. The objectives are noted in menu format. There is also a section that provides the opportunity for additional information to be documented.</p>
<p>(3) periodic evaluation of progress towards meeting the objectives, including periodic review and discussion of the plan with the youth;</p>	☒	☐	☐	<p>Section 413: Institutional Assessment, Case Plan and Periodic Review</p> <p>Periodic review was found to be compliant. Staff were found to meet face-to-face with youth and document the contact.</p>
<p>(4) a transition plan, the contents of which shall be subject to existing resources, shall be developed for post dispositional youth in accordance with Section 1351; and,</p>	☒	☐	☐	<p>Section 413: Institutional Assessment, Case Plan and Periodic Review</p> <p>No post dispositional youth.</p>
<p>(5) in as much as possible and if appropriate, the plan, including the transition plan, shall be developed with input from the family, supportive adults, youth, and Regional Center for the Developmentally Disabled.</p>	☒	☐	☐	<p>Section 413: Institutional Assessment, Case Plan and Periodic Review</p> <p>No post dispositional youth.</p>

<p>1356 COUNSELING AND CASEWORK SERVICES</p> <p>The facility administrator shall develop and implement written policies and procedures ensuring the availability of appropriate counseling and casework services for all youth. Policies and procedures shall ensure:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 207: General Staff responsibilities</p> <p>The basic expectation of staff duties is as noted. With limited staff resources, staff report it is difficult to go beyond limited expectations.</p> <p>Proof of practice included documentation of case planning, professional phone call documentation, and other documentation. Staff meet basic, limited expectations and minimal regulation compliance but, with proper staffing, should be doing so much more.</p> <p>Youth interviewed stated that, as time permits, staff do assist them as they can.</p>
(a) youth will receive assistance with needs or concerns that may arise;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 207: General Staff responsibilities
(b) youth will receive assistance in requesting contact with parents, other supportive adults, attorney, clergy, probation officer, or other public official; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 207: General Staff responsibilities
(c) youth will be provided access to available resources to meet the youth's needs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 207: General Staff responsibilities
<p>1357 USE OF FORCE</p> <p>The facility administrator, In cooperation with the responsible physician, shall develop and implement written policies and procedures for the use of force, which may include chemical agents. Force shall never be applied as punishment, discipline, retaliation or treatment.</p> <p>(a) At a minimum, each facility shall develop policies and procedures which:</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Directive 1477: Detention and Residential Treatment Services Bureaus Manual-Physical Intervention Policy (Section DSB-1000/RTSB-1700) Issued 06/22/2022.</p> <p>At inspection, it was noted the policy had been released and was implemented in June 2022, but staff were not formally trained. We have since been informed the staff have almost completed training.</p> <p>The agency remains unable to meet certain areas of regulatory requirements and we found areas in which the agency failed to meet their own policy despite technical assistance being provided by both BSCC and Department of Justice (DOJ) in how to address the issues.</p>
(1) restricts the use of force to that which is deemed reasonable and necessary, as defined in Section 1302 to ensure the safety and security of youth, staff, others and the facility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1003: Objectively Reasonable Determination

<p>(2) outline the force options available to staff including both physical and non-physical options and define when those force options are appropriate.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1004: Prevention and De-Escalation and Section 1005: Physical Interventions</p> <ul style="list-style-type: none"> • De-escalation Options per policy include: • Request for Compliance with Instructions • Discussion/Counseling • Mental Health Assistance • Switching Officer (Tapping Out) • Secluding the Situation/Youth • Request Supervisor assistance • Behavior chart Consultation • Other officer/volunteers • Temporary Halt to Program Activity • Separation of Youth • Resource Teams <p>Force Options per policy include:</p> <ul style="list-style-type: none"> • Physical Control Holds. • Take-downs. • Restraint Devices. • Oleoresin Capsicum (OC) Spray.
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<p>(3) describe force options or techniques that are expressly prohibited by the facility.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1005(G): Physical Interventions-Inappropriate/Prohibited uses of Force and Conduct</p> <p>Officers are required to view the alert log to be aware of any youth with medical or mental health issues.</p> <p>The following are prohibited by the facility policy:</p> <ul style="list-style-type: none"> • "Carotid," "arm-bar," chokehold, or any other deliberate chokehold restraint utilized to or having the impact of restricting the airway or blood flow. • Applying pressure to and/or torquing of the head and neck. • Deliberate strikes or kicks to the head, torso, or other body parts (except in situations of self-defense). • Deliberately or recklessly striking a youth's head, limbs, torso, or other body parts against a hard, fixed object (e.g., roadway, driveway, floor, wall, etc.). • "Hog-tying" procedure wherein restraints are applied to both the hands and feet, which are then drawn together and secured behind the back. • Any form of excessive physical intervention, deliberate physical injury, or physical intervention used as coercion, punishment, retaliation, discipline, or treatment. • Any other force used maliciously, sadistically, and/or for the purpose of causing harm. • Failure to immediately decontaminate a youth exposed to OC spray when the incident is controlled. • Leaving youth in an enclosed structure where OC spray has been used, and the location has not been decontaminated. • Use of OC spray on youth in mechanical or soft restraints. • Officer actions leading to the use of force such as taunting, verbally insulting, or challenging a youth. • The use of force (UOF) as a response to a youth who is solely expressing suicidal ideations. • The use of prone and supine restraints on pregnant youth. • Officer actions that serve to encourage, instigate, or permit youth
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				to engage in physical fights or assaults.
(4) describe the requirements of staff to report any inappropriate use of force, and to take affirmative action to immediately stop it.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1005(G): Physical Interventions-Inappropriate/Prohibited uses of Force and Conduct
(5) define a standardized reporting format that includes time period and procedure for documenting and reporting the use of force, including reporting requirements of management and line staff and procedures for reviewing and tracking use of force incidents by supervisory and or management staff, which include procedures for debriefing a particular incident with staff and/or youth for the purposes of training as well as mitigating the effects of trauma that may have been experienced by staff and /or the youth involved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1005(K): Physical Interventions: Mandatory Reporting Requirements Section 1008: Post-Incident Physical Intervention-Post Incident Review Process-Debriefing for involved youth and Staff and Witnesses Section 1009: Quality Assurance: Debrief (Debriefs for all incidents now)</p> <p>Debriefs are required for all use of force incidents per the agency policy. Per regulation, the purpose of the debrief is for training as well as to mitigate the effects of trauma that may have been experienced by staff and/or the youth. It is a reflection period for addressing training issues or areas and to address any potential trauma that may have occurred by youth or staff.</p> <p>While the debriefs are being completed, they are not completed with efficacy as intended. Training issues or training needs are not being addressed as the lack of staffing is the main concern of staff. While this does not make this section noncompliant, it is noted that the lack of adequate staffing impacts the ability of supervisors to have an effective debrief regarding incidents as they occur.</p>
(6) Include an administrative review and a system for investigating unreasonable use of force.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1009(A) Quality Assurance - Use of Force Administrative Review</p> <p>Each UOF is to be reviewed at the facility level and again through the Force Intervention Response Support Team (FIRST). This is an independent review entity that reviews all Use of Force incidents.</p> <p>This is not occurring. No documentation provided.</p>

<p>(7) define the role, notification, and follow-up procedures required after use of force incidents for medical, mental health staff and parents or legal guardians.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1008(C): Post-Incident Physical Intervention-Medical Assessment of Youth</p> <p>Section 1008(D): Post-Incident Physical Intervention-Mental Health Involvement and Assessment of Youth</p> <p>Section 1010: Notifications: Parent/Guardian/Caregiver Notification</p> <p>Parents of youth are to be notified if any use of force has occurred. There is to be a 3x effort. This is not being documented in incident reports when a parent is not able to be contacted. Just that the attempt was made, and they were unable to be reached.</p>
<p>(8) describe the limitations of use of force on pregnant youth in accordance with Penal Code Section 6030(f) and Welfare and Institutions Code Section 222.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1003: Objectively Reasonable Determinations-Pregnant and Post-Partum Recovery Youth</p>
<p>(b) Facilities that authorize chemical agents as a force option shall include policies and procedures that:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(1) identify who is approved to carry and/or utilize chemical agents in the facility and the type, size and the approved method of deployment for those chemical agents.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1006(C): Oleoresin Capsicum (O.C.) Spray-OC Spray Interventions</p> <p>Section 1006(D): Oleoresin Capsicum (O.C.) Spray-Issuance and Accountability</p>
<p>(2) mandate that chemical agents only be used when there is an imminent threat to the youth's safety or the safety of others and only when de-escalation efforts have been unsuccessful or are not reasonably possible.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1006(A): OC Spray-Training</p>
<p>(3) outline the facility's approved methods and timelines for decontamination from chemical agents. This shall include that youth who have been exposed to chemical agents shall not be left unattended until that youth is fully decontaminated or is no longer suffering the effects of the chemical agent.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1006(E): OC Spray</p>
<p>(4) define the role, notification, and follow-up procedures required after use of force incidents involving chemical agents for medical, mental health staff and parents or legal guardians.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Section 1006: OC Spray-Medical Assessment" and "Mental Health Consultation Request"</p> <p>Section 1010 Notifications: Parent/Guardian/Caregiver Notifications</p> <p>See above.</p>

<p>(5) provide for the documentation of each incident of use of chemical agents, including the reasons for which it was used, efforts to de-escalate prior to use, youth and staff involved, the date, time and location of use, decontamination procedures applied and identification of any injuries sustained as a result of such use.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1006: OC Spray Section H. Mandatory Reporting Requirements</p> <p>Decontamination documentation is lacking.</p> <p>Reports document that youth are being decontaminated but do not consistently include full documentation of the details of what is required by policy. I.e., it is unknown how youth are decontaminating or that youth are not self-decontaminating as it is not documented in the incident report. We often noted youth who were noted in the report narrative to be on a "Level 3: Direct Visual Supervision status" only to note on their safety check log they were in their rooms being supervised with regular safety checks. Documentation should be clarified in these circumstances.</p>
<p>(c) Facilities shall develop policies and procedure which require that agencies provide initial and regular training in use of force and chemical agents when appropriate that address:</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1002: Training Requirements</p> <p>Staff are to receive initial training and annual refresher training. This has not occurred.</p>
<p>(1) known medical and behavioral health conditions that would contraindicate certain types of force;</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1002: Training Requirements</p> <p>Regular training has not occurred.</p>
<p>(2) acceptable chemical agents and the methods of application.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1006: OC Spray Section A. Training</p> <p>Regular training has not occurred.</p>
<p>(3) signs or symptoms that should result in immediate referral to medical or behavioral health.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1002: Training Requirements</p> <p>Regular training has not occurred.</p>
<p>(4) instruction on the Constitutional Limitations of Use of Force.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1002: Training Requirements</p> <p>Regular training has not occurred.</p>
<p>(5) physical training force options that may require the use of perishable skills.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1002: Training Requirements</p> <p>Regular training has not occurred.</p>
<p>(6) timelines the facility uses to define regular training.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1002: Training Requirements</p> <p>Regular training has not occurred.</p>

<p>1358 USE OF PHYSICAL RESTRAINTS</p> <p>The facility administrator, In cooperation with the responsible physician and mental health director, shall develop and implement written policies and procedures for the use of restraint devices. Restraint devices include any devices which immobilize a youth's extremities and/or prevent the youth from being ambulatory.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Directive 1477: Detention and Residential Treatment Services Bureaus Manual-Physical Intervention Policy (Section DSB-1000/RTSB-1700) Issued 06/22/2022.</p> <p>Section 1001: Introduction – Physical Interventions Section 1007: Restraints</p> <p>Section marked NC due to no staff training and implementation of policy.</p> <p>Agency policy now applies to the use of restraints for all purposes and no longer only for those that are mental health related or to control a youth who is destructive in nature. The use of restraints, for the purpose of this section, are a force option and are to be treated as such.</p> <p>Policy defines hard mechanical restraints as handcuffs, leg irons, waist-chains, plastic flex- cuffs and soft mechanical restraints as padded leather wrist and ankle restraints and safety helmets. Technical assistance provided regarding ensuring the appropriate training is provided for all use of restraints.</p> <p>At the time of inspection, documentation provided was only provided for those youth who were having a mental health crisis. That documentation was consistent with regulatory requirements. All use of restraints were not reviewed for this section under the new policy.</p>
<p>Physical restraints may be used only for those youth who present an immediate danger to themselves or others, who exhibit behavior which results in the destruction of property, or reveals the intent to cause self-inflicted physical harm. Physical restraints should be utilized only when it appears less restrictive alternatives would be ineffective in controlling the youth's behavior.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1007: Restraints</p> <p>Several incidents were provided for review. Documentation reviewed was consistent with regulatory requirements. We did not receive all use of restraint documentation as noted in the comment above.</p>
<p>In no case shall restraints be used as punishment or discipline, or as a substitute for treatment. The use of restraint devices that attach a youth to a wall, floor or other fixture, including a restraint chair, or through affixing of hands and feet together behind the back (hogtying) is prohibited. The use of restraints on pregnant youth is limited in accordance with Penal Code Section 6030(f) and Welfare and Institutions Code Section 222.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1007(C): Restraints</p>

The provisions of this section do not apply to the use of handcuffs, shackles or other restraint devices when used to restrain youth for movement or transportation within the facility. Movement within the facility shall be governed by Section 1358.5, Use of Restraint Devices for Movement Within the Facility.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Section 1007: Restraints
Youth shall be placed in restraints only with the approval of the facility manager or designee. The facility manager may delegate authority to place a youth in restraints to a physician. Reasons for continued retention in restraints shall be reviewed and documented at a minimum of every hour.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(D): Restraints Per new policy, the application of physical restraints is authorized when a youth presents an immediate danger to themselves or others, exhibits behavior which results in the destruction of property, or reveals the intent to cause self-inflicted physical harm. Youth shall be placed in restraints only when all de-escalation techniques and less intrusive physical interventions have been exhausted. The use of restraints for mental health crisis or destruction of property must be authorized by the facility manager or designee. In the incidents reviewed, either the supervisor was onsite in the unit or was contacted as required.
A medical opinion on the safety of placement and retention shall be secured as soon as possible, but no later than two hours from the time of placement. The youth shall be medically cleared for continued retention at least every three hours thereafter.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(E): Restraints All youth were seen by medical personnel immediately.
A mental health consultation shall be secured as soon as possible, but in no case longer than four hours from the time of placement, to assess the need for mental health treatment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(F): Restraints All youth were seen by mental health personnel.
Continuous direct visual supervision shall be conducted to ensure that the restraints are properly employed, and to ensure the safety and well-being of the youth. Observations of the youth's behavior and any staff interventions shall be documented at least every 15 minutes, with actual time of the documentation recorded.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(D): Restraints All youth were under constant, direct visual observation. Each incident had a complete log filled out for each youth.
In addition to the requirements above, policies and procedures shall address:				
(a) documentation of the circumstances leading to an application of restraints.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007: Restraints Section D. Application of Physical Restraints
(b) known medical conditions that would contraindicate certain restraint devices and/or techniques.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(D): Restraints Application of Physical Restraints
(c) acceptable restraint devices.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(D): Restraints Application of Physical Restraints
(d) signs or symptoms which should result in immediate medical/mental health referral.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(D): Restraints Application of Physical Restraints

(e) availability of cardiopulmonary resuscitation equipment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(D): Restraints Application of Physical Restraints
(f) protective housing of restrained youth. While in restraint devices, all youth shall be housed alone or in a specified housing area for restrained youth which makes provision to protect the youth from abuse.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(C): Restraints Application of Physical Restraints
(g) provision for hydration and sanitation needs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(D): Restraints Application of Physical Restraints
(h) exercising of extremities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(D): Restraints Application of Physical Restraints
1358.5 USE OF RESTRAINT DEVICES FOR MOVEMENT AND TRANSPORTATION WITHIN THE FACILITY. The Facility Administrator, In cooperation with the responsible physician and behavioral/mental health director, shall develop and implement written policies and procedures for the use of restraint devices when the purpose is for movement or transportation within the facility that shall include the following:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 809: The Use of Mechanical Restraints for Movement and Transport Within the Facility Youth interviewed noted they are not generally handcuffed during incidents. This was verified in the videos reviewed.
(a) identification of acceptable restraint devices, staff approved to utilize restraint devices and the required training.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 809: The Use of Mechanical Restraints for Movement and Transport Within the Facility Any sworn staff is authorized to use mechanical restraints. Mechanical restraints refer to any device that immobilizes an individual's extremities.
(b) the circumstances leading to the application of restraints must be documented.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 809: The Use of Mechanical Restraints for Movement and Transport Within the Facility The circumstances leading to the use of restraints in the incidents where restraints were used were documented. There were only a few. In most cases, restraints are not used.

<p>(c) an individual assessment of the need to apply restraints for movement or transportation that includes consideration of less restrictive alternatives, consideration of a youth's known medical or mental health conditions, trauma informed approaches, and a process for documentation and supervisor review and approval.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 809: The Use of Mechanical Restraints for Movement and Transport Within the Facility</p> <p>We noted handcuffs are only rarely used and are not used as practice to control youth or incidents. There is policy in place and regulatory requirements should restraints be utilized.</p> <p>We found in our documentation review there were some instances of the use of mechanical restraints for movement that were not documented correctly and in compliance with regulatory requirements and agency policy. This section is noncompliant.</p>
<p>(d) consideration of safety and security of the facility, with a clearly defined expectation that restraint devices shall not be used for the purposes of discipline or retaliation.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 809: The Use of Mechanical Restraints for Movement and Transport Within the Facility</p>
<p>(e) the use of restraints on pregnant youth is limited in accordance with Penal Code Section 6030(f) and Welfare and Institutions Code Section 222.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 809: The Use of Mechanical Restraints for Movement and Transport Within the Facility</p> <p>There were no pregnant females involved in any of the incidents reviewed. There are currently no females housed in the facility.</p>
<p>1359 SAFETY ROOM PROCEDURES</p>				
<p>(a) The facility administrator, and where applicable, In cooperation with the responsible physician, shall develop and implement written policies and procedures governing the use of safety rooms, as described in Title 24, Part 2, Section 1230.1.13. The room shall be used to hold only those youth who present an immediate danger to themselves or others, who exhibit behavior which results in the destruction of property, or reveals the intent to cause self-inflicted physical harm. A safety room shall not be used for punishment or discipline, or as a substitute for treatment. Policies and procedures shall:</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The facility does not have a safety room.</p>
<p>1360 SEARCHES</p>				
<p>The facility administrator shall develop and implement written policies and procedures governing the search of youth, the facility, and visitors. Policies and procedures shall provide that:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 700: Searches</p>

<p>(a) Searches shall be conducted to ensure the safety and security of the facility, public, visitors, youth, and staff.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 701: Introduction</p> <p>Regulation requires the facility administrator to develop and implement policy and procedure. By policy, room searches are required daily, unit area searches are required daily, and two thorough contraband searches are required weekly. This has not occurred and is noncompliant.</p> <p>All persons, including staff and visitors to the facility that enter the facility, are screened through the security Kiosk Xray to ensure weapons or other items are not brought into the facility and visitors are limited to items they can bring in on visitation day.</p> <p>Documentation was provided of unit searches and canine searches for the facility and canine search for visitation. It was noted the quantity of unit/facility searches were not met as required.</p>
<p>(b) Searches shall be conducted in a manner that preserves the privacy and dignity of the person being searched and shall not be conducted for harassment or as a form of discipline or punishment.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 701: Introduction</p>
<p>(c) Strip searches and visual or physical body cavity searches shall comply with Penal Code Section 4030.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section Policy Sections:</p> <p>701: Introduction 709: Completing a Strip Search Authorization Form 711: Admissions Procedures - Strip Search and/or Visual Body Cavity Search</p> <p>Documentation initially provided was found to be noncompliant; however, after some technical assistance and training, it was found the issue was addressed and corrected. Additional documents requested and all admission searches were completed correctly.</p>
<p>(d) Physical body cavity searches shall only be conducted by a medical professional.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Sections:</p> <p>702: Types of Searches and Definitions 711: Admissions Procedures - Strip Search and/or Visual Body Cavity Search</p> <p>There have been no physical body cavity searches conducted this cycle.</p>

<p>(e) Any youth held after a detention hearing shall only be strip searched with prior approval of a supervisor when there is reasonable suspicion based on specific and articulable facts to believe that youth is concealing contraband. The reasonable suspicion shall be documented.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 703: Searches of Youth Housed in Juvenile Facilities - General Information</p> <p>Documentation initially provided for review was found to be noncompliant; however, after some technical assistance and training, it was found the issue was addressed and corrected. Additional documents requested and all admission searches were completed correctly.</p>
<p>(f) Searches of transgender and intersex youth shall comply with Section 1352.5.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 706: Transgender Youth Searches</p> <p>All youth are asked at intake which gender staff is preferred to conduct their searches.</p>
<p>(g) Cross-gender pat-down searches and strip searches are prohibited except in exigent circumstances or when conducted by a medical professional. Such searches must be justified and documented in writing.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 705: Cross Gender Searches</p> <p>Cross gender pat down searches and strip searches are prohibited by policy.</p>

<p>1361 GRIEVANCE PROCEDURE</p> <p>The facility administrator shall develop and implement written policies and procedures whereby any youth may appeal and have resolved grievances relating to any condition of confinement, including but not limited to health care services, classification decisions, program participation, telephone, mail or visiting procedures, food, clothing, bedding, mistreatment, harassment or violations of the nondiscrimination policy. There shall be no time limit on filing grievances. Policies and procedures shall include provisions whereby the facility manager ensures:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1715: Youth Grievance Procedures</p> <p>The regulation requires the agency to develop policy and procedures whereby a youth may appeal and have resolved grievances relating to conditions of confinement. The purpose of this process is to provide an opportunity and a mechanism for youth to resolve issues at the lowest level.</p> <p>The agency grievance form provides the opportunity for youth to document their grievance and what they want to happen. The hearing officers then, after meeting with the youth, either “grant” or “deny” the youth’s grievance. This is followed by an appeals process should the youth wish to appeal the first level officers’ response.</p> <p>We find that many times, the first level officers address and focus their response on what the youth “wants to happen” as opposed to seeking resolution for the grieved issue. The form itself and format of the grievance must be changed to address this issue. This has been discussed, scheduled for review several times but never fully processed or implemented.</p> <p>In discussion once again regarding this issue, we have been notified the Bureau is in the final stages of implementation of a new grievance process - GMS. (The process will not include the language of granted and denied). We are very excited to check in in a few months to see how the new process works to improve the grievance process.</p> <p>114 grievances provided and randomly reviewed from August 2022-October 2022.</p>
<p>(a) a grievance form and instructions for registering a grievance, which includes provisions for the youth to have free access to the form;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1715: Youth Grievance Procedures</p> <p>Grievances were found to be available to youth in all units.</p>
<p>(b) the youth shall have the option to confidentially file the grievance or to deliver the form to any youth supervision staff working in the facility;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1715: Youth Grievance Procedures</p> <p>Each unit has a locked box for confidential grievances. We noted that most youth place their grievances in the locked box for pick up. Youth are also aware they can file confidential grievances through the JIGS system.</p>

(c) resolution of the grievance at the lowest appropriate staff level;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1715: Youth Grievance Procedures</p> <p>When interviewed, youth who have written a grievance stated they can give their grievance to any staff at any level for review and response, but it was noted that most youth almost always place the grievance in the confidential box. It is picked up by the grievance officer, usually on the next shift or the next day, logged in, and the grievance goes through the process which includes the grievance officer coming to talk to them and then, if needed, a supervisor coming to resolve their issue. When youth were asked if they were comfortable with this process, they stated they were.</p> <p>Youth are also aware they can file a grievance in the JIGS- electronic system.</p>
(d) provision for a prompt review and initial response to grievances within three (3) business days, grievances that relate to health and safety issues must be addressed immediately;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1715: Youth Grievance Procedures</p> <p>Most grievances were found to be timely. Those that were not tended to be those that involved a work order or some other process outside the control of the unit/facility. Most health and safety grievances were addressed on the same day. Technical assistance again provided to ensure that youth are periodically reminded that any health or safety grievance should be given to staff for immediate resolution and not placed in the box.</p>
(1) The youth may elect to be present to explain his/her version of the grievance to a person not directly involved in the circumstances which led to the grievance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1715: Youth Grievance Procedures</p> <p>All youth except for one participated in their own grievance.</p>
(2) Provision for a staff representative approved by the facility administrator to assist the youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1715: Youth Grievance Procedures</p> <p>No representatives were noted in any grievances reviewed. There were no requests for assistance.</p>

(e) provision for a written response to the grievance which includes the reasons for the decisions;	☒	☐	☐	<p>Section 1715: Youth Grievance Procedures</p> <p>In general, we found the response documentation of grievances to be minimally compliant.</p> <p>We found some grievances with more than one issue noted yet all issues did not have full responses to each item. We noted there were some that lacked reasonable responses and some that did not address the issue at all or were not forwarded on to the appropriate partner. Overall, these issues are concerning but the amount of these problematic grievances noted in comparison to the amount viewed overall did not rise to a level of non-responsive or of overall noncompliance at this time.</p> <p>There have been a large number of new supervisors in the facility who need more guidance and specific training from their directors regarding proper response for grievances. This should be a priority.</p> <p>Technical Assistance provided. This issue will be addressed and reviewed with all grievances reviewed in a targeted inspection in the next 90 days.</p> <p>We will be looking for marked improvement in the handling and documentation of grievances in this area.</p>
(f) a system which provides that any appeal of a grievance shall be heard by a person not directly involved in the circumstances which led to the grievance;	☒	☐	☐	<p>Section 1715: Youth Grievance Procedures</p> <p>Appeals are heard by facility Directors.</p>
(g) resolution of the grievance must occur within ten (10) business days unless circumstances dictate a longer time frame. The youth shall be notified of any delay; and,	☒	☐	☐	<p>Section 1715: Youth Grievance Procedures</p> <p>Grievances were completed timely.</p>
(h) the policy shall provide multiple internal and external methods to report sexual abuse and sexual harassment.	☒	☐	☐	<p>Section 1715: Youth Grievance Procedures</p> <ul style="list-style-type: none"> • Grievance procedure • Directly to staff, contractors, volunteers, or visitors. • Mental Health referral • Medical referral. • Contacting the ombudsman.
Whether or not associated with a grievance, concerns of parents, guardians, staff or other parties shall be addressed and documented in accordance with written policies and procedures within a specified timeframe.	☒	☐	☐	<p>Section 1715: Youth Grievance Procedures</p> <p>Any issue should be resolved with a Director or the Superintendent onsite at the time of incident.</p>

<p>1362 REPORTING OF INCIDENTS</p> <p>A written report of all incidents which result in physical harm, use of force, serious threat of physical harm, or death of an employee, youth or other person(s) shall be maintained. Such written record shall be prepared by the staff and submitted to the facility manager by the end of the shift, unless additional time is necessary and authorized by the facility manager or designee.</p>	☒	☐	☐	<p>Policy sections as noted below regarding reports:</p> <p>1022: Safe Crisis Management – Physical Intervention Reports</p> <p>1907: Special Incident Report Form</p> <p>1909: Detention Observation Report (DOR) Form</p> <p>1912: Preliminary and Follow Up Incident Notification Procedures</p> <p>Various reports were provided for review. Reports were written and submitted in a timely manner.</p>
<p>1363 USE OF REASONABLE FORCE TO COLLECT DNA SPECIMENS, SAMPLES, IMPRESSIONS</p> <p>(a) Pursuant to Penal Code Section 298.1 authorized law enforcement, custodial, or corrections personnel including peace officers, may employ reasonable force to collect blood specimens, saliva samples, and thumb or palm print impressions from individuals who are required to provide such samples, specimens or impressions pursuant to Penal Code Section 296 and who refuse following written or oral request.</p>	☒	☐	☐	<p>Section 308: Juvenile Collection of DNA Samples</p> <p>Since 2011, the Juvenile Halls have been responsible for the collection of DNA samples for both detained and non-detained youth.</p> <p>There are trained officers who collect DNA samples in the facility. DNA is collected by senior Detention Services Officers. There has not been any use of force in any collection of DNA this cycle.</p> <p>Per facility policy, force will not be used to collect DNA. If a youth refuses, this information is provided to the court for further review and action.</p>
<p>(1) For the purpose of this section, the “use of reasonable force” shall be defined as the force that an objective, trained and competent correctional employee, faced with similar facts and circumstances, would consider necessary and reasonable to gain compliance with this section.</p>	☒	☐	☐	<p>Section 308: Juvenile Collection of DNA Samples</p>
<p>(2) The use of reasonable force shall be preceded by efforts to secure voluntary compliance. Efforts to secure voluntary compliance shall be documented and include an advisement of the legal obligation to provide the requisite specimen, sample or impression and the consequences of refusal.</p>	☒	☐	☐	<p>Section 308: Juvenile Collection of DNA Samples</p>
<p>(b) The force shall not be used without the prior written authorization of the supervising officer on duty. The authorization shall include information that reflects the fact that the offender was asked to provide the requisite specimen, sample, or impression and refused.</p>	☒	☐	☐	<p>Section 308: Juvenile Collection of DNA Samples</p>

<p>(1) If the use of reasonable force includes a cell extraction, the extraction shall be videotaped. Video shall be directed at the cell extraction event. The videotape shall be retained by the agency for the length of time required by statute. Notwithstanding the use of the video as evidence in a court proceeding, the tape shall be retained administratively.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 308: Juvenile Collection of DNA Samples</p>
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1370 EDUCATION PROGRAM**(a) School Programs**

The County Board of Education shall provide for the administration and operation of juvenile court schools in conjunction with the Chief Probation Officer, or designee pursuant to applicable State laws. The school and facility administrators shall develop and implement written policy and procedures to ensure communication and coordination between educators and probation staff. Culturally responsive and trauma-informed approaches should be applied when providing instruction. Education staff should collaborate with the facility administrator to use technology to facilitate learning and ensure safe technology practices. The facility administrator shall request an annual review of each required element of the program by the Superintendent of Schools, and a report or review checklist on compliance, deficiencies, and corrective action needed to achieve compliance with this section. Such a review, when conducted, cannot be delegated to the principal or any other staff of any juvenile court school site. The Superintendent of Schools shall conduct this review in conjunction with a qualified outside agency or individual. Upon receipt of the review, the facility administrator or designee shall review each item with the Superintendent of Schools and shall take whatever corrective action is necessary to address each deficiency and to fully protect the educational interests of all youth in the facility.

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The education program is provided by Los Angeles County Office of Education. Title 15 requires the Superintendent of Schools to conduct a review of the Education program in conjunction with a qualified outside agency or individual. The Board of State and Community Corrections Field Representative does not inspect the education program for compliance with Title 15.

The Principal at Central Juvenile Hall (CJH) is Scott Bastien. We were unable to meet with Principal Bastien while onsite but were able to meet on a TEAMS call after our visit. There is also an Assistant Principal at the CJH School who we were unable to meet.

Central Juvenile Hall School has 19 core teachers, 6 counselors, 2 Educational Behavior Technicians, 12 Paraeducators, 2 School Psychologists, 1 Program Specialist and 2 clerks. School operates year-round, Monday - Friday observing all regular holidays.

Youth attend in two blocks. Block one from 8:30AM to 11:50 AM and Block two from 1:20 PM to 3:00PM. We discussed the challenges of COVID, safety in the classrooms, and virtual learning.

In our interviews with young people, they all stated they like school and like attending. Most stated that they have been held from school in the unit due to COVID or others because of staffing. Youth noted that when this occurs, packets are provided to them but they are not provided with any teachers. They noted that the packet work only takes a few hours, and they don't receive anything else. This was discussed with Principal Bastien in that youth are not receiving virtual learning as in what is being indicated. Packets are not an appropriate learning method in that Title 15 per the Ed. Code requires instructional minutes from teaching staff.

The 2022 education program of the Central Juvenile Hall was evaluated by Maribel Martinez, Jose Jauregui and Flavio Gallarzo from Lynwood Unified School District. This reviewed occurred on November 22, 2022. The education program at CJH was found to meet and comply with all regulatory requirements.

The following italicized narrative is specific to the comments made by the inspecting body.

				<p><i>All operations are in conjunction with the CPO/Designee pursuant to state laws.</i></p> <p><i>Policies and procedures are available for stakeholders.</i></p> <p><i>PBIS framework and Road to Success Academy is being used to continue to support students in a culturally responsive manner and become trauma informed.</i></p> <p><i>Collaboration between education staff and facility administrators takes place regularly to ensure technology practices is aligned with daily goals.</i></p> <p><i>Annual review conducted November 22, 2022. The review was conducted by Lynwood Unified School District representatives. The Superintendent of Schools/Designee has agreed to review each item after the visit is conducted.</i></p>
<p>(b) Required Elements</p> <p>The facility school program shall comply with the State Education Code and County Board of Education policies, all applicable federal education statutes and regulations and provide for an annual evaluation of the educational program offerings. As stated in the 2009 California Standards for the Teaching Profession, teachers shall establish and maintain learning environments that are physically, emotionally, and intellectually safe. Youth shall be provided a rigorous, quality educational program that responds to the different learning styles and abilities of students and prepares them for high school graduation, career entry, and post-secondary education.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>BP 6011 Instruction BP 6011 Instruction, BP 0460 Philosophy, Goals, Objectives and Comprehensive Plans BP 005 Philosophy, Goals, Objectives and Comprehensive Plans Item 3,4,5</p> <p><i>The facility has complied with the State ED Code and County Board of Ed policies. Teachers demonstrated the teaching practices during the visit. Differentiated instruction appeared apparent during the visit.</i></p>
<p>All youth shall be treated equally, and the education program shall be free from discriminatory action. Staff shall refer to transgender, intersex and gender-nonconforming youth by their preferred name and gender.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 5145.3 Students
<p>(1) The course of study shall comply with the State Education Code and include, but not be limited to, courses required for high school graduation.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>BP 005 Philosophy, Goals, Objectives and Comprehensive Plans Item 3,4,5</p> <p><i>Evident by student work.</i></p>
<p>(2) Information and preparation for the High School Equivalency Test as approved by the California Department of Education shall be made available to eligible youth.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>AR-6146.2</p> <p><i>Evident during interview.</i></p>
<p>(3) Youth shall be informed of post-secondary education and vocational opportunities.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>AR-6143 Instruction Item 9 (Grades 7-12)</p> <p><i>Evident during interview.</i></p>
<p>(4) Administration of the High School Equivalency Tests as approved by the California Department of Education, shall be made available when possible.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>AR6146-2 Instruction Ed Code 51420</p> <p><i>Evident during visit and interview.</i></p>

(5) Supplemental instruction shall be afforded to youth who do not demonstrate sufficient progress towards grade level standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AR-6179 Instruction BPP 5149 <i>Supplemental and small group instruction was being conducted during the visit.</i>
(6) The minimum school day shall be consistent with State Education Code Requirements for juvenile court schools. The facility administrator, in conjunction with education staff, must ensure that operational procedures do not interfere with the time afforded for the minimum instructional day. Absences, time out of class or educational instruction, both excused and unexcused, shall be documented.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BP 6112 Instruction <i>Evident during visit.</i> BSCC Note: It was noted when youth do not attend school in the classroom, for example due to quarantine of the unit or other circumstances that prevent youth from being present in the classroom, they are provided with packets in lieu of in-person or virtual instruction. Packets do not meet the instructional minimums. Technical assistance has been provided in this area previously. This issue has been discussed with both the school and probation in the past.
(7) Education shall be provided to all youth regardless of classification, housing, security status, disciplinary or separation status, including room confinement, except when providing education poses an immediate threat to the safety of self or others. Education includes, but is not limited to, related services as provided in a youth's Section 504 Plan or Individualized Education Program (IEP).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 6112 Instruction Partially address requirement. AR 5131 <i>Evident during site visit and interview with the principal.</i>
(c) School Discipline (1) Positive behavior management will be implemented to reduce the need for disciplinary action in the school setting and be integrated into the facility's overall behavioral management plan and security system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AR 5144 Students <i>PBIS Framework was visible during the visit and interview with staff.</i>
(2) School staff shall be advised of administrative decisions made by probation staff that may affect the educational programming of students.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 5021 Students CF 6020 <i>School staff and probation staff collaborate daily to discuss the student's educational programming.</i>
(3) Except as otherwise provided by the State Education Code, expulsion/suspension from school shall be imposed only when other means of correction fails to bring about proper conduct. School staff shall follow the appropriate due process safeguards as set forth in the State Education Code including the rights of students with special needs. School staff shall document the other means of correction used prior to imposing expulsion/ suspension if an expulsion/suspension is ultimately imposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 5144.1 Students; 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities) <i>Safeguards are put in place to ensure students are disciplined appropriately following Ed Code.</i>

(4) The facility administrator, in conjunction with education staff will develop policies and procedures that address the rights of any student who has continuing difficulty completing a school day.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 5144 <i>Evident by interview with school personnel.</i>
(d) Provisions for Special Populations (1) State and federal laws and regulations shall be observed for all individuals with disabilities or suspected disabilities. This includes but is not limited to child find, assessment, continuum of alternative placements, manifestation determination reviews, and implementation of Section 504 Plans and Individualized Education Programs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 0430 Philosophy, Goals, Objectives and Comprehensive Plans <i>State and Federal laws and regulations are being observed for all students with disabilities as noted during the interview with the principal.</i>
(2) Youth identified as English Learners (EL) shall be afforded an educational program that addresses their language needs pursuant to all applicable state and federal laws and regulations governing programs for EL students.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 6174 Instruction <i>EL students are being supported through Road to Success Academy to ensure state and federal compliance is being met.</i>
(e) Educational Screening and Admission (1) Youth shall be interviewed after admittance and a record maintained that documents a youth's educational history, including but not limited to:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 6162.5 Instruction Partially Answers Requirement <i>Interview takes place immediately after the student is admitted as noted during the interview with school personnel.</i>
(A) School progress/school history;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 6162.5 Instruction <i>Evident through the interview with school personnel.</i>
(B) Home Language Survey and the results of the State Test used for English language proficiency;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AR 6174 Instruction <i>Evident through the interview with school personnel.</i>
(C) Needs and services of special populations as defined by the State Education Code, including but not limited to, students with special needs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 6162.5 Instruction <i>Evident through the interview with school personnel.</i>
(D) Discipline problems.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 5131 Students <i>Evident through the interview with school personnel.</i>
(2) Youth will be immediately enrolled in school. Educational staff shall conduct an assessment to determine the youth's general academic functioning levels to enable placement in core curriculum courses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 6162.5 Instruction <i>Youth is immediately enrolled in school following the admittance to the facility.</i>
(3) After admission to the facility, a preliminary education plan shall be developed for each youth within five school days.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 6162.5 Instruction <i>Evident through the interview with school personnel.</i>

<p>(4) Upon enrollment, education staff shall comply with the State Education Code and request the youth's records from his/her prior school(s), including, but not limited to, transcripts, Individual Education Program (IEP), 504 Plan, state language assessment scores, immunization records, exit grades, and partial credits. Upon receipt of the transcripts, the youth's educational plan shall be reviewed with the youth and modified as needed. Youth should be informed of the credits they need to graduate.</p>	☒	☐	☐	<p>AR 5125 Students</p> <p><i>Evident through the interview with school personnel.</i></p>
<p>(f) Educational Reporting</p> <p>(1) The complete facility educational record of the youth shall be forwarded to the next educational placement in accordance with the State Education Code.</p>	☒	☐	☐	<p>AR 5125 Students</p> <p><i>Evident through the interview with school personnel. Processes and procedures exist to ensure student records follow the student to their next educational placement.</i></p>
<p>(2) The County Superintendent of Schools shall provide appropriate credit (full or partial) for course work completed while in juvenile court school in accordance with the State Education Code.</p>	☒	☐	☐	<p>BP 5121 Students</p> <p><i>Students receive daily partial credit for everyday they are in school and complete work as noted in the interview with school personnel.</i></p>
<p>(g) Transition and Re-Entry Planning</p> <p>(1) The Superintendent of Schools and the Chief Probation Officer or designee, shall develop policies and procedures to meet the transition needs of youth, including the development of an education transition plan, in accordance with the State Education Code and in alignment with Title 15, Minimum Standards for Juvenile Facilities, Section 1355.</p>	☒	☐	☐	<p>AR 6159 Instruction</p> <p><i>Policies and procedures are in place support students in transition as noted during the interview with school personnel.</i></p>
<p>(h) Post-Secondary Education Opportunities</p> <p>(1) The school and facility administrator should, whenever possible, collaborate with local post-secondary education providers to facilitate access to educational and vocational opportunities for youth that considers the use of technology to implement these programs.</p>	☒	☐	☐	<p>BP 6143 Instruction and BP 6163.4 Student Use of Technology</p> <p><i>Dual enrollment with ELAC and Mission College will be available for interested students.</i></p>
<p>1371 PROGRAMS, RECREATION, AND EXERCISE.</p> <p>The facility administrator shall develop and implement written policies and procedures for programs, recreation, and exercise for all youth. The intent is to minimize the amount of time youth are in their rooms or their bed area.</p>	☒	☐	☐	<p>Section 622: Programs Section 623: Recreation and Exercise</p>

<p>Juvenile facilities shall provide the opportunity for programs, recreation, and exercise a minimum of three hours a day during the week and five hours a day each Saturday, Sunday or other non-school days, of which one hour shall be an outdoor activity, weather permitting.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 622: Programs Section 623: Recreation and Exercise</p> <p>Two weeks of programming sheets were reviewed to determine if the opportunity for programs, recreation, and exercise were provided to the youth. We reviewed limited, random video footage to determine if programs, exercise, and recreation were being conducted as required.</p> <p>Documentation provided demonstrates that these activities are provided, however, they are not always provided as required by regulation. Additionally, youth are not receiving their hour outdoors daily. See below for specific by activity.</p>
<p>A youth's participation in programs, recreation, and exercise may be suspended only upon a written finding by the administrator/manager or designee that a youth represents a threat to the safety and security of the facility.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 622: Programs Section 623: Recreation and Exercise</p>
<p>Such program, recreation, and exercise schedule shall be posted in the living units.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 622: Programs Section 623: Recreation and Exercise</p> <p>The program, recreation, and exercise schedules were posted in the living units.</p>
<p>There will be a written annual review of the programs, recreation, and exercise by the responsible agency to ensure content offered is current, consistent, and relevant to the population.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 622: Programs Section 623: Recreation and Exercise</p> <p>At inspection, annual reviews were provided by the facility Superintendent for all programs, recreation, and exercise activities that occur/occurred in the facility in 2021 and 2022. There were no individual reviews provided by any of the Community Based Organizations identified by the Superintendents or from DMH. No program information that facility staff provided were noted in this review. This section was found noncompliant. Since the inspection and during 2023, facility staff have been able to get 3 letters from CBO's. We will continue to work with the agency during the CAP to ensure a full review is completed.</p>

<p>(a) Programs. All youth shall be provided with the opportunity for at least one hour of daily programming to include, but not be limited to, trauma focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or pro-social interventions and activities designed to reduce recidivism. These programs should be based on the youth’s individual needs as required by Sections 1355 and 1356. Such programs may be provided under the direction of the Chief Probation Officer or the County Office of Education and can be administered by county partners such as mental health agencies, community based organizations, faith-based organizations or Probation staff.</p> <p>Programs may include but are not limited to:</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p>Section 622: Programs Section 623: Recreation and Exercise</p> <p>Program topics and worksheets are identified and designated by the Behavior Management Program (BMP) unit. These resources are provided to the unit staff who are responsible for providing programs in the unit to the youth.</p> <p>We found through our review that programs are not being provided daily in all units, they are not occurring for a full hour despite being documented as such, that youth may be provided with programming resources, i.e. a work sheet is handed out to them, but the staff are not engaging the youth in the process or program.</p> <p>There was evidence of outside programs (CBO’s) and DMH providing programming, but these programs were limited and did not occur often across the facility.</p> <p>It was noted that program resources are limited. BMP staff do not provide staffing resources to conduct any daily programming in the units. Unit staff are responsible to determine the curriculum for the program to be offered. Unit staff have not been formally trained to facilitate programs and the unit dayrooms in some units are very small to accommodate multiple activities at any given time. Supervision is also an issue in some cases due to lack of staff if not all youth choose to participate in the given program.</p> <p>This section is noncompliant.</p>
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<ul style="list-style-type: none"> (1) Cognitive Behavior Interventions; (2) Management of Stress and Trauma; (3) Anger Management; (4) Conflict Resolution; (5) Juvenile Justice System; (6) Trauma-related interventions; (7) Victim Awareness; (8) Self-Improvement; (9) Parenting Skills and support; (10) Tolerance and Diversity; (11) Healing Informed Approaches; (12) Interventions by Credible Messengers; (13) Gender Specific Programming; (14) Art, creative writing, or self-expression; (15) CPR and First Aid training; (16) Restorative Justice or Civic Engagement; (17) Career and leadership opportunities; and, (18) Other topics suitable to the youth population. 			<p>Section 622: Programs Section 623: Recreation and Exercise</p> <p>Per the Superintendent's review of Facility Programs, the following are the programs that are provided to the youth at Central Juvenile Hall. As noted previously, the annual reviews were not all provided by the individual program providers. Programs provided by facility staff have not been included.</p> <p>Department of Mental Health Seeking Safety DST Meditation Seeking Safety Life Skills CST Substance Abuse Psych Ed Coping Skills</p> <p>Community Based Organizations Affiliates and Offenders Recovery Program Alcoholics Anonymous Inside Out Writers Jail Guitar Doors Homeboy Arts Academy Unusual Suspects Give A Beat (*) Growth and Wellness Innovation Program Keeping It Sober and Sensual Book Club Saving Innocence Project Unusual Suspect Anti-Recidivism Coalition ADVOT</p>
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<p>(b) Recreation. All youth shall be provided the opportunity for at least one hour of daily access to unscheduled activities such as leisure reading, letter writing, and entertainment. Activities shall be supervised and include orientation and may include coaching of youth.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 623: Recreation and Exercise</p> <p>Youth spend most of their non-school hours in recreation and well exceed the hour that is required. We noted units are not consistent as to what is provided between buildings or between units. Some units have game stations, some have access to Netflix and other streaming options as staff are bringing them in and using their own cell phone Wi-Fi so the youth have access to fun activities and tasks that will occupy their attention.</p> <p>All youth in the facility should have the same access to age-appropriate recreational activities. Youth should not have to depend on staff to bring their personal gaming system or use their hotspot to provide recreational activities. We noted that if a TV, radio, or speaker is broken, it takes a very long time to replace it. There should be replacement items available and replaced in a reasonable timeframe. If something is a risk, but is something that could get broken in an institutional setting such as a TV, then efforts should be made to mitigate the risk i.e., encasing it or framing it in so that it cannot be broken, not to just not replace it for long periods of time.</p> <p>An accounting of recreational activities available to the youth was made and provided to the facility superintendent for review and action as appropriate.</p> <p>We noted while reviewing documentation, in some units, documentation did not include the youth's choice of activity. We noted through our onsite visits, youth simultaneously have access to several activities all the while being on the phone and playing cards or dominoes. They choose what they participate in.</p> <p>There is no cable, Wi-Fi, or other means for youth to access the television, the internet for television shows, or streaming of age-appropriate content or programs. This has been addressed in technical assistance several times. We will continue to provide technical assistance in this area.</p>
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<p>(c) Exercise. All youth shall be provided with the opportunity for at least one hour of large muscle activity each day.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 623: Recreation and Exercise</p> <p>Per the Superintendent's review of Facility exercise, the following are the activities that are provided to the youth at Central Juvenile Hall:</p> <p>Football Catch Soccer Basketball HORSE Jump Rope Power Walk Handball Workout Station Kickball</p> <p>Youth are assigned to a specific exercise activity at a specific time due to the scheduling of the space. The facility does not have individual recreation spaces to keep the various populations separate. This presents security concerns as youth will run from one area to the next to assault other youth from rival gangs. As the time changed in the end of October, it is more difficult to get each unit out to exercise during the week.</p> <p>Video review revealed youth are not going outside as required daily and stay inside to participate in indoor recreation or sometimes none at all. We also found that youth who do get outside do not always receive the full hour and return early. We are unaware of the reason why this occurs as it is not documented.</p> <p>We have discussed alternative means to complete exercise requirements. Staffing issues further impact and deteriorate the issue.</p> <p>This section is noncompliant.</p>
<p>The administrator/manager may suspend, for a period not to exceed 24 hours, access to recreation and programs. The administrator/manager shall document the reasons why suspension of recreation and programs occurs.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 622: Programs Section 623: Recreation and Exercise</p>
<p>1372 RELIGIOUS PROGRAM</p> <p>The facility administrator shall provide access to religious services and/or religious counseling at least once each week. Attendance shall be voluntary. A youth shall be allowed to participate in an activity outside of their room if he/she elects not to participate in religious programs.</p> <p>Religious programs shall provide for:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1803: Religious Services</p>

(a) opportunity for religious services and practices;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1803: Religious Services</p> <p>Religious services are held on Sunday. Both protestant and catholic services have been offered. The facility has a chapel onsite. The facility has been in COVID related quarantines/isolations off and on during the cycle.</p> <p>On 09/25/2022, there were 12 youth in attendance, and on 10/16/2022, there were a total of 28 youth that attended church services.</p> <p>The facility had previously been asked to develop a process to track religious services, visiting, and any other areas that may be impacted by COVID to ensure youth are still getting needs met. This is in progress.</p>
(b) availability of clergy; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1803: Religious Services</p> <p>Members of the clergy come to the facility to provide services and bible studies. Youth may also ask for individual clergy to be placed on the visitation list.</p>
(c) availability of religious diets.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1803: Religious Services</p> <p>Youth may ask for a special diet based on religious preference. Youth complete a special request form.</p>
<p>1373 WORK PROGRAM</p> <p>The facility administrator shall develop policies and procedures regarding the fair and consistent assignment of youth to work programs. Work assigned to a youth shall be meaningful, constructive and related to vocational training or increasing a youth's sense of responsibility. Work programs shall not be imposed as a disciplinary measure.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 505: Housekeeping</p> <p>Work programs have been significantly impacted by COVID-19. As the programs come back, the facility will inform the youth. In the meantime, youth are only responsible for maintaining their units and their rooms.</p>

<p>1374 VISITING</p> <p>The facility administrator shall develop and implement written policies and procedures for visiting, that include provisions for special visits. Youth shall be allowed to receive visits by parents, guardians or persons standing in loco parentis, and children of youth. Other family members, such as grandparents and siblings, and supportive adults, may be allowed to visit with the approval of the facility administrator or designee, and in conjunction with the youth's case plan or in the best interest of the youth.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 304: Visiting</p> <p>Documentation was requested and provided from September and October 2022. We found visits were cancelled on September 24 and 25, 2022 due to critical staffing. We did not find that virtual calls or extra calls were provided to all youth as an alternative. Visits were held as required in October 2022. We found that virtual calls and extra calls were lacking across all units throughout the facility.</p> <p>Many youth who are located in CJH have children of their own. CJH does not have a regular program for baby visiting that is consistent and ongoing. Very few baby visits have been accommodated. This is noncompliant. We suggest you share the opportunity at orientation along with the requirements so youth can get working on the proper documentation to visit with their children.</p>
<p>All visits shall occur at reasonable times, subject only to the limitations necessary to maintain order and security. Visitation shall not be denied solely based on the visitor's criminal history. The staff shall determine in each case, whether the visitor's criminal history represents a risk to the safety of youth or staff in the facility. Any denial of visitation or limitation on visitations shall be communicated to the youth, person denied and facility administrator.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 304: Visiting</p>

<p>Opportunity for visitation shall be a minimum of two hours per week. Visits may be supervised, but conversations shall not be monitored unless there is a security or safety need.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 304: Visiting</p> <p>During the cycle, it was noted that the facility canceled visitation due to either quarantine status or a lack of staff to properly monitor the visits and to supervise youth and parents both in the units and at visitation.</p> <p>If visiting is cancelled or otherwise does not occur, all youth should be provided with virtual calls or phone calls. This issue has been discussed previously. Noncompliance is based on this issue. Cancelling visitation due to lack of staffing is addressed in staffing.</p> <p>Logs were provided for review and proof of practice. Technical assistance provided to enhance phone logs. We did not find any documentation of virtual calls offered; county line calls were limited as were the dayroom/hallway phone calls. Virtual calls must be made available to youth. We suggest more phones be installed to increase call opportunities for youth and to address the high level of work orders for phone maintenance.</p> <p>Technical assistance has been provided to facility managers regarding parent/visitor check in. Parents/visitors should be provided with a full 2 hours for active visiting. The facility should begin processing visitors early enough to ensure a full 2-hour visit is offered.</p>
<p>Provisions for special visits, in addition to the two-hour minimum and/or outside of the regular visiting hours, shall be accommodated as necessary and within the discretion of the facility administrator or designee. Family therapy and professional visits shall be accommodated outside the provisions of this regulation. Facilities may provide visitation opportunities outside of normal visiting hours to accommodate special visits.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 304: Visiting</p>
<p>The facility may provide access to technology as an alternative, but not as a replacement, to in-person visiting.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 304: Visiting Section 306: Virtual Communication</p> <p>Facility does not offer regular technology-based visitation.</p>
<p>1375 CORRESPONDENCE</p> <p>The facility administrator shall develop and implement written policies and procedures for correspondence which provide that:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 511: Mail</p> <p>Youth interviewed noted they have access to letter writing materials daily.</p>

(a) there is no limitation on the volume of mail that youth may send or receive;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 511: Mail There is no limitation on the amount of mail a youth may send out or receive. Youth are provided the opportunity to write letters every day during recreational periods. Youth can ask for supplies as needed.
(b) youth may send two letters per week postage free;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 511: Mail All letters are sent postage paid.
(c) youth may correspond confidentially with state and federal courts, any member of the State Bar or holder of public office, and the Board; however, authorized facility staff may open and inspect such mail only to search for contraband and in the presence of the youth; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 511: Mail
(d) incoming and outgoing mail, other than that described in (c), may be read by staff only when there is reasonable cause to believe facility safety and security, public safety, or youth safety is jeopardized.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 511: Mail
1376 TELEPHONE ACCESS The administrator of each juvenile facility shall develop and implement written policies and procedures to provide youth with access to telephone communications.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 512: Use of Telephone Per policy, youth are provided with 1 call weekly on the County phone. They generally have access to dayroom telephones daily. Calls are currently free. Telephones appear to be in need of replacement and perhaps a review to determine if more could be installed. Current phones are often out of order or are not functioning properly per grievances reviewed and other conversations with youth. This is an issue that must be addressed.
1377 ACCESS TO LEGAL SERVICES The facility administrator shall develop written procedures to ensure the right of youth to have access to the courts and legal services. Such access shall include:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 513: Access to legal Services Documentation reviewed noted several days of phone logs of youth making professional calls. All individual regulatory requirements have been met.
(a) access, upon request by the youth, to licensed attorneys and their authorized representatives;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 513: Access to legal Services Attorneys can visit their youth at any time.
(b) provision for confidential consultation with attorneys; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 513: Access to legal Services Attorney visits currently occur in the chapel until the construction is concluded in Boys Receiving.
(c) unlimited postage free, legal correspondence and cost-free telephone access as appropriate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 513: Access to legal Services All mail is postage free.

<p>1390 DISCIPLINE</p> <p>The facility administrator shall develop and implement written policies and procedures for the discipline of youth that shall promote acceptable behavior; including the use of positive behavior interventions and supports. Discipline shall be imposed at the least restrictive level which promotes the desired behavior and shall not include corporal punishment, group punishment, physical or psychological degradation. Deprivation of the following is not permitted:</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1103: Discipline Guidelines Section 1104: Corporal Punishment</p> <p>The facility lacks suitable age-appropriate incentives and support to achieve positive behavior. There is no incentive for youth to maintain good behavior. The current discipline process is ineffective as noted though a review of the point system, incentive options, and lack of a meaningful process and the incentive/sanction due process method.</p> <p>Due process is being offered and documentation is being completed but the process lacks viability and youth don't pursue anything further.</p>
(a) bed and bedding;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(b) daily shower, access to drinking fountain, toilet and personal hygiene items, and clean clothing;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(c) full nutrition;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(d) contact with parent or attorney;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(e) exercise;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(f) medical services and counseling;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(g) religious services;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(h) clean and sanitary living conditions;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(i) the right to send and receive mail;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(j) education; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(k) rehabilitative programming.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
<p>The facility administrator shall establish rules of conduct and disciplinary penalties to guide the conduct of youth. Such rules and penalties shall include both major violations and minor violations, be stated simply and affirmatively, and be made available to all youth. Provision shall be made to provide accessible information to youth with disabilities, limited English proficiency, or limited literacy.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1103: Discipline Guidelines Section 1106: Rules and Regulations</p>
<p>1391 DISCIPLINE PROCESS</p> <p>The facility administrator shall develop and implement written policies and procedures for the administration of discipline which shall include, but not be limited to:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1106: Rules and Regulations Section 1107: Due Process</p>
(a) designation of personnel authorized to impose discipline for violation of rules;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1106: Rules and Regulations
(b) prohibiting discipline to be delegated to any youth;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1106: Rules and Regulations
(c) definition of major and minor rule violations and their consequences, and due process requirements;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1106: Rules and Regulations Section 1107: Due Process</p>

(d) trauma-informed approaches and positive behavior interventions;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1106: Rules and Regulations
(e) minor rule violations may be handled informally by counseling, advising the youth of expected conduct imposing a minor consequence. Discipline shall be accompanied by written documentation and a policy of review and appeal to a supervisor; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1107: Due Process Section 1108: Minor Rule Violations If a youth chooses to appeal a minor discipline, this is generally addressed through the grievance process. We saw no grievances for this purpose.
(f) major rule violations and the discipline process shall be documented and require the following:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1107: Due Process
(1) written notice of violation prior to a hearing;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1107: Due Process Sanctions and appeals are completed for all youth. We found youth refuse to complete all areas of the due process form and all waived their right to their hearings. Overall, officers are completing the forms as required and all had a second officer signature as a witness. Once the behavior management program is addressed in Section 1390, all officers should be retrained in these forms.
(2) accommodations provided to youth with disabilities, limited literacy, and English language learners;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1107: Due Process
(3) hearing by a person who is not a party to the incident;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1107: Due Process
(4) opportunity for the youth to be heard, present evidence and testimony;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1107: Due Process
(5) provision for youth to be assisted by staff in the hearing process;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1107: Due Process
(6) provision for administrative review.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1107: Due Process
(g) violations that result in a removal from camp or commitment program, but not a return to court, will follow the due process provisions in subsection (e) above.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CJH does not have a camp or a commitment program.
1410 MANAGEMENT OF COMMUNICABLE DISEASES. The health administrator/responsible physician, in cooperation with the facility administrator and the local health officer, shall develop written policies and procedures to address the identification, treatment, control and follow-up management of communicable diseases. The policies and procedures shall address, but not be limited to:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1805: Communicable Diseases Reviewed Probation policy and medical guidance to ensure Management of Communicable Disease policy is current and addresses all required areas required by section 1410, specifically COVID-19. Compliance based on policy and guidance reviewed from medical provider JCHS.
(a) Intake health screening procedures;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1805: Communicable Diseases
(b) Identification of relevant symptoms;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1805: Communicable Diseases
(c) Referral for medical evaluation;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1805: Communicable Diseases
(d) Treatment responsibilities during detention;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1805: Communicable Diseases
(e) Coordination with public and private community-based resources for follow-up treatment;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1805: Communicable Diseases
(f) Applicable reporting requirements; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1805: Communicable Diseases

(g) Strategies for handling disease outbreaks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1805: Communicable Diseases
The policies and procedures shall be updated as necessary to reflect communicable disease priorities identified by the local health officer and currently recommended public health interventions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1805: Communicable Diseases JCHS has been open to communications regarding language that is contradictory to regulatory language and solving this issue to avoid noncompliance.
1433 REQUESTS FOR HEALTH CARE SERVICES (EXCERPT) The health administrator, in cooperation with the facility administrator, shall develop policy and procedures to establish a daily routine for youth to convey requests for emergency and non-emergency medical, dental and behavioral/mental health care services.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1702: Access to Care/Request for Services Youth interviewed regarding health care services stated they submit a request for service, or they tell staff what they need. Staff will take them to medical if the issue is of an emergent nature. Medical operates 24/7. Mental health will also see youth within a reasonable amount of time. Any afterhours needs are addressed by an on-call staff member. All the youth interviewed felt the timelines in which they are seen is appropriate.
1480 STANDARD FACILITY CLOTHING ISSUE The youth's personal clothing, undergarments and footwear may be substituted for the institutional clothing and footwear specified in this regulation. The facility has the primary responsibility to provide clothing and footwear. Clothing provisions shall ensure that:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The facility provides all clothing and shoes for the youth.
(a) Clothing is clean, reasonably fitted, durable, easily laundered, in good repair, and free of holes and tears.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 403: Procedures for Newly Admitted Youth Clothes appear to be clean, well-fitting, and free from rips and holes.
(b) The standard issue of climatically suitable clothing for youth shall consist of but not be limited to:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 403: Procedures for Newly Admitted Youth Youth are provided with basic needs for weather. Technical assistance has been provided with regard to also providing sweatpants, sweatshirts, beanies and coats when appropriate, shorts for exercise or summer wear, and pajamas or something to sleep in. When items of clothing are passed out, they should go to all youth consistently. It was discussed, it is the responsibility of unit staff to ensure that all youth have the same items of clothing as appropriate. Youth were viewed on video to be in the dayroom, generally during showers, after hours etc. who were walking around in boxer shorts to the restroom. This is inappropriate. Youth should be provided with proper sleeping attire.

(1) Socks and serviceable footwear;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 403: Procedures for Newly Admitted Youth
(2) Outer garments;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 403: Procedures for Newly Admitted Youth
(3) New non-disposable underwear which shall remain with the youth throughout their stay, and;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Sanction 403: Procedures for Newly Admitted Youth</p> <p>Youth are given brand new underwear upon entry.</p> <p>Youth interviewed said they were provided with new underwear upon admission; however, some reported that at some point in their stay, they are not sure anymore if the underwear they receive are theirs. Staff were asked why the youth do not have their own underwear. They stated they are to have them but sometimes, the laundry sends all laundry back in the cart and not in the bags. Youth are then given new underwear again, but the issue will periodically occur. This is problematic and discussed with administrators for resolution.</p> <p>Female youth have the option of new cotton underwear or a cotton disposable. They are provided with whichever they choose. The disposable underwear are generally for girls as requested but it was noted that some girls prefer the disposable to the regular underwear provided. This inspector asked to see the disposable underwear and they are of heavy cotton like material and very similar to regular underwear. Some girls said they are more comfortable, and they prefer to have the disposable daily.</p> <p>Facility is working on ensuring that laundry bags are issued and returned as they should be. We will continue to review and monitor this in future visits. It is necessary to develop and implement a policy to be sure youth have their own underwear every day.</p>
(4) Undergarments, that are freshly laundered and free of stains, including tee shirts and bras.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 403: Procedures for Newly Admitted Youth
(c) Clothing is laundered at the temperature required by local ordinances for the commercial laundries and dried completely in a mechanical dryer or other laundry method approved by the local health officer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Sanction 403: Procedures for Newly Admitted Youth</p> <p>Clothing is laundered in facility commercial laundry.</p>

(d) Suitable clothing is issued to pregnant youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 403: Procedures for Newly Admitted Youth Pregnant youth receive clothing that fits but there is no special maternity clothing.
1482 CLOTHING EXCHANGE The facility administrator shall develop and implement written policies and site-specific procedures for the cleaning and scheduled exchange of clothing. Unless work, climatic conditions, or illness necessitates more frequent exchange, outer garments, except for footwear, shall be exchanged at least once each week. Tee shirts, bras, and underwear shall be exchanged daily; youth shall receive their own underwear back at exchange.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 505: Housekeeping All youth we spoke to reported that clothing is exchanged on a schedule. Underclothes and T-shirts are exchanged daily and pants several times a week. Youth were asked, if they requested to exchange items, could their clothing be exchanged early and all noted they could, they just ask staff.
1484 CONTROL OF VERMIN IN YOUTH'S PERSONAL CLOTHING There shall be written policies and site-specific procedures developed and implemented by the facility administrator to control the contamination and/or spread of vermin and ecto-parasites in all youth's personal clothing. Infested clothing shall be cleaned or stored in a closed container so as to eradicate or stop the spread of the vermin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 505: Housekeeping Youth clothing is placed in individual bags upon entry. Clothing can be washed if there is any concern.
1485 ISSUE OF PERSONAL CARE ITEMS There shall be written policies and site-specific procedures developed and implemented by the facility administrator for the availability of personal hygiene items. Each female youth shall be provided with sanitary napkins, panty liners and tampons as requested. Each youth to be held over 24 hours shall be provided with the following personal care items;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 508: Housekeeping: Personal Hygiene Supplies Policy is in process of being addressed to fix the inconsistency with Section 510 regarding the use of electric razors. Youth are provided with all necessary personal care items for shower time. Females have their choice of tampons or sanitary pads for personal care.
(a) Toothbrush;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 508: Housekeeping: Personal Hygiene Supplies
(b) Toothpaste;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 508: Housekeeping: Personal Hygiene Supplies
(c) Soap;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 508: Housekeeping: Personal Hygiene Supplies
(d) Comb;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 508: Housekeeping: Personal Hygiene Supplies
(e) Shaving implements;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 508: Housekeeping: Personal Hygiene Supplies
(f) Deodorant;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 508: Housekeeping: Personal Hygiene Supplies
(g) Lotion;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 508: Housekeeping: Personal Hygiene Supplies
(h) Shampoo; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 508: Housekeeping: Personal Hygiene Supplies
(i) Post-shower conditioning hair products.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 508: Housekeeping: Personal Hygiene Supplies

<p>Youth shall not be required to share any personal care items listed in items (a) through (d). Liquid soap provided through a common dispenser is permitted. Youth shall not share disposable razors. Double edged safety razors, electric razors, and other shaving instruments capable of breaking the skin, when shared among youth, shall be disinfected between individual uses by the method prescribed by the State Board of Barbering and Cosmetology in Sections 979 and 980, Chapter 9, Title 16, California Code of Regulations.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Sanction 508: Housekeeping: Personal Hygiene Supplies</p>
<p>1486 PERSONAL HYGIENE</p> <p>There shall be written policies and site specific procedures developed and implemented by the facility administrator for showering/bathing and brushing of teeth. Youth shall be permitted to shower/bathe up on assignment to a housing unit and on a daily basis thereafter and given an opportunity to brush their teeth after each meal.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Sanction 621: Showers Sanction 629: Personal Hygiene and Unit Housekeeping</p> <p>Youth who were interviewed said they are given an opportunity to wash up and brush their teeth every morning, brush their teeth after every meal, and shower daily.</p>
<p>1487 SHAVING</p> <p>Youth shall have access to a razor daily, unless their appearance must be maintained for reasons of identification in Court. All youth shall have equal opportunity to shave face and body hair. The facility administrator may suspend this requirement in relation to youth who are considered to be a danger to themselves or others.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Sanction 510: Shaving and Haircut Procedures</p> <p>Youth are to be provided with the opportunity to shave daily. There are signs posted that youth who wish to shave should sign up to do so. In talking with youth, it was noted through these conversations, there is no true consistency in this process as it stands. It was noted that some units do and others do not on a consistent basis. It was also noted the lack of regular or extra staff for supervision is also impacting this process as written.</p> <p>While there is a policy in place, the policy and practice is not clear which leads to confusion. Youth were observed to have clean shaven faces in all the units throughout the time spent visiting the facilities over the course of the time spent in Los Angeles, therefore, it is apparent that shaving does occur, but consistency is certainly an issue. This regulation is found to be minimally compliant at this time.</p> <p>TA provided and discussed that documentation must be clarified to ensure youth have the opportunity daily and this opportunity is documented for proof of practice. This issue will continue to be reviewed regularly in the coming months to ensure a thorough accounting of the process. Monthly reporting document implemented for the facility to report to the inspector by the 5th of the month to show proof of practice of shaving.</p>

<p>1488 HAIR CARE SERVICES (Excerpt)</p> <p>Hair care services shall be available in all juvenile facilities. Youth shall receive hair care services monthly. Equipment shall be cleaned and disinfected after each haircut or procedure, by a method approved by the State Board of Barbering and Cosmetology.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Sanction 510: Shaving and Haircut Procedures</p> <p>Regulation and policy require access to monthly haircuts, but policy does not provide the procedure in which this should occur. More direction is needed for staff to ensure an opportunity is provided with adequate proof of practice. While it is clear that haircuts occurred in some units, it is not clear that haircuts were offered in all units and this was confirmed via interviews with youth, especially the female youth, who noted there is only a barber available.</p> <p>TA provided to immediately implement proof of practice to document monthly access facility wide as well as to provide QA monthly to ensure that all youth who want a haircut receive one.</p> <p>This section is minimally compliant at this time and this issue will continue to be reviewed regularly in the coming months to ensure haircuts occur as required. Monthly reporting document implemented for the facility to report to the inspector by the 5th of the month to show proof of practice of haircuts.</p>
<p>1500 STANDARD BEDDING AND LINEN ISSUE</p> <p>Clean laundered, suitable bedding and linens, in good repair, shall be provided for each youth entering a living area who is expected to remain overnight, shall include, but not be limited to:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Sanction 505: Housekeeping</p> <p>While doing Title 24 inspections, suitable bedding was reviewed. It was noted that several mattresses do not have covers nor do youth have pillows. It was noted that this was due to contraband issues. This was addressed with facility staff and it was being referred for review.</p> <p>We have been notified that mattresses and pillows have been ordered to ensure that all youth have an appropriate mattress and pillow. We will follow up on this issue in April 2023 to ensure that all mattresses have come in and have been distributed.</p>
<p>(a) One mattress or mattress-pillow combination which meets the requirements of Section 1502 of these regulations;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 505: Housekeeping
<p>(b) One pillow and a pillow case unless provided for in (a) above;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 505: Housekeeping
<p>(c) One mattress cover and a sheet or two sheets;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 505: Housekeeping
<p>(d) One towel; and,</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 505: Housekeeping
<p>(e) One blanket or more, up on request</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 505: Housekeeping

<p>1501 BEDDING LINEN EXCHANGE</p> <p>The facility administrator shall develop and implement site specific written policies and procedures for the scheduled exchange of laundered bedding and linen issued to each youth housed. Washable items such as sheets, mattress covers, pillow cases and towels shall be exchanged for clean replacement at least once each week.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Sanction 505: Housekeeping</p> <p>All linens are laundered as required.</p>
<p>The covering blanket shall be cleaned or laundered once a month.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>505: Housekeeping</p> <p>Blankets may be exchanged more frequently and as needed.</p>
<p>1510 FACILITY SANITATION, SAFETY AND MAINTENANCE</p> <p>The facility administrator shall develop and implement written policies and site-specific procedures for the maintenance of an acceptable level of cleanliness, repair and safety throughout the facility. The plan shall provide for a regular schedule of housekeeping tasks, equipment, including restraint devices, and physical plant maintenance and inspections to identify and correct unsanitary or unsafe conditions or work practices in a timely manner. The use of chemicals shall be done in accordance to the product label and Safety Data Sheet which may include the use of Personal Protection Equipment (PPE).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Sanction 505: Housekeeping Sanction 506: Housekeeping: Basic Cleaning Procedures for All Areas Sanction 507: Housekeeping: Maintenance Procedures</p> <p>The facility is maintained by a contracted cleaning crew that is onsite cleaning daily. They maintain COVID cleaning protocols and general cleaning.</p> <p>General cleaning is conducted daily by unit staff and the youth. Youth clean their own individual rooms, their restroom, and dayroom.</p> <p>It was noted that in some units, cameras are routinely greased or otherwise covered by the youth with a substance that impedes camera view. TA provided that cameras should be checked by staff multiple times a shift to ensure the cameras have not been compromised.</p>

REVIEW OF NON REGULATORY REQUIREMENTS

GRANT FUNDING OR CODE REFERENCE	YES	NO	N/A	P/P REFERENCE - COMMENTS
JUVENILE PROBATION AND CAMPS FUNDING (JPCF) (Camps Only)				
The programs/services identified on the JPCF – Camp Allocation Eligibility Form are being provided at the facility. (Refer to the JPCF Program Agreement, Attachment B)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
208.5 WIC CONTACT BETWEEN PERSONS UNDER THE JUVENILE COURT AGES 19- 20 AND MINORS IN THE FACILITY				
The facility houses Juvenile Court Wards 19 years of age and older.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The facility has been approved to hold persons under the juvenile court who are ages 19 through 21.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The facility continues to comply with the requirements of 208.5 WIC (programming, capacity and security of the facility) as outlined in the county's application.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
JUVENILE JUSTICE DELINQUENCY PREVENTION ACT MONITORING (JJDP)				
WIC 206 SEPARATE FACILITIES FOR WIC 300 MINORS Dependent or neglected minors who are defined under Section 300 of the Welfare and Institutions Code (WIC) are held only in non-secure, separate and segregated facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/> <i>Violation</i>	<input type="checkbox"/>	
DETENTION OF STATUS OFFENDERS (WIC 601) AND FEDERAL MINORS Status Offenders (WIC 601) are held in the facility.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Status Offenders (WIC 601) are kept separate from Juvenile Delinquents (WIC 602)? (WIC 207[d]).	<input type="checkbox"/>	<input type="checkbox"/> <i>Violation</i>	<input checked="" type="checkbox"/>	
Federal Minors (ICE Holds or ORR Contract) are held in the facility.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If yes to the above, the <i>Monthly Report on the Detention of Status Offenders/Federal Minors</i> is submitted to the BSCC.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
WIC 208 SEPARATION OF MINORS AND ADULT INMATES (JJDP 42 USC 5633, Sec 223, State Plans (a)[12]) Are adult inmates held in the facility? (When a person in detention is proceeding through the adult court, AND that person is 18 years of age or older that person is an adult inmate .)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If adult inmates are held, they are appropriately separated from minors.	<input type="checkbox"/>	<input type="checkbox"/> <i>Violation</i>	<input checked="" type="checkbox"/>	
Adult inmates from an adult facility (e.g. inmate workers or "Scared Straight" programs) are not allowed in the facility in a manner that allows contact with minors.	<input type="checkbox"/>	<input type="checkbox"/> <i>Violation</i>	<input checked="" type="checkbox"/>	

JUVENILE HALLS, SPECIAL-PURPOSE JUVENILE HALLS AND CAMPS
Board of State and Community Corrections
PROCEDURES CHECKLIST¹

BSCC Code: 7204

FACILITY NAME: Barry J. Nidorf Juvenile Hall	FACILITY TYPE: Juvenile Hall
PERSON(S) INTERVIEWED: Janice Jones, Sr. Director; Lizet Barboza, BSCC Coordinator, Karen Streich and Rae Tinnagan, DMH, David Oh, JCHS, Reuben Carranza Principal; 4-line staff and 6 youth, ages 17, 18.5,18,16,16,15 from Hill units and several youth from each Compound Unit.	
FIELD REPRESENTATIVE: Lisa Southwell	DATE: November 8-18, 2022

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
1313 COUNTY INSPECTION AND EVALUATION OF BUILDING AND GROUNDS On an annual basis, or as otherwise required by law, each juvenile facility administrator shall obtain a documented inspection and evaluation from the following:				
(A) County building inspection by agency designated by the Board of Supervisors to approve building safety;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 203: County Inspections of Buildings and Grounds 2020 The building inspection was completed by Tenneson D'Sena on December 15, 2020. The inspecting body noted all areas of concern were reinspected and found to be corrected. 2021 The building inspection was completed by Tenneson D'Sena on September 21, 2021. No issues of concern were noted. There were no areas of concern. 2022 The building inspection was completed by Tenneson D'Sena on August 24, 2022. There were three areas of concern found. These areas have been corrected and the inspecting body has provided clearance.

¹ This document is intended for use as a tool during the inspection process; this worksheet may not contain each Title 15 regulation that is required. Additionally, many regulations on this worksheet are SUMMARIES of the regulation; the text on this worksheet may not contain the entire text of the actual regulation. Please refer to the complete California Code of Regulations, Title 15, Minimum Standards for Local Facilities, Division 1, Chapter 1, Subchapter 5 for the complete list and text of regulations.

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(B) Fire authority having jurisdiction, including a fire clearance as required by Health and Safety Code Section 13146.1 (a) and (b);	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 203: County Inspections of Buildings and Grounds</p> <p>The fire inspection was completed by Inspector Brian Whalen, Valley Public Safety Unit</p> <p>Fire Clearance was granted on 5/28/2020. Fire Inspection not completed for 2021 due to COVID.</p> <p>Fire inspection completed on 07/26/2022 by Brian Whalen. The facility did not pass inspection and corrections are required. The facility is currently on Fire Watch status per administration and is keeping the appropriate logs.</p>
(C) Local health officer, inspection in accordance with Health and Safety Code Section 101045;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 203: County Inspections of Buildings and Grounds</p> <p>2021 Medical Mental Health: Completed March 12, 24-25, 2021 by Tia Mao, PHN. Areas of concern were reinspected in November 2021 and were noted to be corrected except for one area that would be reviewed at the next inspection per the inspecting body.</p> <p>Nutrition: Completed March 24-25, 2021, by David Kornoff, EHS III. Areas of concern were reinspected in May 2021 and were noted to be corrected.</p> <p>Environmental Health: Completed March 24-25, 2021, by David Kornoff, EHS III. Areas of concern were reinspected in May 2021 and were noted to be corrected except for larger items scheduled for renovation.</p> <p>2022 Medical Mental Health: Completed January 27, February 22, and March 15-16, 2022, by Tia Mao, PHN</p> <p>Nutrition: Completed March 16, 2022, by Nicolas Martinez, Chief EHS, and Antonio Valera EHSIII. No areas of noncompliance were found.</p> <p>Environmental Health: Completed March 16, 2022, by Nicolas Martinez, Chief EHS, and Antonio Valera EHSIII. All areas noted as noncompliant were corrected on June 6, 2022, and noted as such.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(D) County superintendent of schools on the adequacy of educational services and facilities as required in Section 1370;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 203: County Inspections of Buildings and Grounds</p> <p>Education for the facility is provided by the Los Angeles County Office of Education</p> <p>2021 On December 20, 2021, the facility was inspected by Dr. Andrea Kittelson, Principal. LAUSD found the school program to meet regulatory expectations.</p> <p>2022 Completed December 9, 2022, by Jason Deaville, Director of Student Services, Palmdale School District. The school was found to be compliant.</p> <p>See Section 1370 for specific comments made by Jason Deaville.</p>
(E) Juvenile court as required by Section 209 of the Welfare and Institutions Code	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 203: County Inspections of Buildings and Grounds</p> <p>2021 The facility was inspected by the Honorable Akemi Arakaki on December 1, 2021. The facility was deemed to be operated and maintained as a suitable place for the confinement of minors.</p> <p>Judge Arakaki found the facility to be suitable to house youth.</p> <p>2022 The inspection was not completed as required.</p> <p>An inspection was completed on 1/25/23 for the 2023/2024 inspection cycle. The report is pending.</p>
(F) Juvenile Justice Commission as required by Section 229 of the Welfare and Institutions Code or Probation Commission as required by Section 240 of the Welfare and Institutions Code.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 203: County Inspections of Buildings and Grounds</p> <p>The Probation Oversight Commission conducts annual inspections of the facility.</p> <p>2021 The facility was inspected in September 2021.</p> <p>2022 The facility was inspected on October 11, 2022.</p> <p>Reports can be found at http://file.lacounty.gov/SDSInter/bos/supdocs/POC21-0136.pdf</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>1320 APPOINTMENT AND QUALIFICATIONS <i>BSCC Note: Compliance with this section is determined by receipt of the Chief Probation Officer's certification letter confirming that all elements of regulation are met.</i></p> <p>(a) Appointment In each juvenile facility there shall be a superintendent, director or facility manager in charge of its program and employees. Such superintendent, director, facility manager and other employees of the facility shall be appointed by the facility administrator pursuant to applicable provisions of law.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appointment and qualification certification letters, dated December 20, 2021, and January 26, 2022, were received from Chief Probation Officer Adolfo Gonzales certifying all appointments of staff are pursuant to the applicable laws and that all staff present at the facility meet all required qualifications. All non-employees also receive appropriate clearances prior to entering.
<p>(b) Employee Qualifications Each facility shall:</p>				
<p>(1) recruit and hire employees who possess knowledge, skills and abilities appropriate to their job classification and duties in accordance with applicable civil service or merit system rules;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(2) require a medical evaluation and physical examination including tuberculosis screening test and evaluation for immunity to contagious illnesses of childhood (i.e., diphtheria, rubeola, rubella, and mumps);</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(3) adhere to the minimum standards for the selection and training requirements adopted by the Board pursuant to Section 6035 of the Penal Code; and</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(4) conduct a criminal records review, on each new employee, and psychological examination in accordance with Section 1031 et seq. of the Government Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(c) Contract personnel, volunteers, and other non-employees of the facility, who may be present at the facility, shall have such clearance and qualifications as may be required by law, and their presence at the facility shall be subject to the approval and control of the facility manager.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>1321 STAFFING Each juvenile facility shall:</p>				Staffing documents were requested and received for the weeks of September 22-30, 2023, and October 10-17, 2023. Staffing breakdowns, Population, As Needed and Overtime Report, Shift Staffing Schedules. We noted the facility worksheet data noted 10 vacancies in the supervisor rank and approximately 200 vacancies at the line level. While there are two areas in this section of the regulation that are directly impacted, lack of staffing impacts the ability of the facility to deliver services and impacts the quality of the services that are delivered.

<p>a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations;</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p>Section 206: Staffing Requirement and Ratios</p> <p>We noted there is an excessive number of staff callouts, staff no-shows, and staff otherwise not reporting for work per shift.</p> <p>We noted an excessive number of staff who have resigned or left their positions with difficulty backfilling either due to the County hiring freeze or the inability to recruit and retain an adequate candidate sampling to meet the demand.</p> <p>Staff who come to work report they are held over regularly and forced to work back-to-back shifts, sometimes, up to or beyond 24 hours.</p> <p>We noted the physical plant of the facility, and the unit functions require more staffing than are being assigned or are available to safely operate the units and the facility, to ensure that full operations can be accomplished and to ensure both the officer's and youth's safety. On paper, it appears there is enough staff, but when these staff are not counted in the overall calculation as they are assigned to a one-on-one youth, school security or to a modified program assignment and have no supervision expectation, these numbers are not true reflections of child supervision. Those staff left in the unit may not be meeting the ratio or operating at the required ratio or in a safe manner for the physical plant or for the safe operation of the facility.</p> <p>Interviews with both youth and staff noted that both are concerned for their ongoing safety. There have been multiple incidents where both youth and staff have been assaulted. Required functions of the facility are routinely canceled due to staffing shortages such as outdoor exercise or activity, programming, etc. to name a few. School has also been impacted. Back up staff are assigned and often pulled leaving units short. Regular staff who were interviewed noted they are tired but don't want to leave their peers or the kids alone, so they continue to report. The toll is obvious.</p> <p>Deployed field staff have been utilized to fill staffing vacancies on an ordered status however, as there are so many, there is no consistency with the deployed staff to identify or assign them to regular units so a</p>
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TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
				<p>relationship could be formed with the youth or that the unit program could be learned for repetition purposes. There are often 1 or 2 regular staff in a building with the rest being all deployed staff. Deployed staff are now only being deployed Monday - Friday. Overall, we found that all functions of the facility have been impacted by the lack of staffing.</p> <p>We have offered technical assistance in this area however, without adequate resources, the facility continues to staff the unit and the facility in the same manner, continuing to operate in the same manner which creates an unsafe environment for both the staff and the youth.</p> <p>This section is non-compliant.</p>
<p>b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances;</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 206: Staffing Requirement and Ratios</p> <p>This has been a consistent concern over the course of the cycle despite the agency's efforts to utilize deployed field staff, mandatory holdovers, and overtime, including overtime with additional stipend pay to fill the gaps in the staffing profiles for all shifts.</p> <p>There are documented instances of activities/ services that have been delayed, postponed, or canceled due to the lack of adequate staffing or insufficient staffing.</p> <p>There have been occasions where youth have been held in their rooms for long periods of time or were unable to be brought out due to an inadequate and unsafe number of staff reporting for work.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
c) have a sufficient number of supervisory level staff to ensure adequate supervision of all staff members;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 206: Staffing Requirement and Ratios</p> <p>The facility was, at the time of inspection, short of supervisors, but has since received some positions. There are now an adequate number of supervisors to adequately supervise staff and youth. Technical assistance has been provided to the facility management to utilize supervisors as needed and appropriate when staffing is low and on the line as needed. We also suggest that supervisors be required to remain in their units for a specific percentage of their shift per day to ensure they are there to support their staff and their youth.</p>
d) have a clearly identified person on duty at all times who is responsible for operations and activities and has completed the Juvenile Corrections Officer Core Course and PC 832 training;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 206: Staffing Requirement and Ratios</p> <p>The OD is responsible for the operations of the facility. Facility staff is responsible for the unit activities of the youth. There is also a duty Director either onsite or on-call but on duty and the facility superintendent maintains overall responsibility for the facility.</p>
e) have at least one staff member present on each living unit whenever there are youth in the living unit;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 206: Staffing Requirement and Ratios</p> <p>There is always a staff present where youth are present. TA provided that we did note that sometimes staff goes to the office and there is no staff in the dayroom or in the hallway when youth are present or in their rooms. This is addressed under Title 24.</p>
f) have sufficient food service personnel relative to the number and security of living units, including staff qualified and available to: plan menus meeting nutritional requirements of youth; provide kitchen supervision; direct food preparation and servings; conduct related training programs for culinary staff; and maintain necessary records; or, a facility may serve food that meets nutritional standards prepared by an outside source;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 206: Staffing Requirement and Ratios</p> <p>Cooks do not supervise youth. All meals are prepared by contract and are warmed onsite and transported to each unit on a heated cart. Youth eat in the dayroom of their units.</p>
g) have sufficient administrative, clerical, recreational, medical, dental, mental health, building maintenance, transportation, control room, facility security and other support for the efficient management of the facility, and to ensure that youth supervision staff shall not be diverted from supervising youth; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 206: Staffing Requirement and Ratios</p> <p>The facility employs staff for these individual functions so as not to take away youth supervision.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
h) assign sufficient youth supervision staff to provide continuous wide-awake supervision of youth, subject to temporary variations in staff assignments to meet special program needs. Staffing shall be in compliance with a minimum youth-staff ratio for the following facility types:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 206: Staffing Requirement and Ratios Staff is assigned 24 hours a day through 3 shifts: AM Shift: 6:00 AM- 2:00 PM, PM Shift: 2:00 PM to 10:00 PM, and 10:00 PM to 6:00 AM. Staff are required to always remain awake.
(1) Juvenile Halls (minimum youth-staff ratio) (A) during the hours that youth are awake, one wide-awake youth supervision staff member on duty for each 10 youth in detention:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 206: Staffing Requirement and Ratios The ratio has been met.
(B) during the hours that youth are confined to their room for the purpose of sleeping, one wide-awake youth supervision staff member on duty for each 30 youth in detention;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 206: Staffing Requirement and Ratios The ratio has been met.
(C) at least two wide-awake youth supervision staff members on duty at all times, regardless of the number of youth in detention, unless an arrangement has been made for backup support services which allow for immediate response to emergencies; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 206: Staffing Requirement and Ratios Staff are always wide awake; they are not to be asleep.
(D) at least one youth supervision staff member on duty who is the same gender as youth housed in the facility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 206: Staffing Requirement and Ratios There are always male and female staff on duty.
(E) personnel with primary responsibility for other duties such as administration, supervision of personnel, academic or trade instruction, clerical, kitchen or maintenance shall not be classified as youth supervision staff positions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 206: Staffing Requirement and Ratios Only youth supervision staff provide supervision of the youth.
(2) Special Purpose Juvenile Halls (minimum youth-staff ratio) (A) during hours that youth are awake, one wide-awake youth supervision staff member is on duty for each 10 youth in detention:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The facility is not a Special Purpose Juvenile Hall. The following are all marked as NA.
(B) during the hours that youth are confined to their room for the purpose of sleeping, one wide-awake youth supervision staff member on duty for each 30 youth in detention:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(C) at least two wide-awake youth supervision staff members on duty at all times, regardless of the number of youth in detention, unless an arrangement has been made for backup support services which allow for immediate response to emergencies; and,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(D) at least one youth supervision staff member on duty who is the same gender as youth housed in the facility.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(E) personnel with primary responsibility for other duties such as administration, supervision of personnel, academic or trade instruction, clerical, kitchen or maintenance shall not be classified as youth supervision staff positions.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
1322 YOUTH SUPERVISION STAFF ORIENTATION AND TRAINING (a) Prior to assuming any responsibilities each youth supervision staff member shall be properly oriented to their duties, including:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training Each new staff upon reporting to the facility is assigned to a training officer who assists the new officer in their orientation and training. A New Youth Supervision Handbook is provided as part of the officer's signoffs. The last 5 officers' training documents were provided for review. All were signed off appropriately. Proof of practice for training was also provided for camp staff who were reassigned back to the facility.
(1) youth supervision duties;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(2) scope of decisions they shall make;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(3) the identity of their supervisor;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(4) the identity of persons who are responsible to them;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(5) persons to contact for decisions that are beyond their responsibility; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(6) ethical responsibilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(b) Prior to assuming any responsibility for the supervision of youth, each youth supervision staff member shall receive a minimum of 40 hours of facility-specific orientation, including:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(1) individual and group supervision techniques;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation Section and Training
(2) regulations and policies relating to discipline and rights of youth pursuant to law and the provisions of this chapter;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(3) basic health, sanitation and safety measures;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(4) suicide prevention and response to suicide attempts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(5) policies regarding use of force, de-escalation techniques, chemical agents, mechanical and physical restraints;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(6) review of policies and procedures referencing trauma and trauma-informed approaches;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(7) procedures to follow in the event of emergencies;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 205: Youth Supervision Staff Orientation and Training</p> <p>All staff training documents noted emergency procedures were addressed and signed off, however; as part of the facility training program, the Juvenile Hall Building Emergency Plan (BEP) is provided for officer review and sign-off. The current Emergency Plan which acts as the facility Fire Suppression Pre Plan had not been signed off by the Fire Department. Efforts had been made by the agency to work with the local fire agency to get this document signed. As of the date of inspection, the document had not yet been approved by the fire department.</p> <p>In February 2023, phone conversations were held between this inspector and Fire Inspector Whelan found extenuating circumstances for the document not being signed despite Probation's efforts.</p> <p>On February 9, 2023, a phone call was received from Fire Inspector Whelan. The Fire Suppression Pre Plan has been completed and the Building Emergency Plan was signed by the facility manager. Technical assistance was provided and discussed to address consistency between CJH and BJNH.</p> <p>This area has been corrected.</p>
(8) routine security measures, including facility perimeter and grounds;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(9) crisis intervention and mental health referrals to mental health services;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation Section and Training
(10) documentation; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training
(11) fire/life safety training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 205: Youth Supervision Staff Orientation and Training</p> <p>All staff training documents for this section noted fire/life safety training were addressed and signed off although the BEP had not yet been signed (See above).</p> <p>As of February 9, 2023, the Fire Suppression Pre Plan has been approved.</p> <p>This section has been corrected.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(c) Prior to assuming sole supervision of youth, each youth supervision staff member shall successfully complete the requirements of the Juvenile Corrections Officer Core Course pursuant to Penal Code Section 6035.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training All LA County Institutional Staff complete CORE before reporting to an institution.
(d) Prior to exercising the powers of a peace officer youth supervision staff shall successfully complete training pursuant to Section 830 et seq. of the Penal Code.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training All LA County Institutional Staff complete 832 before reporting to an institution.
1323 FIRE AND LIFE SAFETY Whenever there is a youth in a juvenile facility, there shall be at least one wide awake person on duty at all times who meets the training standards established by the Board for general fire and life safety which relate specifically to the facility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 206: Staffing Requirement and Ratios All staff is required to always remain awake. Staff have been trained in Fire and Life Safety in CORE prior to reporting to their individual assignment.
1324 POLICY AND PROCEDURES MANUAL All facility administrators shall develop, publish, and implement a manual of written policies and procedures that address, at a minimum, all regulations that are applicable to the facility. Such a manual shall be made available to all employees, reviewed by all employees, and shall be administratively reviewed at a minimum every two years, and updated, as necessary. Those records relating to the standards and requirements set forth in these regulations shall be accessible to the Board on request. The manual shall include:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Policy Last reviewed: March 2022 Policy Last Updated: March 2022 The policy manual is provided to all staff on PROBNET for review. Staff are notified of the new policy sections to review by email. Room Confinement Memo: April 15, 2022 Directive 1477: Detention and Residential Treatment Services Bureaus Manual-Physical Intervention Policy (Section DSB-1000/RTSB-1700) Issued 06/22/2022. This policy was implemented but not trained. This is addressed under Section 1357.
(a) table of organization, including channels of communications and a description of job classifications;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 201: Administrative Structure and Chain of Command Section 202: Administrative Structure and Responsibilities Section 208: Duty Statement – Supervising Section Detention Services Officer Section 209: Duty Statement – Senior Detention Services Officer Section 210: Duty Statement: Detention Services Officer Section 211: Group Supervisor Nights Section 212: Organizational Chart
(b) responsibility of the probation department, purpose of programs, relationship to the juvenile court, the Juvenile Justice/Delinquency Prevention Commission or Probation Committee, probation staff, school personnel and other agencies that are involved in juvenile facility programs;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 103: Role of the Juvenile Halls Section 1801: Ancillary Programs

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(c) responsibilities of all employees;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 202: Administrative Structure and Responsibilities Section 208: Duty Statement – Supervising Detention Services Officer Section 209: Duty Statement – Senior Detention Services Officer Section 210: Duty Statement: Detention Services Officer Section 211: Group Supervisor Nights Section 212: Organizational Chart
(d) initial orientation and training program for employees;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 205: Youth Supervision Staff Orientation and Training See Section 1322 for Sworn Staff
(e) initial orientation, including safety and security issues and anti-discrimination policies, for support staff, contract employees, school, mental/behavioral health and medical staff, program providers and volunteers;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 2400: Non-Sworn Personnel and Partner Agencies Handbook All non-sworn facility staff is required to review and sign the “Non-Sworn Personnel and Partner Agencies Orientation Handbook”. This booklet consists of 13 pages of information including, safety and security, anti-discrimination policies, expected conduct, confidentiality expectations, emergency procedures, and the referral/response process for medical requests, mental health referrals, and handling grievances. Signatures are kept current and are maintained in the Office of the Superintendent. These documents were provided for our review. As part of the orientation, the facility Building Emergency Plan (BEP) is also reviewed as part of the agency’s practice. Non-sworn partner staff completed the required orientation without the required Building Emergency Plan due to the agency’s difficulty obtaining a signature from the Fire Department as required and as noted in previous sections. The BEP has now been signed off by the facility manager and has been reissued to all facility staff.
(f) maintenance of record-keeping, statistics and communication system to ensure:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1900: Reports and Records (Group to include): 1902: Probation Case Management System (PCMS) Section 1903: Daily Reports Section 1904: Behavior Record Section 1905: Charting Section 1909: Detention Observation Report Form

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(1) efficient operation of the juvenile facility;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1900: Reports and Records (Group to include all the above)
(2) legal and proper care of youth;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1900: Reports and Records (Group to include all the above)
(3) maintenance of individual youth's records;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1900: Reports and Records (Group to include all the above)
(4) supply of information to the juvenile court and those authorized by the court or by the law; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1900: Reports and Records (Group to include all the above)
(5) release of information regarding youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1900: Reports and Records (Group to include all the above)
(g) ethical responsibilities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 2349: Employee Honesty
(h) trauma-informed approaches;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 207: General Staff Responsibilities
(i) culturally responsive approaches;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 207: General Staff Responsibilities
(j) gender responsive approaches;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 632: Promoting Dignity for Female Youth
(k) a non-discrimination provision that provides that all youth within the facility shall have fair and equal access to all available services, placement, care, treatment, and benefits, and provides that no person shall be subject to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, immigration status, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status, including restrictive housing or classification decisions based solely on any of the above mentioned categories;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 402: Non-Discrimination
(l) storage and maintenance requirements for any chemical agents related security devices, and weapons and ammunition, where applicable;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Directive 1477 Section 1006: OC Spray; Section D. OC Spray Issuance and Accountability Security of OC Spray Canisters: Maintenance of Canisters:
(m) establishment of procedures for collection of Medi-Cal eligibility information and enrollment of eligible youth; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1716: Medi-Cal Administrative Activities
(n) establishment of a policy that prohibits all forms of sexual abuse, sexual assault and sexual harassment. The policy shall include an approach to preventing, detecting and responding to such conduct and any retaliation for reporting such conduct, as well as a provision for reporting such conduct by youth, staff or a third party.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1500: Prison Rape Elimination Act (PREA)
1325 FIRE SAFETY PLAN The facility administrator shall consult with the local fire department having jurisdiction over the facility, or with the State Fire Marshal, in developing a plan for fire safety which shall include, but not be limited to:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
a) a fire prevention plan to be included as part of the manual of policy and procedures;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 911: Fire Prevention and Suppression

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
b) monthly fire and life safety inspections by facility staff with two- year retention of the inspection record;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 911: Fire Prevention and Suppression</p> <p>Provided proof of inspections required for July 1-December 31, 2020, 2021, and 2022. Noted that in some cases, it appears that some comments were duplicates from months prior. Technical assistance was provided to MSB Supervisor for review.</p>
c) fire prevention inspections as required by Health and Safety Code Section 13146.1(a) and (b);	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Section 912: Fire Safety</p> <p>Noncompliance is captured above in Section 1313. The agency does not have a current fire clearance and will remain non-compliant until clearance is obtained.</p>
d) an evacuation plan;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 920: Emergency Evacuation and County of Los Angeles Building Emergency Plan of County Buildings</p> <p>Each unit has an assigned evacuation location on the facility grounds where they are to evacuate if necessary. We noted that evacuation maps were posted in the units as we walked the units.</p>
e) documented fire drills not less than quarterly;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 911: Fire Prevention and Suppression</p> <p>Fire Drills for 2021 and 2022 have been completed as required by regulation. The facility building emergency plan requires drills to be completed on each shift. This did not occur in all cases in all quarterly drills.</p> <p>The facility coordinator is addressing the lack of a consistent recording document to ensure that all entities (partners) and shifts are included in all drills. This will be re-reviewed in the new year to confirm compliance.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
f) a written plan for the emergency housing of youth in the case of fire; and,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 921: Operation FLEE and County of Los Angeles Building Emergency Plan of County Buildings</p> <p>If the facility were to evacuate, they would normally evacuate to Central Juvenile Hall. The facility has the rated capacity available to hold the youth but, due to the myriad of construction projects, may not have the available space necessary. Technical assistance was provided to develop a plan as soon as possible for emergency planning for a full evacuation. At this time until a plan is fully developed, the facility is noncompliant in this area.</p>
g) development of a fire suppression pre-plan in cooperation with the local fire department.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 911: Fire Prevention and Suppression</p> <p>At inspection, there was no fire suppression pre-plan provided for this section. The agency made attempts to resolve the issue and provided evidence of proof beginning in September 2022. Extenuating circumstances existed.</p> <p>On February 9, 2023, a phone call was received from Fire Inspector Whelan who completed the sign-off. This issue has been corrected.</p>
<p>1326 SECURITY REVIEW</p> <p>Each facility administrator shall develop policies and procedures to annually review, evaluate, and document security of the facility. The review and evaluation shall include internal and external security, including, but not limited to, key control, equipment, and staff training.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 516: Security Procedures</p> <p>Security reviews were completed for 2021 and 2022.</p> <p>Security review was completed for 2021 on May 13, 2021. The review was completed but did not have all the required elements. All management and responsible persons are no longer present or responsible for the facility operations.</p> <p>The security review was completed for 2022 on June 27, 2022. The review contained all required elements as the format and documentation was revised by the new administration and contained all areas required by regulation.</p>
<p>1327 EMERGENCY PROCEDURES</p> <p>The facility administrator shall develop facility-specific policies and procedures for emergencies that shall include, but not be limited to:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 900: Emergency Procedures
(a) escape, disturbances, and the taking of hostages;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 906: Escapes (Code Green)</p> <p>Section 908: Major Disturbances (Code Red)</p> <p>Section 916: Hostages</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(b) civil disturbance, active shooter and terrorist attack;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 907: Outside Intruder (Code Yellow) Section 917: Active Shooter Section 918: Terrorist Attack Section 919: Civil Disturbance
(c) fire and natural disasters;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 911: Fire Prevention and Suppression Section 913: Power Failure Section 915: Earthquakes
(d) periodic testing of emergency equipment;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 910: Testing of Emergency Equipment
(e) emergency evacuation of the facility; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 920: Emergency Evacuation
(f) a program to provide all youth supervision staff with an annual review of emergency procedures.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 920: Emergency Evacuation Annual Emergency Procedure Reviews were completed for 2020 and 2021.</p> <p>The review was not completed in 2022 as the Building Emergency Plan was incomplete and pending fire department approval. Facility administrative staff had been actively working on this issue with the Fire Department and provided documentation of their efforts.</p> <p>The Fire Agency approved the Fire Suppression Pre Plan on February 9, 2023, and are working on the BEP.</p> <p>Facility administrative staff are actively working to have all staff review emergency procedures but have not yet completed all sign offs.</p>

<p>1328 SAFETY CHECKS</p> <p>The facility administrator shall develop and implement policy and procedures that provide for direct visual observation of youth at a minimum of every 15 minutes, at random or varied intervals during hours when youth are asleep or when youth are in their rooms, confined in holding cells or confined to their bed in a dormitory. Supervision is not replaced, but may be supplemented by, an audio/visual electronic surveillance system designed to detect overt, aggressive or assaultive behavior and to summon aid in emergencies. All safety checks shall be documented with the actual time the check is completed.</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p>Section 209: Duty Statement-Senior Detention Services Officer</p> <p>Section 210: Duty Statement-Detention Services Officer</p> <p>Section 211: Group Supervisor Nights</p> <p>Section 630: Safety Checks</p> <p>We requested and reviewed random blocks of dates and times of safety checks for Barry J. Nidorf Juvenile Hall. We selected 1 random day: all shifts for camera review for those units with cameras.</p> <p>In our review of paper logs for all units, we found most of the checks to comply with regulatory requirements as they are documented within the 15-minute allowance with only very few lates overall. We noted improvement in the random and variedness of the checks from the last cycle; however, there still needs to be improvement made as most of the checks were in the upper range of the timeline. We provided technical assistance regarding a randomization silent timer that may help in correcting this issue.</p> <p>While reviewing checks in units with cameras, we found some checks are not being documented on paper logs according to regulations and policy. The video review did not corroborate the written documentation. We found instances of checks being documented on the paper logs when in fact they had not been done. This occurred on all shifts. Some were noted to be staff documenting 6:00 AM, 2:00 PM, and 10:00 PM in the same manner as has been the past practice of "signing in" and some have been documented as completed but not done. We have viewed staff sitting in the office, personal belongings in hand, waiting to be relieved rather than conducting safety checks. Others were noted to be as a result of the check sheets not being posted as required and ready for the next shift. When the next shift comes in, they do not complete the check, but catch up on the log when putting up the sheets. Some were noted to be completed but not logged at the time of completion, but had they been, they would have been compliant. Lastly, there are those that were logged and not completed. This information was brought to the attention of the institution administrators for follow-up.</p> <p>The facility is noncompliant in this section.</p>
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TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
				<p>In December 2022, the facility began to prepare for the implementation of an electronic safety check tracking tool. The tool tracks each check electronically and reports this information in real-time to supervisory staff. The Pilot and training began with full implementation planned for the coming weeks. It is the intent that this system will solve the problem of safety checks in the facility. TA has been provided to ensure a strong process of QA and review of downloads.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>1329 SUICIDE PREVENTION PLAN</p> <p>The facility administrator, in collaboration with the healthcare and behavioral/mental health administrators, shall plan and implement written policies and procedures which delineate a Suicide Prevention Plan.</p> <p>The plan shall consider the needs of youth experiencing past or current trauma.</p> <p>Suicide prevention responses shall be respectful and in the least invasive manner consistent with the level of suicide risk.</p> <p>The plan shall include the following elements:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1601: Suicide Prevention - Introduction</p> <p>We spoke to Rae Tinnagon, Acting Program Manager, LMFT with DMH, who noted a good relationship between Probation and Department of Mental Health Staff. There are currently 36 staff, 18 clinical staff, 4 supervisors, 8 psych techs, 6 clericals, and 2 clinical psychologists. Staff provides services between 7:30 AM-7:00 PM, 7 days a week. After hours, there is always a doctor on call to address any issue that may arise.</p> <p>Youth are coming in with a great deal of trauma and abuse, and many have spent a lot of time on and in the streets. Many have undiagnosed mental health issues, and others are diagnosed but are not regularly taking their medications.</p> <p>Each youth is assigned a clinician unless they decline. The youth is offered therapy based on their individual case plans. They may have group therapy, family phone therapy and/or psychiatric services, and medication management.</p> <p>Probation, mental health, and medical work together in MDTs and case conferences and collateral work to meet the needs of the youth to ensure the safety of the youth. If a youth is placed on a level by a DMH staff, the youth must be cleared by a DMH staff.</p> <p>14 individual document packets were provided for review from the time period requested. These packets included various items of documentation dependent on the circumstances including Incident Reports, Mental Health Recording Forms, Enhanced Supervision Observation Forms, Alert Logs, and Safety Check Logs. It was noted that the process of protecting the youth in crisis is intensive and comprehensive.</p> <p>The youth we spoke to spoke highly of their therapists.</p> <p>All individual regulatory requirements have been met.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(a) Suicide prevention training as required in Section 1322, Youth Supervision Staff Orientation, and Training and the Juvenile Corrections Officer Core Course.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1604: Training All staff are trained in suicide prevention training at CORE and upon arrival to their facility for facility-specific training. Additionally, staff receives a 4-hour refresher training during block week.
(b) Screening, Identification Assessment and Precautionary Protocols (1) All youth shall be screened for risk of suicide at intake and as needed during detention.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1606: Identification and Referral of At-Risk Youth Section 1608: Intervention to Prevent Self-Harming or Suicidal Behavior 30 Intake admission documents were provided and reviewed. All included a mental health screening at intake by probation. Every youth coming into the facility is screened for risk of suicide by probation, by medical, and by mental health staff. Youth's current emotional status is also considered throughout their intake.
(2) All youth supervision staff who perform intake processes shall be trained in screening youth for risk of suicide.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1604: Training All youth supervision staff are trained in screening processes for the risk of suicide. This is a part of the initial and ongoing training that staff receives at CORE, upon arrival to the facility, and during refresher training at block week.
(3) All youth who have been identified during the intake screening process to be at risk of suicide shall be referred to behavioral/mental health staff for a suicide risk assessment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1606: Identification and Referral of At-Risk Youth Youth are also screened by medical during their admission process and again no later than 72 hours by mental health who conduct the full MAYSI on each youth. Youth are triaged based on risk level.

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(4) Precautionary protocols shall be developed to ensure the youth's safety pending the behavioral/mental health assessment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1606: Identification and Referral of At-Risk Youth</p> <p>Any youth who is found to be at risk is placed on a Level II or a Level III and supervised accordingly. These levels can be either a probation level or a mental health-initiated level. If a youth is placed on a mental health level, he or she must be removed by mental health staff.</p> <p>We noted that for any youth who is on a level III, blankets and sheets are routinely suggested for removal despite the youth having no history of self-harm involving the use of blankets, sheets, or any other items of clothing etc. We also noted in inconsistent use of this recommendation in some cases as some mental health staff make the recommendation and some do not, sometimes within the same day or day to day.</p> <p>Youth on Level 3 are on a constant visual. We noted that Probation does not execute the recommendation as, while they have suicide gowns, they did not have suicide blankets. Technical assistance was provided and discussed these items as a necessity. Follow-up information noted facility managers have ordered and now have suicide blankets for use for youth who need them. We reached out to the DMH Director who will clarify the policy with her staff to ensure consistency. We also noted that in some cases, youth are recommended to not have eating utensils. This same issue exists with consistency and follow-through. Facility administrators are looking into this recommendation as well as this does not appear to be a concern or a recommendation at the other juvenile facility.</p>
(c) Referral process to behavioral/mental health staff for assessment and/or services.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1607: Interagency Communication Regarding Self-Harming Youth</p> <p>Officers submit mental health referrals to DMH for services. Issues are triaged for care.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(d) Procedures for monitoring of youth identified at risk for suicide.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1405: Level 2 Enhanced Supervision Requirements Section 1406: Level 3 Enhanced Supervision Requirements Youth are placed on levels dependent on their level of risk. Procedures are specific to the level.
(e) Safety Interventions				
(1) Procedures to address intervention protocols for youth identified at risk for suicide which may include, but are not limited to:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1601: Suicide Prevention-Introduction Section 1608: Intervention to Prevent Self-Harming or Suicidal Behavior
A. Housing consideration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1403: Procedure Section 1601: Suicide Prevention-Introduction Youth are housed in their regular housing unit on level or in a HOPE Center, if necessary, or as a SSP.
B. Treatment strategies including trauma-informed approaches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1600: Suicide Prevention Section 1608: Intervention to Prevent Self-Harming or Suicidal Behavior Mental Health staff determine how often the youth are seen based on need.
(2) Procedures to instruct youth supervision staff how to respond to youth who exhibit suicidal behaviors.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1601: Introduction Section 1608: Intervention to Prevent Self-Harming or Suicidal Behavior Section 1403: Procedure Mental Health provides unit staff with instruction through verbal and written communication in the form of the Mental Health Recording Form. This form provides all information for staff, including the recommendations to keep youth safe.
(f) Communication				
(1) The intake process shall include communication with the arresting officer and family guardians regarding the youth's past or present suicidal ideations, behaviors or attempts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1607: Interagency Communication Regarding Self-Harming Youth The documentation reviewed was compliant.
(2) Procedures for clear and current information sharing about youth at risk for suicide with youth supervision, healthcare, and behavioral/mental health staff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1607: Interagency Communication Regarding Self-Harming Youth Any issues that arise as a result of communication with arresting officers or staff are shared with mental health staff.

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(g) Debriefing of Critical Incidents Related to Suicides or Attempts (1) Process for administrative review of the circumstances and responses proceeding, during and after the critical incident.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1913: Critical Incident Review Process Critical incident reviews are conducted as required and appropriate.
(2) Process for a debriefing event with affected staff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1913: Critical Incident Review Process
(3) Process for a debriefing event with affected youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1913: Critical Incident Review Process
(h) Documentation (1) Documentation processes shall be developed to ensure compliance with this regulation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1912: Preliminary and Follow Up Incident Notification Procedures 1913: Critical Incident Review (CIR) Process
Youth identified at risk for suicide shall not be denied the opportunity to participate in facility programs, services and activities which are available to other non-suicidal youth, unless deemed necessary for the safety of the youth or security of the facility. Any deprivation of programs, services or activities for youth at risk of suicide shall be documented and approved by the facility manager.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1606: Identification and Referral of At-Risk Youth We did not note any situations where youth on Level 3 were denied programming other youth were taking part in. Youth choose what they participate in.
1340 REPORTING OF LEGAL ACTIONS Each facility shall submit to the Board a letter of notification on each legal action, pertaining to conditions of confinement, filed against persons or legal entities responsible for juvenile facility operation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 202: Administrative Structure and Responsibilities Request made to Executive Management.
1341 DEATH AND SERIOUS ILLNESS OR INJURY OF A YOUTH WHILE DETAINED (1) Death of a Youth. (a) The facility administrator, In cooperation with the health administrator and the behavioral/mental health director, shall develop written policies and procedures in the event of the death of a youth while detained, which include notifications to necessary parties, which may include the Juvenile Court, the parent, guardian or person standing in loco parentis and the youth's attorney of record.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 2001: Special Situations Introduction Section 2002: Deaths There have been no deaths in the facility. Sections b, c, and d are marked as yes, for compliance with the policy.
(b) The health administrator, In cooperation with the facility administrator, shall develop written policies and procedures to assure there is a medical and operational review of every in-custody death of a youth. The review team shall include the facility administrator and/or facility manager, the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 2002: Deaths

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(c) The administrator of the facility shall provide to the Board a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted to the Board within 10 calendar days after the death.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 2002: Deaths
(d) Upon receipt of a report of the death of a youth from the administrator, the Board may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of this subchapter. Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 2002: Deaths
(2) <u>Serious Illness or Injury of Youth</u> (a) The facility administrator, In cooperation with the health administrator, shall develop written policies and procedures for the notification to necessary parties, which may include the Juvenile Court, the parent, guardian or person standing in loco parentis and the youth's attorney of record in the case of a serious illness or injury of a youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 922: Serious Illness or Injury of a Youth While Detained Section 1912: Preliminary and Follow Incident Notification Procedures Section 1900: Parent/Guardian/Caregiver Notification and Court/Attorney Notification Section 1909: Detention Observation Report Form 8 incidents reviewed. Notifications were provided as required. Serious incidents are defined in policy but are in no means an exhaustive list.
1342 POPULATION ACCOUNTING Each juvenile facility shall submit required population and profile survey reports to the Board within 10 working days after the end of each reporting period, in a format to be provided by the Board.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 202: Administrative Structure and Responsibilities. All population reports have been provided as required.
1343 JUVENILE FACILITY CAPACITY When the number of youth detained in a living unit of a juvenile facility exceeds its rated capacity for more than fifteen (15) calendar days in a month, the facility administrator shall provide a crowding report to the Board in a format provided by the Board.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 202: Administrative Structure and Responsibilities. The facility has not exceeded its rated capacity this cycle.

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>1350 ADMITTANCE PROCEDURES The facility administrator shall develop and implement written policies and procedures for admittance of youth that emphasize respectful and humane engagement with youth and reflect that the admission process may be traumatic to youth who may have already experienced trauma. Policies shall be trauma-informed, culturally relevant, and responsive to the language and literacy needs of youth. In addition to the requirements of Sections 1324 and 1430 of these regulations:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>31 individual admission JH packets were provided and reviewed for the timeline requested. All individual regulatory requirements have been met.</p> <p>4 individual packets for SYTF packets were provided and reviewed for the same timeline. These packets included additional information regarding the rules and expectations of Units R, S, and Campus Kilpatrick. All other rules etc. apply for Barry J. Nidorf (BJN).</p> <p>There have been no changes that require an additional admission process. Technical assistance provided and discussed to ensure procedures are in place for the SYTF program that are consistent with RTSB procedures.</p>
<p>(a) the admittance process shall include: (1) Access to two free phone calls within one hour of admittance in accordance with the provisions of Welfare and Institution Code Section 627;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>Youth received their phone calls upon entry as required. These calls are documented. Youth interviewed confirmed receiving phone calls upon entry.</p>
<p>(2) Offer of a shower;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>Showers are documented on admission documents. Youth interviewed confirmed being offered a shower upon entry.</p>
<p>(3) Documented secure storage of personal belongings;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>The property is inventoried and stored securely. Random property receipts were viewed and were found to be complete.</p>
<p>(4) Offer of food upon arrival;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>Youth interviewed confirmed being offered something to eat upon entry.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(5) Screening for physical and behavioral health and safety issues, intellectual or developmental disabilities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth Section 404: Special Needs screening Procedures Section 405: Accommodation Procedures for Hearing Impaired Youth Section 414: Identification, Referral, Collaborative Care, Habilitative Treatment, Management and Discharge of Youths with or Suspected of Having a Developmental Disability Admitted to Juvenile Hall</p> <p>Screenings are completed by Probation staff, by medical staff, and by mental health staff. All are documented in the youth's files.</p>
(6) Screening for physical and developmental disabilities in accordance with Sections 1329, 1418, and 1430 of these regulations;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth Section 404: Special Needs screening Procedures Section 405: Accommodation Procedures for Hearing Impaired Youth Section 414: Identification, Referral, Collaborative Care, Habilitative Treatment, Management and Discharge of Youths with or Suspected of Having a Developmental Disability Admitted to Juvenile Hall</p> <p>Screenings are completed by Probation staff, by medical staff, and by mental health staff. All are documented in the youth's files.</p>
(7) Contact with Regional Center for the Developmentally Disabled for youth that are suspected of or identified as having a developmental disability, pursuant to Section 1418; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 414: Identification, Referral, Collaborative Care, Habilitative Treatment, Management and Discharge of Youths with or Suspected of Having a Developmental Disability Admitted to Juvenile Hall</p> <p>In addition to the regulatory requirements, as noted, the agency will identify those youth who require a higher level of care in specialized units at Central Juvenile Hall. If a youth is a confirmed Regional Center client, contact is made with the case manager, and he is transferred as soon as possible to Central Juvenile Hall.</p>
(8) Procedures consistent with Section 1352.5.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth Intake</p> <p>At the time of inspection, there were no transgender youth in custody to interview.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(b) juvenile hall administrators shall establish written criteria for detention that considers the least restrictive environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 407: Los Angeles County Detention Screening (LADS) Assessment Tool The facility uses both the Krisberg Scale and the Los Angeles County Screening Tool (LADS) to ensure only youth who require detention remain detained.
(c) juvenile camps and post-dispositional programs in juvenile halls shall develop policies and procedures that advise the youth of the estimated length of stay, inform them of program guidelines and provide written screening criteria for inclusion and exclusion from the program.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 421: Estimated Length of Stay 4 SYTF Admission packets were reviewed and included program estimated length of time documentation. Youth are also provided with written screening criteria that explain the rules and expectations for inclusion for RS and CVK.
(d) juvenile halls shall develop policies and procedures that advise any committed youth of the estimated length of his/her stay.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Section 421: Estimated Length of Stay BJN does not house any other committed youth that requires an estimated length of stay notification.
1350.5. SCREENING FOR THE RISK OF SEXUAL ABUSE The facility administrator shall develop and implement written policies and procedures to reduce the risk of sexual abuse by or upon youth. The policy shall require facility staff to assess each youth within 72 hours of admission based on the following information:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness. Admission packets were reviewed for those youth who remained detained and were screened for risk of sexual abuse. 31 screenings were provided and reviewed to ensure compliance with regulatory expectations. All screenings were completed as required. All individual regulatory requirements have been met.
(a) Prior sexual victimization or abusiveness;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(b) Gender nonconforming appearance or manner; or identification as lesbian, gay or bisexual, transgender, queer or intersex, and whether the youth may, therefore, be vulnerable to sexual abuse;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(c) Current charges and offense history;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(d) Age;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(e) Level of emotional and cognitive development;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(f) Physical size and stature;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(g) Mental illness or mental disabilities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(h) Intellectual or developmental disabilities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(i) Physical disabilities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(j) The youth's perception of vulnerability; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
(k) Any other specific information about the individual youth that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness.
Staff shall ascertain this information through conversations with the youth during the admittance process, medical and behavioral health screenings; during classification assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the youth's files.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness. Documentation noted information gathered based on various sources. TA provided to ensure to document thoroughly all areas reviewed and to include conversations with the youth and any other person.
The facility administrator shall implement appropriate controls on the dissemination of information within the facility relative to responses received pursuant to this assessment in order to ensure that sensitive information is not exploited to the youth's detriment by staff or other youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1509: Screening for Risk of Sexual Victimization and Abusiveness. Documentation of the screening occurs in PEMERS. The staff has access to the overall score but not to specific answers. Only those staff authorized to PEMERS have access to the sensitive information.
1351 RELEASE PROCEDURES The facility administrator shall develop and implement written policies and procedures for release of youth from custody which provide for:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 309: Release Procedures 10 release documents were reviewed for regulatory compliance.
(a) verification of identity/release papers;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 309: Release Procedures The documentation reviewed noted parents were notified and signed the release documents for their youth.
(b) return of personal clothing and valuables;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 309: Release Procedures Youth and parents sign for the youth's property. Property room staff only work till 6 PM Monday-Friday and are off on weekends. Management has indicated that with advance notice, arrangements can be made to pick up any property after hours. Technical assistance was provided suggesting parents should not have to come back another day to pick up the youth's property if property room staff are not present. Suggested an additional process be implemented to address this in which probation staff can sign off on the property.

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(c) notification to the youth's parents or guardian;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 309: Release Procedures</p> <p>The Probation Officer generally will notify the parent of a pending release. Parents are also notified by the facility staff or by the court (judge) when the youth is at court and being released from court.</p>
(d) notification to the facility health care provider in accordance with Sections 1408 and 1437 of these regulations, for coordination with outside agencies; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 309: Release Procedures</p> <p>The nursing staff is listed as a notification on the release form. Medical discharge documents were found in all packets.</p>
(e) notification of school staff;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 309: Release Procedures</p> <p>School staff was not found to be listed in the notification documentation provided but it is clear to this inspector that LACOE is aware of the released youth. The youth had their grades prepared and sent to the school of origin and proof of practice was provided for review. For youth who spent long periods in detention, full transcripts were provided. While not technically a formal notification, notification was made as documentation of the release documents has been provided.</p> <p>Technical assistance is provided to implement a formal notification that is trackable for proof of notification purposes and proof of practice.</p> <p>Upon receiving this information, facility coordinators immediately made this change and implemented this procedure.</p>
(f) notification of facility mental health personnel.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 309: Release Procedures</p> <p>Mental health staff were not found to be listed in the notification documentation provided but it is clear to this inspector that mental health staff are aware of the release due to documentation provided of mental health discharge documents that were provided along with the release of information documents for review.</p> <p>Technical assistance was provided to implement a formal notification that is trackable for notification purposes and proof of practice.</p> <p>Upon receiving this information, facility coordinators immediately made this change and implemented this procedure.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
The facility administrator shall develop and implement policies and procedures for post-disposition youth to coordinate the provision of transitional and reentry services including, but not limited to, medical and behavioral health, education, probation supervision and community-based services.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 309: Release Procedures The facility is in the beginning stages of this process. Post release plans were provided for review. SYTF youth receive the SYTF/TRI-Academy Release, Family Reunification and Community Reintegration Instructions upon release.
The facility administrator shall develop and implement written policies and procedures for the furlough of youth from custody.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 310: Youth Furloughs
1352 CLASSIFICATION The facility administrator shall develop and implement written policies and procedures on classification of youth for the purpose of determining housing placement in the facility. Such procedures shall:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 412: Classification and Assignment of Youth
(a) provide for the safety of the youth, other youth, facility staff, and the public by placing youth in the appropriate, least restrictive housing and program settings. Housing assignments shall consider the need for single, double or dormitory assignment or location within the dormitory;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 412: Classification and Assignment of Youth All rooms in Barry J. Nidorf are utilized as single cell rooms. This cycle, the space including the rooms behind the offices in the compound units began to be utilized for youth who needed separation and are utilized as a 3 rd unit with all same staffing, programming, and activities. Each youth is to be classified upon entry and be periodically reclassified as needed.
(b) consider facility populations and physical design of the facility;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 412: Classification and Assignment of Youth
(c) provide that a youth shall be classified upon admittance to the facility; classification factors shall include, but not be limited to: age, maturity, sophistication, emotional stability, program needs, legal status, public safety considerations, medical/mental health considerations, gender and gender identity of the youth;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 412: Classification and Assignment of Youth Upon entry and after the admission process is complete, youth are classified to the Medical Observation Unit due to the COVID testing protocols. Once their test is clear (negative), they are reclassified to their actual appropriate living unit and moved for housing.

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(d) provide for periodic classification reviews, including provisions that consider the level of supervision and the youth's behavior while in custody; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 412: Classification and Assignment of Youth Periodic classifications are completed during the periodic review of the case plan. Staff are trained to ask weekly during the periodic review if the youth is experiencing any problems or concerns and to update the classification as appropriate. They are also trained to update any classification changes if it has not already been done. All documents reviewed were found to be compliant.
(e) provide that facility staff shall not separate youth from the general population or assign youth to a single occupancy room based solely on the youth's actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status. This section does not prohibit staff from placing youth in a single occupancy room at the youth's specific request or in accordance with Title 15 regulations regarding separation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 412: Classification and Assignment of Youth
(f) facility staff shall not consider lesbian, gay, bisexual, transgender, questioning or intersex identification or status as an indicator of likelihood of being sexually abusive.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 412: Classification and Assignment of Youth
<p>1352.5 TRANSGENDER AND INTERSEX YOUTH.</p> <p>The facility administrator shall develop written policies and procedures ensuring respectful and equitable treatment of transgender and intersex youth. The policies shall provide that:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth</p> <p>All individual regulatory requirements were met.</p> <p>There were no grievances noted regarding the treatment of transgender youth.</p> <p>At the time of inspection, there was no transgender youth in detention. Prior to inspection and while onsite previously (and during the cycle), this inspector had the opportunity to interview a youth to ensure that all policies were being adhered to with respect to regulatory requirements. She indicated, at that time, that they were. She has since been released.</p>
(a) Facility staff shall respect every youth's gender identity and shall refer to the youth by the youth's preferred name and gender pronoun, regardless of the youth's legal name. Facilities may prohibit the use of gang or slang names or names that otherwise compromise facility operations as determined by the facility manager or designee and shall document any decision made on this basis.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(b) Facility staff shall permit youth to dress and present themselves in a manner consistent with their gender identity and shall provide youth with the institution's clothing and undergarments consistent with their gender identity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth
(c) Facility staff shall house youth in the unit or room that best meets their individual needs and promotes their safety and well-being. Staff may not automatically house youth according to their external anatomy and shall document the reasons for any decision to house youth in a unit that does not match their gender identity. In making a housing decision, staff shall consider the youth's preferences, as well as any recommendations from the youth's health or behavioral health provider.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth
(d) Facility administrators shall ensure that transgender and intersex youth have access to medical and behavioral health providers qualified to provide care and treatment to transgender and intersex youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth
(e) Consistent with the facility's reasonable and necessary security considerations and physical plant, facility staff shall make every effort to ensure the safety and privacy of transgender and intersex youth when the youth are using the bathroom or shower or dressing or undressing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth
Facility staff shall not conduct physical searches of any youth for the purpose of determining the youth's anatomical sex. Whenever feasible, the facility shall respect the youth's preference regarding the gender of the staff member who conducts any search of the youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 631: Supervision of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth</p> <p>Youth are asked at admission for their preference of the gender of the staff member to conduct their searches. Admission documentation noted this information was asked of all youth at admission.</p> <p>Youth are not searched to determine anatomical sex.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>1353 ORIENTATION</p> <p>The facility administrator shall develop and implement written policies and procedures to orient a youth prior to placement in a living area. Both written and verbal information shall be provided and supplemented with video orientation if feasible. Provision shall be made to provide accessible orientation information to all detained youth including those with disabilities, limited literacy, or English language learners. Orientation shall include information that addresses:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 416: Orientation Process for Detained Youth</p> <p>31 admission document packets were provided and reviewed. Youth are provided with a primary, initial orientation upon entry and a secondary, more thorough orientation as part of the actual admission/facility full orientation process once in either MOU or Units L/M. There is no current video used.</p> <p>All individual regulatory requirements have been met.</p> <p>The youth interviewed stated they were orientated upon entry with the items identified in this section. They further stated they had a secondary, more in-depth interview in which they were further orientated after they were in a regular living unit. There are several bilingual staff who are able to conduct orientation and the agency has access to a language interpreter service if necessary.</p>
(a) facility rules including contraband and searches and disciplinary procedures;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(b) facility's system of positive behavior interventions and supports, including behavior expectations, incentives that youth will receive for complying with facility rules, and consequences that may result when youth violate the rules of the facility;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(c) age appropriate information that explains the facility's policy prohibiting sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(d) identification of key staff and their roles;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(e) the existence of the grievance procedure, the steps that must be taken to use it, the youth's right to be free of retaliation for reporting a grievance, and the name of the person or position designated to resolve the issue;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(f) access to legal services and information on the court process;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(g) access to routine and emergency health and mental health care;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(h) access to education, religious services, and recreational activities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(i) housing assignments;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(j) opportunity for personal hygiene and daily showers including the availability of personal care items	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(k) rules and access to correspondence, visits and telephone use;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(l) availability of reading materials, programming, and other activities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(m) facility policies on the use of force, use of restraints, chemical agents and room confinement;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(n) immigration legal services;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(o) emergencies including evacuation procedures;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(p) non-discrimination policy and the right to be free from physical, verbal or sexual abuse and harassment by other youth and staff;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(q) availability of services and programs in a language other than English if appropriate;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(r) the process for requesting different housing, education, programming and work assignments;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
(s) a process for which parents/guardians receive information regarding the youth's stay in the facility that at a minimum includes answers to frequently asked questions and provides contact information for the facility, medical, school and mental health; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth There is a parent handbook that is specific to DSB and also one for RTSB.
(t) a process by which youth may request access to Title 15 Minimum Standards for Juvenile Facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 416: Orientation Process for Detained Youth
1354 SEPARATION The facility administrator shall develop and implement written policies and procedures that address:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(a) separation of youth for reasons that include, but are not be limited to, medical and mental health conditions, assaultive behavior, disciplinary consequences and protective custody.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1301: Separation Room Confinement Memo: April 15, 2022</p> <p>The types of separation that occur in the facility are as follows:</p> <ul style="list-style-type: none"> • Room Confinement • Cool Down • Specialized Supervision Plan (SSP) • Self-Separation <p>Documentation received from August, September, and October 2022 for Separation. 8 Youth were placed on Specialized Supervision Plans (SSP) during this time due to their charges as they were either pending SYTF dispositions or fitness hearings. These youth were placed on protective custody status by either the courts or by Probation to ensure their safety which in turn placed them on a SSP. 2 other youth were placed on SSP for assaultive behavior. All youth resided in the HOPE Center. All documentation of their full program was consistent with their separation, appropriate and compliant.</p> <p>Youth may elect to self-separate from the group. When this occurs, the youth signs off his separation on the safety hall check sheet and may spend time in his room. It was noted that in some cases, subsequent occurrences were not always signed off by the youth. Policy Addendum Memo dated June 8, 2022 stated youth are to sign off on the safety check sheet their request for Self-Separation.</p> <p>We found some inconsistencies and brought this to the attention of managers for correction. Technical assistance provided for Self-Separation and to ensure compliance moving forward, we will review through targeted inspection to ensure this issue has been addressed and does not drift into non-compliance.</p> <p>In April 2022, the Bureau changed policy noting that Room Confinement no longer was required to occur in the HOPE Center and could occur in the youth's living unit with proper notification and documentation. (See Room Confinement)</p>
(b) consideration of positive youth development and trauma-informed care.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1301: Separation

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(c) separated youth shall not be denied normal privileges available at the facility, except when necessary to accomplish the objective of separation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1301: Separation
(d) when the objective of the separation is discipline, Title 15 Section 1390 shall apply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1301: Separation
(e) when separation results in room confinement, the separation shall occur in accordance with Welfare and Institutions Code Section 208.3 and Section 1354.5 of these regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1301: Separation
(f) policies and procedures shall ensure a daily review of separated youth to determine if separation remains necessary.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1301: Separation

<p>1354.5 ROOM CONFINEMENT</p> <p>(a) The facility administrator shall develop and implement written policies and procedures addressing the confinement of youth in their room that are consistent with Welfare and Institutions Code Section 208.3. The placement of a youth in room confinement shall be accomplished in accordance with the following guidelines:</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Section 1303: Room Confinement Section 608: Transition Periods Room Confinement Memo: April 15, 2022</p> <p>We requested and reviewed room confinement documentation for incidents that occurred from September 22-30, 2022, and October 10-17, 2022.</p> <p>For these dates and times, we were provided with 7 incident packets for the September dates and 11 incident packets for the October dates. All room confinement occurred in the youth's housing unit. (In April 2022, a Detention Services Bureau memo was initiated authorizing room confinements to be conducted in the living unit and not in the HOPE Center).</p> <p>Most documentation was completed except for the mental health behavior chain analysis which notes the youths' emotions and feelings at the time of incident. It was noted a behavior health referral was made but that documentation was not completed, although it was available.</p> <p>Youth were generally seen the same day or the next by a mental health counselor.</p> <p>Technical assistance has been provided and will continue to be provided to enhance documentation but overall, the facility did well with the documentation they provided.</p> <p>It was noted through the review of other inspection documentation however, that in some units, youth were in their rooms for periods beyond what is allowable for transitions i.e. shift change, were placed in rooms for early bed contrary to policy directives, and some were found to be in their room after incidents confirmed through either regular safety checks or were noted through self-separation checks. Some self-separation incidents were not thoroughly and consistently documented by the youth as required by policy. These practices seem to occur sporadically throughout the documentation viewed and do not appear to be widespread throughout the full facility. Technical assistance has been provided in that supervisory staff should be in the facility, throughout the PM and weekend shifts, providing a heavy presence and inquiring about the status of youth who are in their rooms.</p>
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TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
				<p>Several of the youth interviewed confirmed the above actions, but noted that although incidents still occur, they reported the facilities continue to do better than from what has occurred in the past. Youth stated any long-term room confinement is the result of lack of staff.</p> <p>We noted, through video review and while onsite, many oncoming staff to be routinely late to their posts resulting in the on-duty unit staff not being relieved timely. Youth are kept in their rooms while staff wait to be relieved, until staff are called in or they make it to the unit.</p> <p>Prior to inspection, we also expressed concern to both administration and to the medical team regarding the practice of "hybrid units" for housing of COVID positive and COVID negative youth together as this practice would result in room confinement for those youth who were not COVID positive and would be without a Medical Order for Isolation. Medical guidance has since been updated and this issue has been addressed and corrected.</p> <p>Lastly, the agency transition policy requires that incident reports must include times in which youth were secured and brought out to resume programming and we found this not to occur as a consistent practice.</p>
(1) Room confinement shall not be used before other, less restrictive, options have been attempted and exhausted, unless attempting those options poses a threat to the safety or security of any youth or staff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(2) Room confinement shall not be used for the purposes of punishment, coercion, convenience, or retaliation by staff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(3) Room confinement shall not be used to the extent that it compromises the mental and physical health of the youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(b) A youth may be held up to four hours in room confinement. After the youth has been held in room confinement for a period of four hours, staff shall do one or more of the following:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1303: Room Confinement</p> <p>While regulation allows for youth to be held for 4 hours, agency policy requires immediate action.</p> <p>Per documentation provided, received, and reviewed, no youth were held in their room longer than 4 hours. Most were released at the first assessment.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(1) Return the youth to general population.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement Youth are required to be reassessed every 2 hours for return to the general population. If youth can safety be returned, they are.
(2) Consult with mental health or medical staff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement Per bureau policy, youth placed in room confinement are to be referred to mental health for a behavior chain analysis within 30 minutes. If a clinician is not available, it is to be completed when time permits. This did not occur for any of the incidents, but we noted that BCA samples were attached in all packets. Behavior health referrals were submitted for all youth as well. This issue was addressed with behavioral health also. This issue will be reviewed going forward.
(3) Develop an individualized plan that includes the goals and objectives to be met in order to reintegrate the youth to general population.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(4) If room confinement must be extended beyond four hours, staff shall do each of the following:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement No incidents reviewed were beyond 4 hours. The policy requires the same actions, i.e. reassessment every two hours as well as regulatory requirements to be completed.
(A) Document the reasons for room confinement and the basis for the extension, the date and time the youth was first placed in room confinement, and when he or she is eventually released from room confinement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(B) Develop an individualized plan that includes the goals and objectives to be met in order to integrate the youth to general population.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(C) Obtain documented authorization by the facility superintendent or his or her designee every four hours thereafter.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(5) This section is not intended to limit the use of single-person rooms or cells for the housing of youth in juvenile facilities and does not apply to normal sleeping hours.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(6) This section does not apply to youth or wards in court holding facilities or adult facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(7) Nothing in this section shall be construed to conflict with any law providing greater or additional protections to youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(8) This section does not apply during an extraordinary emergency circumstance that requires a significant departure from normal institutional operations, including a natural disaster or facility-wide threat that poses an imminent and substantial risk of harm to multiple staff or youth. This exception shall apply for the shortest amount of time needed to address this imminent and substantial risk of harm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
(9) This section does not apply when a youth is placed in a locked cell or sleeping room to treat and protect against the spread of a communicable disease for the shortest amount of time required to reduce the risk of infection, with the written approval of a licensed physician or nurse practitioner, when the youth is not required to be in an infirmary for an illness. Additionally, this section does not apply when a youth is placed in a locked cell or sleeping room for required extended care after medical treatment with the written approval of a licensed physician or nurse practitioner, when the youth is not required to be in an infirmary for illness.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1303: Room Confinement
1355 INSTITUTIONAL ASSESSMENT AND PLAN The facility administrator shall develop and implement written policies and procedures for assessment and case planning.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Documentation for both detention youth and for the Secure Youth Treatment youth Facility's Institutional Assessment and Plan were provided for our review.
(a) Assessment: The assessment is based on information collected during the admission process with periodic review, which includes the youth's risk factors, needs and strengths including, but not limited to, identification of substance abuse history, educational, vocational, > counseling, behavioral health, consideration of known history of trauma, and family strengths and needs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 413: Institutional Assessment, Case Plan and Periodic Review For detention youth, an assessment was completed for each youth as part of the facility entry admission procedure. 29 assessments were provided for our review. Each completed as required by regulation and by policy. SYTF youth complete an MDT meeting upon arrival into the program. This process is the basis for the youth's programs.
(b) Institutional Case Plan: (1) A case plan shall be developed for each youth held for at least 30 days or more and created within 40 days of admission.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 413: Institutional Assessment, Case Plan and Periodic Review The case plan is generally completed within about the first week to 10 days for the juvenile hall youth. Case plans are documented quicker for the SYTF youth as their cases are tied to court deadlines, per staff.
(2) The institutional plan shall include, but not be limited to, written documentation that provides:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(A) objectives and time frame for the resolution of problems identified in the assessment;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 413: Institutional Assessment, Case Plan and Periodic Review</p> <p>Objectives are tied to the regulatory requirements and timelines are noted by various means i.e., weekly, monthly, or daily.</p>
(B) a plan for meeting the objectives that includes a description of program resources needed and individuals responsible for assuring that the plan is implemented;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 413: Institutional Assessment, Case Plan and Periodic Review</p> <p>Staff share responsibility to work with youth to ensure good outcomes. There are menu options and free fill sections for staff to complete the document.</p>
(3) periodic evaluation of progress towards meeting the objectives, including periodic review and discussion of the plan with the youth;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 413: Institutional Assessment, Case Plan and Periodic Review</p> <p>Documentation reviewed noted face-to-face meetings with the youth and staff were documenting the youth's progress. Periodic reviews were found to be compliant.</p>
(4) a transition plan, the contents of which shall be subject to existing resources, shall be developed for post dispositional youth in accordance with Section 1351; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 413: Institutional Assessment, Case Plan and Periodic Review</p> <p>SYTF youth receive "Transition Instructions". These instructions include all regulatory requirements. They provide the youth with directions as to what to do upon release, where to report, where to go for counseling, resources in the community, contacts for Probation, mentors, etc.</p> <p>This document, as well as the youth's court order, are reviewed with the youth and his/her parent prior to their release.</p>
(5) in as much as possible and if appropriate, the plan, including the transition plan, shall be developed with input from the family, supportive adults, youth, and Regional Center for the Developmentally Disabled.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 413: Institutional Assessment, Case Plan and Periodic Review</p> <p>The parent or other supportive adults as appropriate are involved in the youth's case and the youth's MDT process.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>1356 COUNSELING AND CASEWORK SERVICES</p> <p>The facility administrator shall develop and implement written policies and procedures ensuring the availability of appropriate counseling and casework services for all youth. Policies and procedures shall ensure:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 207: General Staff responsibilities</p> <p>Basic expectations of staff duties are as noted. With limited staff resources, it is difficult to go beyond limited expectations. Proof of practice included documentation of case planning, professional phone call documentation, and other documentation. Staff meet basic, limited expectations and minimal regulation compliance but, with proper staffing, should be doing so much more.</p> <p>Youth interviewed stated that staff assist them in making contact with social workers, attorneys, and PO's.</p>
(a) youth will receive assistance with needs or concerns that may arise;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 207: General Staff responsibilities
(b) youth will receive assistance in requesting contact with parents, other supportive adults, attorney, clergy, probation officer, or other public official; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 207: General Staff responsibilities
(c) youth will be provided access to available resources to meet the youth's needs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 207: General Staff responsibilities
<p>1357 USE OF FORCE</p> <p>The facility administrator, In cooperation with the responsible physician, shall develop and implement written policies and procedures for the use of force, which may include chemical agents. Force shall never be applied as punishment, discipline, retaliation or treatment.</p> <p>(a) At a minimum, each facility shall develop policies and procedures which:</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Directive 1477: Detention and Residential Treatment Services Bureaus Manual-Physical Intervention Policy (Section DSB-1000/RTSB-1700) Issued 06/22/2022.</p> <p>At inspection, it was noted the policy had been released and was implemented in June 2022 but staff were not formally trained. We have since been informed the staff have been trained on the policy.</p> <p>The agency remains unable to meet certain areas of regulatory requirements and we found areas in which the agency failed to meet their own policy despite technical assistance being provided by both BSCC and DOJ in how to address the issues.</p>
(1) restricts the use of force to that which is deemed reasonable and necessary, as defined in Section 1302 to ensure the safety and security of youth, staff, others and the facility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1003: Objectively Reasonable Determination

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(2) outline the force options available to staff including both physical and non-physical options and define when those force options are appropriate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1004: Prevention and De-Escalation and Section 1005: Physical Interventions</p> <ul style="list-style-type: none"> • De-escalation Options per policy include: • Request for Compliance with Instructions • Discussion/Counseling • Mental Health Assistance • Switching Officer (Tapping Out) • Secluding the Situation/Youth • Request Supervisor assistance • Behavior Chart Consultation • Other officer/volunteers • Temporary Halt to Program Activity • Separation of Youth • Resource Teams <p>Force Options per policy include:</p> <ul style="list-style-type: none"> • Physical Control Holds. • Take-downs. • Restraint Devices. • Oleoresin Capsicum (OC) Spray.

<p>(3) describe force options or techniques that are expressly prohibited by the facility.</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>Section 1005(G): Physical Interventions-Inappropriate/Prohibited Uses of Force and Conduct</p> <p>The following are prohibited by the facility policy:</p> <ul style="list-style-type: none"> • "Carotid," "arm-bar," chokehold, or any other deliberate chokehold restraint utilized to or having the impact of restricting the airway or blood flow. • Applying pressure to and/or torquing of the head and neck. • Deliberate strikes or kicks to the head, torso, or other body parts (except in situations of self-defense). • Deliberately or recklessly striking a youth's head, limbs, torso, or other body parts against a hard, fixed object (e.g., roadway, driveway, floor, wall, etc.). • "Hog-tying" procedure wherein restraints are applied to both the hands and feet, which are then drawn together and secured behind the back. • Any form of excessive physical intervention, deliberate physical injury, or physical intervention used as coercion, punishment, retaliation, discipline, or treatment. • Any other force used maliciously, sadistically, and/or for the purpose of causing harm. • Failure to immediately decontaminate a youth exposed to OC spray when the incident is controlled. • Leaving youth in an enclosed structure where OC spray has been used, and the location has not been decontaminated. • Use of OC spray on youth in mechanical or soft restraints. • Officer actions leading to the use of force such as taunting, verbally insulting, or challenging a youth. • The use of force as a response to a youth who is solely expressing suicidal ideations. • The use of prone and supine restraints on pregnant youth. • Officer actions that serve to encourage, instigate, or permit youth to engage in physical fights or assaults. <p>Additionally, officers are required to view the</p>
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TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
				alert log to be aware of any youth with medical or mental health issues.
(4) describe the requirements of staff to report any inappropriate use of force, and to take affirmative action to immediately stop it.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1005(G): Physical Interventions-Inappropriate/Prohibited uses of Force and Conduct
(5) define a standardized reporting format that includes time period and procedure for documenting and reporting the use of force, including reporting requirements of management and line staff and procedures for reviewing and tracking use of force incidents by supervisory and or management staff, which include procedures for debriefing a particular incident with staff and/or youth for the purposes of training as well as mitigating the effects of trauma that may have been experienced by staff and /or the youth involved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1005(K): Physical Interventions: Mandatory Reporting Requirements</p> <p>Section 1008: Post-Incident Physical Intervention-Post Incident Review Process-Debriefing for involved youth and Staff and Witnesses</p> <p>Section 1009: Quality Assurance: Debrief (Debriefs for all incidents now)</p> <p>Debriefs are required for all use-of-force incidents per the agency policy. Per regulation, the purpose of the debrief is for training as well as to mitigate the effects of trauma that may have been experienced by staff and/or the youth. It is a reflection period for addressing training issues or areas and to address any potential trauma that may have occurred by youth or staff.</p> <p>While the debriefs are being completed, they are not completed with efficacy as intended. Training issues or training needs are not being addressed as the lack of staffing is the main concern of staff. While this does not make this section noncompliant, it is noted that the lack of adequate staffing impacts the ability of supervisors to have an effective debrief regarding incidents as they occur.</p>
(6) Include an administrative review and a system for investigating unreasonable use of force.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 1009(A) Quality Assurance -Use of Force Administrative Review</p> <p>Each UOF is to be reviewed at the facility level and again through the Force Intervention Response Support Team (FIRST). This is an independent review entity that reviews all Use of Force incidents.</p> <p>This is not occurring. No documentation provided.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(7) define the role, notification, and follow-up procedures required after use of force incidents for medical, mental health staff and parents or legal guardians.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1008(C): Post-Incident Physical Intervention-Medical Assessment of Youth</p> <p>Section 1008(D): Post-Incident Physical Intervention-mental Health involvement and Assessment of Youth</p> <p>Section 1010: Notifications: Parent/Guardian/Caregiver Notification</p> <p>Medical staff and parents were notified and a mental health referral was submitted for all youth.</p>
(8) describe the limitations of use of force on pregnant youth in accordance with Penal Code Section 6030(f) and Welfare and Institutions Code Section 222.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1003: Objectively Reasonable Determinations-Pregnant and Post-Partum Recovery Youth
(b) Facilities that authorize chemical agents as a force option shall include policies and procedures that:				
(1) identify who is approved to carry and/or utilize chemical agents in the facility and the type, size and the approved method of deployment for those chemical agents.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1006(C): Oleoresin Capsicum (O.C.) Spray-OC Spray Interventions</p> <p>Section 1006(D): Oleoresin Capsicum (O.C.) Spray-Issuance and Accountability</p>
(2) mandate that chemical agents only be used when there is an imminent threat to the youth's safety or the safety of others and only when de-escalation efforts have been unsuccessful or are not reasonably possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1006(A): OC Spray-Training
(3) outline the facility's approved methods and timelines for decontamination from chemical agents. This shall include that youth who have been exposed to chemical agents shall not be left unattended until that youth is fully decontaminated or is no longer suffering the effects of the chemical agent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1006(E): OC Spray
(4) define the role, notification, and follow-up procedures required after use of force incidents involving chemical agents for medical, mental health staff and parents or legal guardians.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Section 1006: OC Spray-Medical Assessment" and "Mental Health Consultation Request"</p> <p>Section 1010 Notifications: Parent/Guardian/Caregiver Notifications</p> <p>See above. Notification is required for any use of force. Noted above.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(5) provide for the documentation of each incident of use of chemical agents, including the reasons for which it was used, efforts to de-escalate prior to use, youth and staff involved, the date, time and location of use, decontamination procedures applied and identification of any injuries sustained as a result of such use.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Section 1006: OC Spray Section H. Mandatory Reporting Requirements Decontamination documentation was lacking. Reports document that youth are being decontaminated and provide information regarding the process, including the constant visual, but lack some required details required by policy.
(c) Facilities shall develop policies and procedure which require that agencies provide initial and regular training in use of force and chemical agents when appropriate that address:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Section 1002: Training Requirements Staff are to receive initial training and annual refresher training. This has not occurred.
(1) known medical and behavioral health conditions that would contraindicate certain types of force;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Section 1002: Training Requirements Regular training has not occurred.
(2) acceptable chemical agents and the methods of application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Section 1006: OC Spray Section A. Training Regular training has not occurred.
(3) signs or symptoms that should result in immediate referral to medical or behavioral health.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Section 1002: Training Requirements Regular training has not occurred.
(4) instruction on the Constitutional Limitations of Use of Force.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Section 1002: Training Requirements Regular training has not occurred.
(5) physical training force options that may require the use of perishable skills.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Section 1002: Training Requirements Regular training has not occurred.
(6) timelines the facility uses to define regular training.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Section 1002: Training Requirements Regular training has not occurred.

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>1358 USE OF PHYSICAL RESTRAINTS</p> <p>The facility administrator, In cooperation with the responsible physician and mental health director, shall develop and implement written policies and procedures for the use of restraint devices. Restraint devices include any devices which immobilize a youth's extremities and/or prevent the youth from being ambulatory.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Directive 1477: Detention and Residential Treatment Services Bureaus Manual-Physical Intervention Policy (Section DSB-1000/RTSB-1700) Issued 06/22/2022.</p> <p>Section 1001: Introduction – Physical Interventions Section 1007: Restraints</p> <p>Section marked noncompliant due to no staff training and implementation of policy.</p> <p>Agency policy now applies to the use of restraints for all purposes and no longer only for those that are mental health related or to control a youth who is destructive in nature. The use of restraints, for the purpose of this section, are a force option and are to be treated as such.</p> <p>Policy defines hard mechanical restraints as handcuffs, leg irons, waist-chains, plastic flex-cuffs and soft mechanical restraints as padded leather wrist and ankle restraints and safety helmets. Technical assistance provided regarding ensuring the appropriate training is provided for all use of restraints.</p>
<p>Physical restraints may be used only for those youth who present an immediate danger to themselves or others, who exhibit behavior which results in the destruction of property, or reveals the intent to cause self-inflicted physical harm. Physical restraints should be utilized only when it appears less restrictive alternatives would be ineffective in controlling the youth's behavior.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1007: Restraints</p> <p>At the time of inspection, documentation provided was only for 2 incidents in which the youth were having a mental health crisis and the restraint log was utilized. Both incidents were youth who were exhibiting self-harm behavior coupled with behavior issues resulting in use of force and use of restraints.</p> <p>That documentation was consistent with previous policy requirements. The documentation meets current regulatory requirements. New policy requires additional information. This information was not included in reports received. (As staff were not yet trained) All use of restraints were not reviewed for this section under the new policy.</p>
<p>In no case shall restraints be used as punishment or discipline, or as a substitute for treatment. The use of restraint devices that attach a youth to a wall, floor or other fixture, including a restraint chair, or through affixing of hands and feet together behind the back (hogtying) is prohibited. The use of restraints on pregnant youth is limited in accordance with Penal Code Section 6030(f) and Welfare and Institutions Code Section 222.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1007(C): Restraints</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
The provisions of this section do not apply to the use of handcuffs, shackles or other restraint devices when used to restrain youth for movement or transportation within the facility. Movement within the facility shall be governed by Section 1358.5, Use of Restraint Devices for Movement Within the Facility.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Section 1007: Restraints
Youth shall be placed in restraints only with the approval of the facility manager or designee. The facility manager may delegate authority to place a youth in restraints to a physician. Reasons for continued retention in restraints shall be reviewed and documented at a minimum of every hour.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1007(D): Restraints</p> <p>Per the new policy, the application of physical restraints is authorized when a youth presents an immediate danger to themselves or others, exhibits behavior that results in the destruction of property, or reveals the intent to cause self-inflicted physical harm. Youth shall be placed in restraints only when all de-escalation techniques and less intrusive physical interventions have been exhausted.</p> <p>Per policy, the use of restraints for a mental health crises or destruction of property must be authorized by the facility manager or designee.</p>
A medical opinion on the safety of placement and retention shall be secured as soon as possible, but no later than two hours from the time of placement. The youth shall be medically cleared for continued retention at least every three hours thereafter.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1007(E): Restraints</p> <p>Per the documentation reviewed, youth were seen by medical personnel immediately.</p>
A mental health consultation shall be secured as soon as possible, but in no case longer than four hours from the time of placement, to assess the need for mental health treatment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1007(F): Restraints</p> <p>Per documentation reviewed, youth were seen by mental health personnel.</p>
Continuous direct visual supervision shall be conducted to ensure that the restraints are properly employed, and to ensure the safety and well-being of the youth. Observations of the youth's behavior and any staff interventions shall be documented at least every 15 minutes, with actual time of the documentation recorded.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1007(D): Restraints</p> <p>All youth were under constant, direct visual observation. Each incident had a complete log filled out for each youth.</p>
In addition to the requirements above, policies and procedures shall address:				
(a) documentation of the circumstances leading to an application of restraints.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1007(D): Restraints</p> <p>Application of Physical Restraints</p>
(b) known medical conditions that would contraindicate certain restraint devices and/or techniques.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1007(D): Restraints</p> <p>Application of Physical Restraints</p>
(c) acceptable restraint devices.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1007(D): Restraints</p> <p>Application of Physical Restraints</p>
(d) signs or symptoms which should result in immediate medical/mental health referral.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1007(D): Restraints</p> <p>Application of Physical Restraints</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(e) availability of cardiopulmonary resuscitation equipment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(D): Restraints Application of Physical Restraints
(f) protective housing of restrained youth. While in restraint devices, all youth shall be housed alone or in a specified housing area for restrained youth which makes provision to protect the youth from abuse.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(C): Restraints Application of Physical Restraints
(g) provision for hydration and sanitation needs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(D): Restraints Application of Physical Restraints
(h) exercising of extremities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1007(D): Restraints Application of Physical Restraints
<p>1358.5 USE OF RESTRAINT DEVICES FOR MOVEMENT AND TRANSPORTATION WITHIN THE FACILITY.</p> <p>The Facility Administrator, In cooperation with the responsible physician and behavioral/mental health director, shall develop and implement written policies and procedures for the use of restraint devices when the purpose is for movement or transportation within the facility that shall include the following:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 809: The Use of Mechanical Restraints for Movement and Transport Within the Facility</p> <p>It was noted, through videos viewed, youth are not generally handcuffed during incidents, when moved to their room or to another location. Youth interviewed confirmed this observation.</p>
(a) identification of acceptable restraint devices, staff approved to utilize restraint devices and the required training.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 809: The Use of Mechanical Restraints for Movement and Transport Within the Facility
(b) the circumstances leading to the application of restraints must be documented.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 809: The Use of Mechanical Restraints for Movement and Transport Within the Facility</p> <p>The circumstances leading to the use of restraints in the incidents where restraints were used were documented. There were only a few. In most cases, restraints are not used.</p>
(c) an individual assessment of the need to apply restraints for movement or transportation that includes consideration of less restrictive alternatives, consideration of a youth's known medical or mental health conditions, trauma informed approaches, and a process for documentation and supervisor review and approval.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 809: The Use of Mechanical Restraints for Movement and Transport Within the Facility</p> <p>In the few incidents where restraints were used, an assessment occurred and was documented in the incident report.</p>
(d) consideration of safety and security of the facility, with a clearly defined expectation that restraint devices shall not be used for the purposes of discipline or retaliation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 809: The Use of Mechanical Restraints for Movement and Transport Within the Facility

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(e) the use of restraints on pregnant youth is limited in accordance with Penal Code Section 6030(f) and Welfare and Institutions Code Section 222.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 809: The Use of Mechanical Restraints for Movement and Transport Within the Facility There were no pregnant females involved in any of the incidents reviewed. There are currently no females housed at BJN.
1359 SAFETY ROOM PROCEDURES (a) The facility administrator, and where applicable, in cooperation with the responsible physician, shall develop and implement written policies and procedures governing the use of safety rooms, as described in Title 24, Part 2, Section 1230.1.13. The room shall be used to hold only those youth who present an immediate danger to themselves or others, who exhibit behavior which results in the destruction of property, or reveals the intent to cause self-inflicted physical harm. A safety room shall not be used for punishment or discipline, or as a substitute for treatment. Policies and procedures shall:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The facility does not have a safety room. Text of regulation deleted.
1360 SEARCHES The facility administrator shall develop and implement written policies and procedures governing the search of youth, the facility, and visitors. Policies and procedures shall provide that:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 700: Searches
(a) Searches shall be conducted to ensure the safety and security of the facility, public, visitors, youth, and staff.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Section 701: Introduction All persons/visitors to the facility that enter the facility are screened through the security Kiosk X-ray. Documentation was provided noting canine searches and searches conducted by facility staff, but the documentation did not contain the requirements set by agency policy. Agency policy requires daily room searches, daily common area searches, and two thorough, facility wide, including perimeter and school, contraband searches a week. This section is noncompliant.
(b) Searches shall be conducted in a manner that preserves the privacy and dignity of the person being searched, and shall not be conducted for harassment or as a form of discipline or punishment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(c) Strip searches and visual or physical body cavity searches shall comply with Penal Code Section 4030.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Sections:</p> <p>701: Introduction 709: Completing a Strip Search Authorization Form 711: Admissions Procedures - Strip Search and/or Visual Body Cavity Search</p> <p>All strip searches have been completed in compliance with PC 4030. Technical assistance was provided regarding documentation to enhance compliance.</p>
(d) Physical body cavity searches shall only be conducted by a medical professional.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Sections:</p> <p>702: Types of Searches and Definitions 711: Admissions Procedures - Strip Search and/or Visual Body Cavity Search</p> <p>There have been no physical body cavity searches.</p>
(e) Any youth held after a detention hearing shall only be strip searched with prior approval of a supervisor when there is reasonable suspicion based on specific and articulable facts to believe that youth is concealing contraband. The reasonable suspicion shall be documented.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 703: Searches of Youth Housed in Juvenile Facilities - General Information</p> <p>Documentation received and reviewed specific to strip searches. Documentation was completed as required, reasonable suspicion was documented, and prior supervisor approvals were obtained.</p>
(f) Searches of transgender and intersex youth shall comply with Section 1352.5.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 706: Transgender Youth Searches</p> <p>All youth are asked at intake which gender staff is preferred to conduct their searches.</p>
(g) Cross-gender pat-down searches and strip searches are prohibited except in exigent circumstances or when conducted by a medical professional. Such searches must be justified and documented in writing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 705: Cross Gender Searches</p> <p>Cross gender pat down searches and strip searches are prohibited.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>1361 GRIEVANCE PROCEDURE</p> <p>The facility administrator shall develop and implement written policies and procedures whereby any youth may appeal and have resolved grievances relating to any condition of confinement, including but not limited to health care services, classification decisions, program participation, telephone, mail or visiting procedures, food, clothing, bedding, mistreatment, harassment or violations of the nondiscrimination policy. There shall be no time limit on filing grievances. Policies and procedures shall include provisions whereby the facility manager ensures:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Section 1715: Youth Grievance Procedures</p> <p>The regulation requires the agency to develop policy and procedures whereby a youth may appeal and have resolved grievances relating to conditions of confinement. The purpose of this process is to provide an opportunity and a mechanism for youth to resolve issues at the lowest level.</p> <p>The agency grievance form provides the opportunity for youth to document their grievance and what they want to happen. The hearing officers then, after meeting with the youth, either “grant” or “deny” the youth’s grievance. This is followed by an appeals process should the youth wish to appeal the first-level officers’ response.</p> <p>We find that many times, the first-level officers address and focus their response on what the youth “wants to happen” as opposed to seeking a resolution for the grieved issue. The form itself and format of the grievance must be changed to address this issue. This has been discussed and scheduled for review several times but never fully processed or implemented.</p> <p>In discussing this issue once again, we have been notified the Bureau is in the final stages of implementation of a new grievance process- GMS (The process will not include the language of granted and denied). We are very excited to check in in a few months to see how the new process is working to improve the grievance process.</p> <p>151 grievances were provided and randomly reviewed from August 2022-October 2022.</p>
<p>(a) a grievance form and instructions for registering a grievance, which includes provisions for the youth to have free access to the form;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Section 1715: Youth Grievance Procedures</p> <p>Grievance forms were found to be available to youth in all units. Youth interviewed were asked if they always had access and they stated they did. A few stated that if they run out, they just ask staff, and they are refilled.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(b) the youth shall have the option to confidentially file the grievance or to deliver the form to any youth supervision staff working in the facility;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Section 1715: Youth Grievance Procedures</p> <p>Each unit has a locked box for confidential grievances. We noted that most youth place their grievances in the locked box for pick up. Youth are also aware they can file confidential grievances through the JIGS system.</p>
(c) resolution of the grievance at the lowest appropriate staff level;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Section 1715: Youth Grievance Procedures</p> <p>When interviewed, youth were specifically asked if they have written grievances, all youth stated they can provide their grievance to any staff at any level.</p> <p>When asked what they personally do with their grievance, all but one stated they put the grievance in the box for pick up. Youth know the process, that it is picked up by the grievance officer, usually on the next shift or the next day depending on time, logged in, and the grievance goes through the process which includes the grievance officer coming to talk to them and then, if needed, a supervisor coming to resolve their issue. All stated they like that process. When asked if they were writing a grievance on a specific staff if they could give the grievance to that staff for a response, they stated they could, but most would prefer to place it in the box.</p> <p>Youth are also aware they can file a grievance in the JIGS - electronic system.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(d) provision for a prompt review and initial response to grievances within three (3) business days, grievances that relate to health and safety issues must be addressed immediately;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Section 1715: Youth Grievance Procedures</p> <p>Many grievances were found to be out of date on the grievance itself; however, when reviewing all of the documentation associated with the grievance i.e. all the emails etc., it was noted that work on the grievance had occurred and communication had occurred with the youth but was not documented on the grievance document form, it was documented in the emails, documentation and other information attached. This was addressed with the supervisory staff who immediately addressed the issue. Additional documentation was reviewed at the end of December 2022. One staff has needed additional guidance and direction. The compliance unit Director has addressed this issue.</p> <p>Many of these grievances were those that needed resolution outside of Probation either through a work order, through a partner agency, etc. Most health and safety grievances were addressed same day. Technical assistance again provided to ensure that youth are periodically reminded that any health or safety grievance should be given to staff for immediate resolution and not placed in the box.</p>
(1) The youth may elect to be present to explain his/her version of the grievance to a person not directly involved in the circumstances which led to the grievance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Section 1715: Youth Grievance Procedures</p> <p>All youth participated in their own grievance.</p>
(2) Provision for a staff representative approved by the facility administrator to assist the youth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Section 1715: Youth Grievance Procedures</p> <p>No representatives were noted in any grievances reviewed. There were no requests for assistance.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(e) provision for a written response to the grievance which includes the reasons for the decisions;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Section 1715: Youth Grievance Procedures</p> <p>In general, we found the response documentation of grievances to be minimally compliant.</p> <p>We found some grievances with more than one issue noted yet all issues did not have full responses to each item. We noted there were some that lacked full responses or responses that were specific to the issue grieved. We noted that many were forwarded on but were late in being returned and addressed. Overall, these issues are concerning but the amount of these problematic grievances noted in comparison to the amount viewed overall did not rise to a level of non-responsive or overall noncompliance at this time.</p> <p>Technical assistance was provided. This issue will be addressed and reviewed with all grievances reviewed in a targeted inspection in the next 90 days.</p> <p>We will be looking for marked improvement in the handling and documentation of grievances in this area.</p>
(f) a system which provides that any appeal of a grievance shall be heard by a person not directly involved in the circumstances which led to the grievance;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Section 1715: Youth Grievance Procedures</p> <p>Appeals are heard by facility Directors.</p>
(g) resolution of the grievance must occur within ten (10) business days unless circumstances dictate a longer time frame. The youth shall be notified of any delay; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Section 1715: Youth Grievance Procedures</p> <p>Grievances were completed timely but especially when the issue necessitated a work order, the timeline was not noted on the grievance but was in the accompanying documentation. We will continue to review this as part of the technical assistance and targeted inspection.</p>
(h) the policy shall provide multiple internal and external methods to report sexual abuse and sexual harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy Section 1715: Youth Grievance Procedures</p> <ul style="list-style-type: none"> • Grievance procedure • Directly to staff, contractors, volunteers, or visitors. • Mental Health referral • Medical referral. • Contacting the ombudsman.

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
Whether or not associated with a grievance, concerns of parents, guardians, staff or other parties shall be addressed and documented in accordance with written policies and procedures within a specified timeframe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Policy Section 1715: Youth Grievance Procedures Any issue should be resolved with a Director or the Superintendent onsite at the time of the incident.
<p>1362 REPORTING OF INCIDENTS</p> <p>A written report of all incidents which result in physical harm, use of force, serious threat of physical harm, or death of an employee, youth or other person(s) shall be maintained. Such written record shall be prepared by the staff and submitted to the facility manager by the end of the shift, unless additional time is necessary and authorized by the facility manager or designee.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Policy sections as noted below regarding reports:</p> <p>1022: Safe Crisis Management – Physical Intervention Reports</p> <p>1907: Special Incident Report Form</p> <p>1909: Detention Observation Report (DOR) Form</p> <p>1912: Preliminary and Follow-Up Incident Notification Procedures</p> <p>Various reports were provided for review. Reports were written and submitted timely.</p>
<p>1363 USE OF REASONABLE FORCE TO COLLECT DNA SPECIMENS, SAMPLES, IMPRESSIONS</p> <p>(a) Pursuant to Penal Code Section 298.1 authorized law enforcement, custodial, or corrections personnel including peace officers, may employ reasonable force to collect blood specimens, saliva samples, and thumb or palm print impressions from individuals who are required to provide such samples, specimens or impressions pursuant to Penal Code Section 296 and who refuse following written or oral request.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 308: Juvenile Collection of DNA Samples</p> <p>Since 2011, the Juvenile Halls have been responsible for the Collection of DNA Samples for both detained and non-detained youth. Per Policy, force is not to be used to collect DNA. If a youth refuses to comply with collection efforts, the information and the youth is referred to the court for review and action.</p> <p>At BJJ, there are two trained officers who collect DNA samples in the facility. There has not been any use of force in any collection of DNA this cycle. Technical Assistance was provided to review the need for additional staff to collect DNA.</p>
(1) For the purpose of this section, the “use of reasonable force” shall be defined as the force that an objective, trained and competent correctional employee, faced with similar facts and circumstances, would consider necessary and reasonable to gain compliance with this section.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 308: Juvenile Collection of DNA Samples
(2) The use of reasonable force shall be preceded by efforts to secure voluntary compliance. Efforts to secure voluntary compliance shall be documented and include an advisement of the legal obligation to provide the requisite specimen, sample or impression and the consequences of refusal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 308: Juvenile Collection of DNA Samples

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(b) The force shall not be used without the prior written authorization of the supervising officer on duty. The authorization shall include information that reflects the fact that the offender was asked to provide the requisite specimen, sample, or impression and refused.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 308: Juvenile Collection of DNA Samples
(1) If the use of reasonable force includes a cell extraction, the extraction shall be videotaped. Video shall be directed at the cell extraction event. The videotape shall be retained by the agency for the length of time required by statute. Notwithstanding the use of the video as evidence in a court proceeding, the tape shall be retained administratively.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 308: Juvenile Collection of DNA Samples

<p>1370 EDUCATION PROGRAM</p> <p>(a) School Programs</p> <p>The County Board of Education shall provide for the administration and operation of juvenile court schools in conjunction with the Chief Probation Officer, or designee pursuant to applicable State laws. The school and facility administrators shall develop and implement written policy and procedures to ensure communication and coordination between educators and probation staff. Culturally responsive and trauma-informed approaches should be applied when providing instruction. Education staff should collaborate with the facility administrator to use technology to facilitate learning and ensure safe technology practices. The facility administrator shall request an annual review of each required element of the program by the Superintendent of Schools, and a report or review checklist on compliance, deficiencies, and corrective action needed to achieve compliance with this section. Such a review, when conducted, cannot be delegated to the principal or any other staff of any juvenile court school site. The Superintendent of Schools shall conduct this review in conjunction with a qualified outside agency or individual. Upon receipt of the review, the facility administrator or designee shall review each item with the Superintendent of Schools and shall take whatever corrective action is necessary to address each deficiency and to fully protect the educational interests of all youth in the facility.</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The education program is provided by Los Angeles County Office of Education. Title 15 requires the Superintendent of Schools to conduct a review of the Education program in conjunction with a qualified outside agency or individual. The Board of State and Community Corrections Field Representative does not inspect the education program for compliance with Title 15.</p> <p>The Principal at the Barry J. Nidorf Juvenile Hall (BJNJH) is Rueben Carranza. We met with Principal Carranza while onsite.</p> <p>The BJNJH school has 17 core teachers and paraprofessionals. There are teachers with ESL specialties, math specialties, and language and reading specialties. There are 7 Special Education teachers, 4 school psychologists, 1 behavior specialist, 1 wellness counselor, and 1 transition counselor.</p> <p>Youth attend in two blocks. Block one from 8:30AM to 11:50 AM and Block two from 1:20 PM to 3:00PM. We discussed the challenges of COVID, safety in the classrooms, and virtual learning. We discussed that packets are not an appropriate learning method in that Title 15, per the Ed. Code requires instructional minutes from teaching staff. A tour was provided of the school complex. Youth were not present as it was a minimum day; however, teachers were present working on lesson plans and were happy to show materials.</p> <p>Discussions were held with youth as well regarding their education experiences. Several youths spoke highly of their education when in class but all shared concerns of low tolerance and being kicked out of class or suspended. We also noted entire groups being returned to units. Additional information has been requested from Mr. Carranza to discuss this issue and to bring this issue to his attention for further review and resolution. We will continue to address and follow this issue.</p> <p>2022 Education annual review was completed by Jason Deaville, Director of Student Services. His specific comments have been transposed into the sections below and are in italics.</p>
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			<p><i>Barry J. Nidorf School is staffed by professional educators who are committed to serve the neediest population of students. The curriculum is designed to build the students into informed citizens with the social emotional skills to navigate our complex society.</i></p> <p><i>The school has designed and utilizes an evaluation and assessment system that seek to support and strengthen student. Assessments are built to be responsive to students diverse learning styles and needs.</i></p> <p><i>Barry J. Nidorf seeks to develop students to be citizens of the 21st century by exposing them to the technology and tools to navigate a computerized world. Students build on those skills daily and the use of technology is infused into the curriculum.</i></p> <p><i>**See below for education annual review information. The information from has been documented in italics direct from the Title 15 document received from Jason Deaville.</i></p> <ul style="list-style-type: none"> <i>• Administration and the Chief Probation Officer work together to operate the school.</i> <i>• Collaborative meetings take place be-weekly, and they are interagency.</i> <i>• The school utilizes Road to Success (RTSA) curriculum with social emotional components.</i> <i>• designed for the students in mind. Site also conducts implicit bias training annually.</i> <i>• Instructional tech support and a site technician support the school and the network has a state-of-</i> <i>• the-art filtering system on their network.</i> <i>• Completed annually by someone outside of LACOE and probation.</i> <i>• Completed annually by someone outside of LACOE and probation.</i> <i>• As has been the past practice, this report will be reviewed, monitored, and implemented by the Superintendent of Schools or their designee.</i>
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TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>(b) Required Elements</p> <p>The facility school program shall comply with the State Education Code and County Board of Education policies, all applicable federal education statutes and regulations and provide for an annual evaluation of the educational program offerings. As stated in the 2009 California Standards for the Teaching Profession, teachers shall establish and maintain learning environments that are physically, emotionally, and intellectually safe. Youth shall be provided a rigorous, quality educational program that responds to the different learning styles and abilities of students and prepares them for high school graduation, career entry, and post-secondary education.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>BP 6011 Instruction, BP 0460 Philosophy, Goals, Objectives, and Comprehensive Plans BP 005 Philosophy, Goals, Objectives and Comprehensive Plans Item 3,4,5</p> <p><i>The school complies with all Ed. Code and County policies.</i></p> <p><i>All classrooms are well decorated and print rich. The teachers appear to be in good spirits and their classrooms show evidence of rigor.</i></p> <p><i>RTSA is fully implemented in the classrooms and supported by the site leadership.</i></p>
<p>All youth shall be treated equally, and the education program shall be free from discriminatory action. Staff shall refer to transgender, intersex and gender-nonconforming youth by their preferred name and gender.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>BP 5145.3 Students</p>
<p>(1) The course of study shall comply with the State Education Code and include, but not be limited to, courses required for high school graduation.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>BP 005 Philosophy, Goals, Objectives and Comprehensive Plans Item 3,4,5</p> <p><i>All courses are standards based and designed to move students toward graduation. The school is WASC accredited.</i></p>
<p>(2) Information and preparation for the High School Equivalency Test as approved by the California Department of Education shall be made available to eligible youth.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>AR-6146.2</p> <p><i>HISSET is utilized by counselors as an option for students where graduation is impractical due to time constraints.</i></p>
<p>(3) Youth shall be informed of post-secondary education and vocational opportunities.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>AR-6143 Instruction Item 9 (Grades 7-12)</p> <p><i>The site offers dual enrollment in high school and college. Students who graduation are offered college classes. Program also includes OSHA safety training and a building skills program.</i></p>
<p>(4) Administration of the High School Equivalency Tests as approved by the California Department of Education, shall be made available when possible.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>AR6146-2 Instruction Ed Code 51420</p> <p>Offered as needed. Test is administered on site.</p>
<p>(5) Supplemental instruction shall be afforded to youth who do not demonstrate sufficient progress towards grade level standards.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>AR-6179 Instruction BPP 5149</p> <p><i>Read 180, Math 180, Imagine Math, Achieve 3000 and system 44 are used as supplemental support to youth who need additional help.</i></p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(6) The minimum school day shall be consistent with State Education Code Requirements for juvenile court schools. The facility administrator, in conjunction with education staff, must ensure that operational procedures do not interfere with the time afforded for the minimum instructional day. Absences, time out of class or educational instruction, both excused and unexcused, shall be documented.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>BP 6112 Instruction</p> <p><i>All shorted days are help consistent with Education Code Requirements. A typical day includes 300 minutes of instruction and 240 minutes on a shortened day.</i></p> <p>BSCC Note:</p> <p>It was noted when youth do not attend school in the classroom, for example due to quarantine of the unit or other circumstances that prevent youth from being present in the classroom, they are provided with packets in lieu of in-person or virtual instruction. Packets do not meet the instructional minimums. Technical assistance has been provided in this area previously. This issue has been discussed with both the school and probation in the past.</p>
(7) Education shall be provided to all youth regardless of classification, housing, security status, disciplinary or separation status, including room confinement, except when providing education poses an immediate threat to the safety of self or others. Education includes, but is not limited to, related services as provided in a youth's Section 504 Plan or Individualized Education Program (IEP).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>BP 6112 Instruction Partially address requirement. AR 5131</p> <p><i>When students are secluded, they still receive instruction from a certificated staff.</i></p>
(c) School Discipline (1) Positive behavior management will be implemented to reduce the need for disciplinary action in the school setting and be integrated into the facility's overall behavioral management plan and security system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>AR 5144 Students</p> <p><i>The site implements a full PBIS program and utilizes Wellness counselors (social emotional counselors).</i></p>
(2) School staff shall be advised of administrative decisions made by probation staff that may affect the educational programming of students.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>BP 5021 Students CF 6020</p> <p><i>Probation has a liaison that regularly escorts students and communications on a daily basis.</i></p> <p><i>The site also maintains movement sheets and conducts bi-weekly reconciliation meetings.</i></p>
(3) Except as otherwise provided by the State Education Code, expulsion/suspension from school shall be imposed only when other means of correction fails to bring about proper conduct. School staff shall follow the appropriate due process safeguards as set forth in the State Education Code including the rights of students with special needs. School staff shall document the other means of correction used prior to imposing expulsion/ suspension if an expulsion/suspension is ultimately imposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>BP 5144.1 Students; 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)</p> <p><i>Suspensions are used only as a last resort and when other means of correction have failed.</i></p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(4) The facility administrator, in conjunction with education staff will develop policies and procedures that address the rights of any student who has continuing difficulty completing a school day.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 5144 <i>Conducted bi-weekly as reconciliation meetings.</i>
(d) Provisions for Special Populations (1) State and federal laws and regulations shall be observed for all individuals with disabilities or suspected disabilities. This includes but is not limited to child find, assessment, continuum of alternative placements, manifestation determination reviews, and implementation of Section 504 Plans and Individualized Education Programs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 0430 Philosophy, Goals, Objectives and Comprehensive Plans <i>SPED compliance is important and monitored utilizing the SPED Ex program.</i>
(2) Youth identified as English Learners (EL) shall be afforded an educational program that addresses their language needs pursuant to all applicable state and federal laws and regulations governing programs for EL students.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 6174 Instruction <i>Rosetta Stone, English 3D, and dedicated teacher with 2 para educators meet the needs of the EL population at BJN.</i>
(e) Educational Screening and Admission (1) Youth shall be interviewed after admittance and a record maintained that documents a youth's educational history, including but not limited to:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 6162.5 Instruction Partially Answers Requirement <i>Enrollment clerk interviews students upon entry and creates records for the student's school progress, home language, SPED needs, and discipline problems.</i>
(A) School progress/school history;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 6162.5 Instruction <i>BJN provides progress reports to students monthly. Counselors and SpEd Team keeps track of student progress toward both graduation and IEP goals.</i>
(B) Home Language Survey and the results of the State Test used for English language proficiency;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AR 6174 Instruction <i>The enrollment staff logs into CAL PADS and communicates with the District of Residence to ensure proper enrollment and course of study.</i>
(C) Needs and services of special populations as defined by the State Education Code, including but not limited to, students with special needs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 6162.5 Instruction <i>The counselors and Sp.Ed Team peruse the IEPs from the District of Residence, hold 30-day IEPs, within 30 days, Admin Placements as necessary. The ed team of Teachers (Including RSP and SDC), Paraeducator, School Psych, Teachers on Special Assignment follow the students' IEPs.</i>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(D) Discipline problems.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 5131 Students <i>The school at BJN implements PBIS and documents discipline incidents in AERIES and shares the info with Probation and other sister agencies daily. The transition counselors also communicate with the Districts of Residence to ensure smooth transition back into traditional education in cases of previous expulsion.</i>
(2) Youth will be immediately enrolled in school. Educational staff shall conduct an assessment to determine the youth's general academic functioning levels to enable placement in core curriculum courses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 6162.5 Instruction <i>STAR 360 is administered within 3 days of entry and also every 60 days to determine functioning levels for placement.</i>
(3) After admission to the facility, a preliminary education plan shall be developed for each youth within five school days.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 6162.5 Instruction <i>The youth and counselor develop an Individual Learning Plan (ILP) upon entry to the facility.</i>
(4) Upon enrollment, education staff shall comply with the State Education Code and request the youth's records from his/her prior school(s), including, but not limited to, transcripts, Individual Education Program (IEP), 504 Plan, state language assessment scores, immunization records, exit grades, and partial credits. Upon receipt of the transcripts, the youth's educational plan shall be reviewed with the youth and modified as needed. Youth should be informed of the credits they need to graduate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AR 5125 Students <i>The enrollment clerk handles the requests of student records which are made through the student File Center in Downey headquarters. LACOE will request local school districts for records for the File Center.</i>
(f) Educational Reporting (1) The complete facility educational record of the youth shall be forwarded to the next educational placement in accordance with the State Education Code.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AR 5125 Students <i>This process is handled centrally by LACOE in the Student File Center.</i>
(2) The County Superintendent of Schools shall provide appropriate credit (full or partial) for course work completed while in juvenile court school in accordance with the State Education Code.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BP 5121 Students <i>All educational programs are WASC accredited, and students receive transferable credits (partial or whole course credit).</i>
(g) Transition and Re-Entry Planning (1) The Superintendent of Schools and the Chief Probation Officer or designee, shall develop policies and procedures to meet the transition needs of youth, including the development of an education transition plan, in accordance with the State Education Code and in alignment with Title 15, Minimum Standards for Juvenile Facilities, Section 1355.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AR 6159 Instruction <i>Transition counselors handle transitioning students back to the community either in a local school of residence or a Community Day School run by a school district or LACOE.</i>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>(h) Post-Secondary Education Opportunities</p> <p>(1) The school and facility administrator should, whenever possible, collaborate with local post-secondary education providers to facilitate access to educational and vocational opportunities for youth that considers the use of technology to implement these programs.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>BP 6143 Instruction and BP 6163.4 Student Use of Technology</p> <p><i>The school works tirelessly to offer students opportunities to extend their education by attending Mission College online, East Los Angeles College (online), and West Los Angeles College (online). In addition to this, the school offers certification to OSHA safety courses.</i></p>
<p>1371 PROGRAMS, RECREATION, AND EXERCISE.</p> <p>The facility administrator shall develop and implement written policies and procedures for programs, recreation, and exercise for all youth. The intent is to minimize the amount of time youth are in their rooms or their bed area.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 622: Programs Section 623: Recreation and Exercise</p>
<p>Juvenile facilities shall provide the opportunity for programs, recreation, and exercise a minimum of three hours a day during the week and five hours a day each Saturday, Sunday or other non-school days, of which one hour shall be an outdoor activity, weather permitting.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 622: Programs Section 623: Recreation and Exercise</p> <p>The documentation provided at the inspection noted programs, exercise and recreational activities are occurring in the facility. These activities, however, were not always documented in a manner that is consistent or that demonstrates the activity is compliant or is conducted in compliance with the regulatory requirements as it is often times illegible. The facility is a large facility, and this is not a widespread issue, but it does occur and needs attention. Requested additional documentation be provided to ensure the issue has been addressed.</p> <p>Technical assistance was provided to management to discuss consistency and clarify the specific areas needing attention and improvement in the future for compliance.</p> <p>Additional documentation was received. Youth receive recreation, programs, and exercise but not consistently per regulatory requirements. They are not going outside daily. It was noted that, with the time change, it is difficult to get all youth outside before dark and the facility is not conducive with the open space to exercise after dark. When daylight is not an issue, the physical plant provides safety and security issues according to staff. This section is noncompliant.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
A youth's participation in programs, recreation, and exercise may be suspended only upon a written finding by the administrator/manager or designee that a youth represents a threat to the safety and security of the facility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 622: Programs Section 623: Recreation and Exercise
Such program, recreation, and exercise schedule shall be posted in the living units.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 622: Programs Section 623: Recreation and Exercise The program, recreation and exercise schedules were posted in the living units. Some were posted very high up on the wall and out of the view of the youth.
There will be a written annual review of the programs, recreation, and exercise by the responsible agency to ensure content offered is current, consistent, and relevant to the population.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 622: Programs Section 623: Recreation and Exercise The facility manager provided an annual review for all programs, recreation and exercise activities that occur in the facility. Annual review was provided by external providers.
(a) Programs. All youth shall be provided with the opportunity for at least one hour of daily programming to include, but not be limited to, trauma focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or pro-social interventions and activities designed to reduce recidivism. These programs should be based on the youth's individual needs as required by Sections 1355 and 1356. Such programs may be provided under the direction of the Chief Probation Officer or the County Office of Education and can be administered by county partners such as mental health agencies, community based organizations, faith-based organizations or Probation staff. Programs may include but are not limited to:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 622: Programs Section 623: Recreation and Exercise Facility administrators have hired staffing specifically to provide programs to the youth. The Behavior Management Unit is responsible for determining the programs for both the programming staff and the unit staff when program staff are unavailable. Technical assistance provided regarding program efficacy and ensuring programs are specific to the youth's needs.
(1) Cognitive Behavior Interventions; (2) Management of Stress and Trauma; (3) Anger Management; (4) Conflict Resolution; (5) Juvenile Justice System; (6) Trauma-related interventions; (7) Victim Awareness; (8) Self-Improvement; (9) Parenting Skills and support; (10) Tolerance and Diversity; (11) Healing Informed Approaches; (12) Interventions by Credible Messengers; (13) Gender Specific Programming; (14) Art, creative writing, or self-expression; (15) CPR and First Aid training; (16) Restorative Justice or Civic Engagement; (17) Career and leadership opportunities; and, (18) Other topics suitable to the youth population.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>(b) Recreation. All youth shall be provided the opportunity for at least one hour of daily access to unscheduled activities such as leisure reading, letter writing, and entertainment. Activities shall be supervised and include orientation and may include coaching of youth.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 623: Recreation and Exercise</p> <p>Youth spend most of their non-school hours in recreation and well exceed the hour that is required. We noted units are not consistent as to what is provided between buildings or between units. Some units have game stations, some have access to Netflix and other streaming options as staff are bringing them in and using their own cell phone Wi-Fi so the youth have access to fun activities and tasks that will occupy their attention.</p> <p>All youth in the facility should have the same access to age-appropriate recreational activities. Youth should not have to depend on staff to bring their personal gaming system or use their hotspot to provide recreational activities. We noted that if a TV, radio, or speaker is broken, it takes a very long time to replace it. There should be replacement items available and broken items should be replaced in a reasonable timeframe. If something is a risk, but is something that could get broken in an institutional setting such as a TV, then efforts should be made to mitigate the risk i.e., encasing it or framing it in so that it cannot be broken, not to just not replace it for long periods of time.</p> <p>An accounting of recreational activities available to the youth was made and provided to the facility superintendent for review and action as appropriate.</p> <p>We noted while reviewing documentation, in some units, documentation did not include that youth's choice of activity. We noted through our onsite visits, youth simultaneously have access to several activities all the while being on the phone and playing cards or dominoes. They choose what they participate in.</p> <p>There is no cable, Wi-Fi, or other means for youth to access the television, the internet for television shows or streaming of age-appropriate content or programs. This has been addressed in technical assistance several times. We will continue to provide technical assistance in this area.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>(c) Exercise. All youth shall be provided with the opportunity for at least one hour of large muscle activity each day.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Section 623: Recreation and Exercise</p> <p>Per the facility superintendent, the youth play basketball, soccer, handball, football, kickball, and volleyball. They also can work out on the stationary workout apparatus and go to the gym. The pool is available in the summertime.</p> <p>All units are provided a specific time and location that must be adhered to. Movement and control notify the unit when to come and go. We noted that in many cases youth are shifted from outdoor exercise to indoor exercise, or they do not participate at all. This happens regularly. Youth are required to have 1 hour of daily exercise. Most of the youth interviewed asked for assistance in getting movement and control to get them out and on time.</p> <p>Youth from the compound reported that, during outdoor exercise, they are sometimes told to come in early by movement and control. (For various reasons). They reported they have in the past refused to come in as told as they know they are to receive an hour. Unit staff have supported their "peaceful protest" and they came in on time.</p> <p>Hill units utilize the open space for recreation. This creates a safety and security issue on occasion as the youth will run from one area to the other to engage in fights.</p> <p>Lack of staffing greatly impacts getting all youth outdoors for exercise. This has been addressed in staffing.</p>
<p>The administrator/manager may suspend, for a period not to exceed 24 hours, access to recreation and programs. The administrator/manager shall document the reasons why suspension of recreation and programs occurs.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 622: Programs Section 623: Recreation and Exercise</p>
<p>1372 RELIGIOUS PROGRAM</p> <p>The facility administrator shall provide access to religious services and/or religious counseling at least once each week. Attendance shall be voluntary. A youth shall be allowed to participate in an activity outside of their room if he/she elects not to participate in religious programs.</p> <p>Religious programs shall provide for:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1803: Religious Services</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(a) opportunity for religious services and practices;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1803: Religious Services</p> <p>Religious services are held every Sunday in the chapel. Attendance proof of practice provided for religious services from August-October 2022. Both protestant and catholic services have been offered.</p>
(b) availability of clergy; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1803: Religious Services</p> <p>Members of the clergy come to the facility to provide services and bible studies. Youth may also ask for individual clergy to be placed on their regular visitation list or to come in as requested.</p>
(c) availability of religious diets.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1803: Religious Services</p> <p>Religious diets are available for those youth who ask for them. Youth fill out a request form and submit it to a supervisor for review and submission.</p>
<p>1373 WORK PROGRAM</p> <p>The facility administrator shall develop policies and procedures regarding the fair and consistent assignment of youth to work programs. Work assigned to a youth shall be meaningful, constructive and related to vocational training or increasing a youth's sense of responsibility. Work programs shall not be imposed as a disciplinary measure.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 505: Housekeeping</p> <p>Due to COVID, work programs have been significantly impacted. Youth are responsible for maintaining their units and their room.</p> <p>The documentation provided of two programs that, when able and if eligible, youth are eligible for:</p> <ul style="list-style-type: none"> • The Los Angeles County Youth at Work Program through the LA county America's Job Center of California. <p>Youth:</p> <ul style="list-style-type: none"> • Receive 120 hours of personal enrichment training and paid experience. • Earn \$15.00 an hour • Work within the facility • Transition to employment outside the facility <ul style="list-style-type: none"> • RISE program. <p>Participants may receive training and services and ultimately transition to permanent positions in the community.</p> <p>A facility staff member is assigned as the Liaison to the program. As the community COVID numbers decrease, the program will begin to open up.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>1374 VISITING</p> <p>The facility administrator shall develop and implement written policies and procedures for visiting, that include provisions for special visits. Youth shall be allowed to receive visits by parents, guardians or persons standing in loco parentis, and children of youth. Other family members, such as grandparents and siblings, and supportive adults, may be allowed to visit with the approval of the facility administrator or designee, and in conjunction with the youth's case plan or in the best interest of the youth.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 304: Visiting</p> <p>Documentation was provided from September and October 2022. Visits are held on Saturdays and Sundays from 12:30 to 4:30 PM for regular visitation. Parents can request an alternative weeknight hour visiting block if they cannot make the weekend visits or if they arrive late. Special visits are accommodated from 1:30-2:30 and 2:30-3:30.</p> <p>We noted that visitation had been canceled due to quarantines and had been canceled due to staffing. When this happens, youth are provided with virtual visits via Facetime or Duo and provided with additional phone calls. Additionally, staff are assigned weekly to ensure youth receive virtual calls home as part of the regular program.</p> <p>In May 2022, the facility implemented a regular Baby Visiting session. Youth with children may see their child weekly as required by regulation. Documentation provided noted regular visits between youth and their children. Youth interact with their child, play with toys and visit with them. Babies are brought to the facility by an approved adult.</p> <p>Youth we interviewed confirmed all of the above information. We noted the facility Baby Bonding program is occurring but is not well known or that youth do not meet the criteria as they do not have proof of parentage. We suggest the program information and requirements are shared in orientation for those youth that have children so that their children can visit sooner.</p>
<p>All visits shall occur at reasonable times, subject only to the limitations necessary to maintain order and security. Visitation shall not be denied solely based on the visitor's criminal history. The staff shall determine in each case, whether the visitor's criminal history represents a risk to the safety of youth or staff in the facility. Any denial of visitation or limitation on visitations shall be communicated to the youth, person denied and facility administrator.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 304: Visiting</p> <p>Visits occur on weekends and during the week. There have been no denials for any reason other than contraband.</p> <p>Technical assistance was provided about ensuring parents are ready for visitation to begin at the start time of 12:30 PM. Processing of visitors should begin with enough time to ensure a timely start.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
Opportunity for visitation shall be a minimum of two hours per week. Visits may be supervised, but conversations shall not be monitored unless there is a security or safety need.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 304: Visiting</p> <p>When visitation is cancelled due to lack of staff to properly monitor visits and supervise young people; this is non-compliant in staffing.</p> <p>During COVID-19, visitation was canceled when the facility or a particular unit or the youth was on isolation or quarantine.</p> <p>In this instances, youth receive virtual calls and telephone calls. The facility had a suspension of regulation and documentation was provided of these calls.</p>
Provisions for special visits, in addition to the two-hour minimum and/or outside of the regular visiting hours, shall be accommodated as necessary and within the discretion of the facility administrator or designee. Family therapy and professional visits shall be accommodated outside the provisions of this regulation. Facilities may provide visitation opportunities outside of normal visiting hours to accommodate special visits.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 304: Visiting</p> <p>The facility is offering the parents alternative hours if needed as well as making arrangements for special visits as appropriate.</p>
The facility may provide access to technology as an alternative, but not as a replacement, to in-person visiting.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 304: Visiting Section 306: Virtual Communication</p> <p>Youth are offered Facetime or DUO calls weekly. If on quarantine or isolation due to COVID, youth are provided with additional virtual calls and telephone calls. Logs were provided for review and proof of practice. Technical assistance was provided suggesting opportunity to enhance the form used to document the calls.</p>
1375 CORRESPONDENCE The facility administrator shall develop and implement written policies and procedures for correspondence which provide that:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 511: Mail</p> <p>Youth interviewed stated they can write letters daily.</p>
(a) there is no limitation on the volume of mail that youth may send or receive;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 511: Mail</p> <p>There is no limitation on the amount of mail a youth may send out or receive. Youth may send and receive as many letters as they want to.</p>
(b) youth may send two letters per week postage free;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 511: Mail</p> <p>All letters are sent postage paid.</p>
(c) youth may correspond confidentially with state and federal courts, any member of the State Bar or holder of public office, and the Board; however, authorized facility staff may open and inspect such mail only to search for contraband and in the presence of the youth; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 511: Mail</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(d) incoming and outgoing mail, other than that described in (c), may be read by staff only when there is reasonable cause to believe facility safety and security, public safety, or youth safety is jeopardized.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 511: Mail
1376 TELEPHONE ACCESS The administrator of each juvenile facility shall develop and implement written policies and procedures to provide youth with access to telephone communications.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 512: Use of Telephone Youth are provided with access to the dayroom telephones daily. Calls are currently free. Youth are also provided with a free phone call on the county phone at least once a week per policy, but documented logs noted this occurs more often. Virtual calls are also provided.
1377 ACCESS TO LEGAL SERVICES The facility administrator shall develop written procedures to ensure the right of youth to have access to the courts and legal services. Such access shall include:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 513: Access to legal Services Youth interviewed all reported they can call their attorneys, probation officers, and social workers as needed.
(a) access, upon request by the youth, to licensed attorneys and their authorized representatives;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 513: Access to legal Services Attorneys can visit their youth at any time.
(b) provision for confidential consultation with attorneys; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 513: Access to legal Services Attorneys can utilize private interview space in the visiting center for their interviews. There is also a visiting space area behind the compound where attorneys can meet with youth.
(c) unlimited postage free, legal correspondence and cost-free telephone access as appropriate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 513: Access to legal Services All mail is postage free. Youth can write unlimited letters to their attorney and make unlimited calls at no cost.
1390 DISCIPLINE The facility administrator shall develop and implement written policies and procedures for the discipline of youth that shall promote acceptable behavior; including the use of positive behavior interventions and supports. Discipline shall be imposed at the least restrictive level which promotes the desired behavior and shall not include corporal punishment, group punishment, physical or psychological degradation. Deprivation of the following is not permitted:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines Section 1104: Corporal Punishment The facility lacks suitable age-appropriate incentives and support to achieve positive behavior. There is no incentive for youth to maintain good behavior. The current discipline process is ineffective as noted though a review of the point system, incentive options, and lack of a meaningful process and the incentive/sanction due process method. Due process is being offered as required in 1391 and documentation is being completed but the process lacks viability and youth don't pursue anything further.
(a) bed and bedding;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(b) daily shower, access to drinking fountain, toilet and personal hygiene items, and clean clothing;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(c) full nutrition;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(d) contact with parent or attorney;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(e) exercise;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(f) medical services and counseling;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(g) religious services;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(h) clean and sanitary living conditions;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(i) the right to send and receive mail;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(j) education; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
(k) rehabilitative programming.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines
The facility administrator shall establish rules of conduct and disciplinary penalties to guide the conduct of youth. Such rules and penalties shall include both major violations and minor violations, be stated simply and affirmatively, and be made available to all youth. Provision shall be made to provide accessible information to youth with disabilities, limited English proficiency, or limited literacy.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1103: Discipline Guidelines Section 1106: Rules and Regulations
1391 DISCIPLINE PROCESS The facility administrator shall develop and implement written policies and procedures for the administration of discipline which shall include, but not be limited to:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1106: Rules and Regulations Section 1107: Due Process
(a) designation of personnel authorized to impose discipline for violation of rules;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1106: Rules and Regulations
(b) prohibiting discipline to be delegated to any youth;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1106: Rules and Regulations
(c) definition of major and minor rule violations and their consequences, and due process requirements;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1106: Rules and Regulations Section 1107: Due Process
(d) trauma-informed approaches and positive behavior interventions;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1106: Rules and Regulations
(e) minor rule violations may be handled informally by counseling, advising the youth of expected conduct imposing a minor consequence. Discipline shall be accompanied by written documentation and a policy of review and appeal to a supervisor; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1107: Due Process Section 1108: Minor Rule Violations If a youth chooses to appeal a minor discipline, this is generally addressed through the grievance process. We saw no grievances for this purpose.
(f) major rule violations and the discipline process shall be documented and require the following:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1107: Due Process

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(1) written notice of violation prior to a hearing;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1107: Due Process Every incident that necessitated sanctions and appeals forms had one. Facility staff are very good at completing the form. Every youth refused to cooperate with the process, nor did they wish to have a hearing. Officers are completing the forms as required and a witness's secondary signature was noted; however, the process needs review and update to a process that is meaningful. Once the behavior management program is addressed in Section 1390, all officers should be retrained in these forms to ensure correct implementation.
(2) accommodations provided to youth with disabilities, limited literacy, and English language learners;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1107: Due Process
(3) hearing by a person who is not a party to the incident;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1107: Due Process
(4) opportunity for the youth to be heard, present evidence and testimony;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1107: Due Process
(5) provision for youth to be assisted by staff in the hearing process;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1107: Due Process
(6) provision for administrative review.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sanction 1107: Due Process
(g) violations that result in a removal from camp or commitment program, but not a return to court, will follow the due process provisions in subsection (e) above.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BJN does not have a camp or a commitment program.
1410 MANAGEMENT OF COMMUNICABLE DISEASES. The health administrator/responsible physician, in cooperation with the facility administrator and the local health officer, shall develop written policies and procedures to address the identification, treatment, control and follow-up management of communicable diseases. The policies and procedures shall address, but not be limited to:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1805: Communicable Diseases Reviewed Probation policy and medical guidance to ensure Management of Communicable Disease policy is current and addresses all required areas required by section 1410, specifically COVID-19. Compliance based on policy and guidance reviewed from medical provider JCHS.
(a) Intake health screening procedures;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1805: Communicable Diseases
(b) Identification of relevant symptoms;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1805: Communicable Diseases
(c) Referral for medical evaluation;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1805: Communicable Diseases
(d) Treatment responsibilities during detention;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1805: Communicable Diseases
(e) Coordination with public and private community-based resources for follow-up treatment;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1805: Communicable Diseases
(f) Applicable reporting requirements; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1805: Communicable Diseases
(g) Strategies for handling disease outbreaks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 1805: Communicable Diseases

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>The policies and procedures shall be updated as necessary to reflect communicable disease priorities identified by the local health officer and currently recommended public health interventions.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1805: Communicable Diseases</p> <p>JCHS has been open to communications regarding language that is contradictory to regulatory language and solving this issue to avoid noncompliance.</p>
<p>1433 REQUESTS FOR HEALTH CARE SERVICES (EXCERPT)</p> <p>The health administrator, in cooperation with the facility administrator, shall develop policy and procedures to establish a daily routine for youth to convey requests for emergency and non-emergency medical, dental and behavioral/mental health care services.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 1702: Access to Care/Request for Services</p> <p>Youth interviewed regarding health care services stated they submit a request for service, or they tell staff what they need. Staff will call the medical clinic and take them to medical if the issue is of an emergent nature. Medical operates 24/7.</p> <p>Mental health will also see youth within a reasonable amount of time. Any after-hours needs are addressed by an on-call staff member. All youth interviewed felt the timelines in which they are seen is appropriate.</p> <p>Compound youth were viewed being walked across the facility without restraints.</p>
<p>1480 STANDARD FACILITY CLOTHING ISSUE</p> <p>The youth's personal clothing, undergarments and footwear may be substituted for the institutional clothing and footwear specified in this regulation. The facility has the primary responsibility to provide clothing and footwear. Clothing provisions shall ensure that:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The facility provides all clothing and shoes for the youth.</p>
<p>(a) Clothing is clean, reasonably fitted, durable, easily laundered, in good repair, and free of holes and tears.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>Clothes appear to be clean, well-fitting, and free from rips and holes.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(b) The standard issue of climatically suitable clothing for youth shall consist of but not be limited to:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>Youth are provided with basic needs for the weather. Technical assistance has been provided about also providing sweatpants, sweatshirts, beanies, and coats when appropriate, shorts for exercise or summer wear, and pajamas or something to sleep in.</p> <p>We noted there are some youth who have items and some who don't. All youth should have the same items of clothing. It was discussed that it is the responsibility of unit staff to ensure that all youth have the same items of clothing as appropriate.</p> <p>Youth were viewed on video to be in the dayroom, generally during showers, after hours, etc. who were walking around in boxer shorts to the restroom. This is inappropriate. Youth should be provided with proper sleeping attire and should not be walking around in boxer shorts.</p>
(1) Socks and serviceable footwear;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 403: Procedures for Newly Admitted Youth
(2) Outer garments;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 403: Procedures for Newly Admitted Youth
(3) New non-disposable underwear which shall remain with the youth throughout their stay, and;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 403: Procedures for Newly Admitted Youth</p> <p>Youth are given brand-new underwear upon entry. The youth interviewed noted they are provided with new underwear at entry but are unsure if they get the same ones back from the laundry as there are sometimes issues or problems with the laundry bags opening. Facility administrators are working on ensuring that laundry bags are issued and returned as they should be. They are also looking at alternatives to replace the current bag. We will continue to review and monitor through future visits. It is necessary to develop and implement a laundry policy for the laundry personnel to be sure youth have their own underwear every day.</p>
(4) Undergarments, that are freshly laundered and free of stains, including tee shirts and bras.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 403: Procedures for Newly Admitted Youth

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(c) Clothing is laundered at the temperature required by local ordinances for the commercial laundries and dried completely in a mechanical dryer or other laundry method approved by the local health officer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 403: Procedures for Newly Admitted Youth Clothing is laundered in facility commercial laundry.
(d) Suitable clothing is issued to pregnant youth.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Section 403: Procedures for Newly Admitted Youth There are no female youth at Barry J. Nidorf.
1482 CLOTHING EXCHANGE The facility administrator shall develop and implement written policies and site-specific procedures for the cleaning and scheduled exchange of clothing. Unless work, climatic conditions, or illness necessitates more frequent exchange, outer garments, except for footwear, shall be exchanged at least once each week. Tee shirts, bras, and underwear shall be exchanged daily; youth shall receive their own underwear back at exchange.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 505: Housekeeping All youth interviewed noted that clean clothing is exchanged daily. Items that are not on the list can still be exchanged upon request.
1484 CONTROL OF VERMIN IN YOUTH'S PERSONAL CLOTHING There shall be written policies and site-specific procedures developed and implemented by the facility administrator to control the contamination and/or spread of vermin and ecto-parasites in all youth's personal clothing. Infested clothing shall be cleaned or stored in a closed container so as to eradicate or stop the spread of the vermin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 505: Housekeeping Youth clothing is placed in individual bags upon entry. Clothing can be washed if there is any concern.
1485 ISSUE OF PERSONAL CARE ITEMS There shall be written policies and site-specific procedures developed and implemented by the facility administrator for the availability of personal hygiene items. Each female youth shall be provided with sanitary napkins, panty liners and tampons as requested. Each youth to be held over 24 hours shall be provided with the following personal care items;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 508: Housekeeping: Personal Hygiene Supplies Policy is in process of being addressed to fix the inconsistency with Section 510 regarding the use of electric razors. Youth are provided with all necessary items for personal care.
(a) Toothbrush;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 508: Housekeeping: Personal Hygiene Supplies
(b) Toothpaste;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 508: Housekeeping: Personal Hygiene Supplies
(c) Soap;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 508: Housekeeping: Personal Hygiene Supplies
(d) Comb;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 508: Housekeeping: Personal Hygiene Supplies
(e) Shaving implements;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 508: Housekeeping: Personal Hygiene Supplies
(f) Deodorant;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 508: Housekeeping: Personal Hygiene Supplies
(g) Lotion;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 508: Housekeeping: Personal Hygiene Supplies
(h) Shampoo; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 508: Housekeeping: Personal Hygiene Supplies

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(i) Post-shower conditioning hair products.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 508: Housekeeping: Personal Hygiene Supplies
Youth shall not be required to share any personal care items listed in items (a) through (d). Liquid soap provided through a common dispenser is permitted. Youth shall not share disposable razors. Double edged safety razors, electric razors, and other shaving instruments capable of breaking the skin, when shared among youth, shall be disinfected between individual uses by the method prescribed by the State Board of Barbering and Cosmetology in Sections 979 and 980, Chapter 9, Title 16, California Code of Regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 508: Housekeeping: Personal Hygiene Supplies
<p>1486 PERSONAL HYGIENE</p> <p>There shall be written policies and site specific procedures developed and implemented by the facility administrator for showering/bathing and brushing of teeth. Youth shall be permitted to shower/bathe up on assignment to a housing unit and on a daily basis thereafter and given an opportunity to brush their teeth after each meal.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 621: Showers Section 629: Personal Hygiene and Unit Housekeeping</p> <p>Youth interviewed stated they can brush their teeth after every meal, they can wash up and brush their teeth in the morning when they wake up, and shower daily.</p> <p>TA was provided in that policy/memo directs youth to not be placed in their rooms prior to 8:00 p.m. for the purposes of shower preparation. Staff are to schedule shower times based on the dynamics of the unit, such as the population, number of showers, number of “keep-aways” or for those youth who take psych medications. etc. Showers can begin earlier than 8:00 p.m. only if this results in youth coming back out for additional programming afterward but not for the purpose of going to bed earlier. Bedtime shall be no earlier than 9:00 p.m. This issue has been addressed in room confinement.</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>1487 SHAVING</p> <p>Youth shall have access to a razor daily, unless their appearance must be maintained for reasons of identification in Court. All youth shall have equal opportunity to shave face and body hair. The facility administrator may suspend this requirement in relation to youth who are considered to be a danger to themselves or others.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 510: Shaving and Haircut Procedures</p> <p>Youth are to be provided with the opportunity to shave daily. There is a process in place wherein youth may sign up to shave the next day. This is said to be done for planning purposes.</p> <p>In talking with youth, it was noted through conversations with them, that there is no true consistency in this process as some units do and others do not on a consistent basis. While there is a policy in place, the policy and practice are not clear which leads to confusion. Youth were observed to have clean-shaven faces in all the units throughout the time spent visiting the facilities.</p> <p>TA provided and discussed that documentation must be clarified to ensure it is clear that youth have the opportunity daily. Proof of practice is necessary. This issue will continue to be reviewed regularly in the coming months. A monthly reporting document was implemented for the facility to report to the inspector by the 5th of the month to show proof of the practice of shaving</p>

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
<p>1488 HAIR CARE SERVICES (Excerpt)</p> <p>Hair care services shall be available in all juvenile facilities. Youth shall receive hair care services monthly. Equipment shall be cleaned and disinfected after each haircut or procedure, by a method approved by the State Board of Barbering and Cosmetology.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 510: Shaving and Haircut Procedures</p> <p>Regulation and policy require access to monthly haircuts, yet the policy does not provide the procedure in which this should occur. This appears to cause confusion with staff which was confirmed through youth interviews as they stated haircuts do not consistently occur as required.</p> <p>The documentation provided and viewed noted a significant catch-up of haircuts occurred facility-wide to correct the inability to provide haircuts in the past.</p> <p>TA was provided to immediately implement proof of practice to document monthly access facility-wide as well as to provide QA monthly to ensure that all youth who want a haircut. receive policy one.</p> <p>This section is minimally compliant at this time and this issue will continue to be reviewed regularly in the coming months to ensure haircuts occur as required. Monthly reporting document implemented for the facility to report to the inspector by the 5th of the month to show proof of practice of haircuts.</p>
<p>1500 STANDARD BEDDING AND LINEN ISSUE</p> <p>Clean laundered, suitable bedding and linens, in good repair, shall be provided for each youth entering a living area who is expected to remain overnight, shall include, but not be limited to:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 505: Housekeeping</p> <p>While doing Title 24 inspections, suitable bedding was reviewed. It was noted that several mattresses do not have covers nor do youth have pillows. It was noted that this was due to contraband issues. This was addressed with facility staff and it was being referred for review.</p> <p>We have been notified that mattresses and pillows have been ordered to ensure that all youth have an appropriate mattress and pillow. We will follow up on this issue in April 2023 to ensure that all mattresses have come in and have been distributed.</p>
(a) One mattress or mattress-pillow combination which meets the requirements of Section 1502 of these regulations;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 505: Housekeeping
(b) One pillow and a pillow case unless provided for in (a) above;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 505: Housekeeping
(c) One mattress cover and a sheet or two sheets;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 505: Housekeeping
(d) One towel; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 505: Housekeeping

TITLE 15 SECTION	YES	NO	N/A	P/P REFERENCE - COMMENTS
(e) One blanket or more, up on request	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Section 505: Housekeeping
<p>1501 BEDDING LINEN EXCHANGE</p> <p>The facility administrator shall develop and implement site specific written policies and procedures for the scheduled exchange of laundered bedding and linen issued to each youth housed. Washable items such as sheets, mattress covers, pillow cases and towels shall be exchanged for clean replacement at least once each week.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 505: Housekeeping</p> <p>All linens are laundered as required.</p>
<p>The covering blanket shall be cleaned or laundered once a month.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 505: Housekeeping</p> <p>Blankets are to be exchanged at a minimum of once a week. If a youth ask for a replacement, he is provided one.</p>
<p>1510 FACILITY SANITATION, SAFETY AND MAINTENANCE</p> <p>The facility administrator shall develop and implement written policies and site-specific procedures for the maintenance of an acceptable level of cleanliness, repair and safety throughout the facility. The plan shall provide for a regular schedule of housekeeping tasks, equipment, including restraint devices, and physical plant maintenance and inspections to identify and correct unsanitary or unsafe conditions or work practices in a timely manner. The use of chemicals shall be done in accordance to the product label and Safety Data Sheet which may include the use of Personal Protection Equipment (PPE).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Section 505: Housekeeping Section 506: Housekeeping: Basic Cleaning Procedures for All Areas Section 507: Housekeeping: Maintenance Procedures</p> <p>Facility is cleaned daily by a contracted cleaning crew that is onsite providing general cleaning of the buildings daily and maintaining COVID cleaning.</p> <p>Unit cleaning is also conducted daily by unit staff and the youth. Youth clean their rooms and youth keep up overall cleanliness of the unit including restroom.</p>

REVIEW OF NON REGULATORY REQUIREMENTS

GRANT FUNDING OR CODE REFERENCE	YES	NO	N/A	P/P REFERENCE - COMMENTS
JUVENILE PROBATION AND CAMPS FUNDING (JPCF) (Camps Only)				
The programs/services identified on the JPCF – Camp Allocation Eligibility Form are being provided at the facility. (Refer to the JPCF Program Agreement, Attachment B)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
208.5 WIC CONTACT BETWEEN PERSONS UNDER THE JUVENILE COURT AGES 19- 20 AND MINORS IN THE FACILITY				
The facility houses Juvenile Court Wards 19 years of age and older.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The facility has been approved to hold persons under the juvenile court who are ages 19 through 21.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The facility continues to comply with the requirements of 208.5 WIC (programming, capacity and security of the facility) as outlined in the county's application.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
JUVENILE JUSTICE DELINQUENCY PREVENTION ACT MONITORING (JJDP)				
WIC 206 SEPARATE FACILITIES FOR WIC 300 MINORS Dependent or neglected minors who are defined under Section 300 of the Welfare and Institutions Code (WIC) are held only in non-secure, separate and segregated facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/> <i>Violation</i>	<input type="checkbox"/>	
DETENTION OF STATUS OFFENDERS (WIC 601) AND FEDERAL MINORS Status Offenders (WIC 601) are held in the facility.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Status Offenders (WIC 601) are kept separate from Juvenile Delinquents (WIC 602)? (WIC 207[d]).	<input type="checkbox"/>	<input type="checkbox"/> <i>Violation</i>	<input checked="" type="checkbox"/>	
Federal Minors (ICE Holds or ORR Contract) are held in the facility.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If yes to the above, the <i>Monthly Report on the Detention of Status Offenders/Federal Minors</i> is submitted to the BSCC.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
WIC 208 SEPARATION OF MINORS AND ADULT INMATES (JJDP 42 USC 5633, Sec 223, State Plans (a)[12]) Are adult inmates held in the facility? (When a person in detention is proceeding through the adult court, AND that person is 18 years of age or older that person is an adult inmate .)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If adult inmates are held, they are appropriately separated from minors.	<input type="checkbox"/>	<input type="checkbox"/> <i>Violation</i>	<input checked="" type="checkbox"/>	
Adult inmates from an adult facility (e.g. inmate workers or "Scared Straight" programs) are not allowed in the facility in a manner that allows contact with minors.	<input type="checkbox"/>	<input type="checkbox"/> <i>Violation</i>	<input checked="" type="checkbox"/>	

Upon Adjournment
Byrne State Crisis Intervention
Program Advisory Board



**Byrne State Crisis Intervention Program (Byrne SCIP)
Crisis Intervention Advisory Board Meeting**

Thursday, April 13, 2023 - Upon call of the Chair
(After Adjournment of the BSCC Board Meeting)

Public access options for this meeting include:

- **In-Person:** 2590 Venture Oaks Way, First Floor, BSCC Board Room, Sacramento, California, 95833
- **Zoom:** [Byrne SCIP Advisory Board Meeting](#)
- **Call-In:** 1 669 444 9171 | Meeting Webinar ID: 843 8473 9580

Agenda Items

- I. Call Meeting to Order
- II. Welcome and Introductions
- III. Legislative Analyst's Office Byrne SCIP Recommendations
 - <https://lao.ca.gov/Publications/Report/4697>
- IV. Byrne SCIP Plan and Budget: **Requesting Review and Input**
 - Sub-awards to Units of Local Government
 - Sub-awards to Judicial Council of California
- V. Byrne SCIP Programmatic Required Reporting: **Information Item**
 - <https://bj.a.ojp.gov/funding/performance-measures/byrne-scip-measures.pdf>
- VI. Public Comment
- VII. Adjourn

Note: Agenda items may be taken out of order.

Please contact Field Representative Ian Silva at (916) 597-4625 or Ian.Silva@bscc.ca.gov for additional information about this notice, to submit written material regarding an agenda item or to request special accommodations for persons with disabilities. This agenda and additional information about the Board of State and Community Corrections may be found on our website at www.bscc.ca.gov.

Written Public Comments



Mayor Karen K. Goh
City of Bakersfield

April 12, 2023

Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

RE: Item IV. D. Organized Retail Theft Grant Program, Request for Proposals

Dear BSCC Board Members,

On behalf of the City of Bakersfield, I would like to thank you for your efforts in preparing this Request for Proposals (RFP) for the new Organized Retail Theft Grant Program. This program will provide much-needed funding for local law enforcement agencies to address the rising issue of organized retail theft. Based on the latest data provided by Bakersfield Police Department's Crime Analysis Unit, we can report a total of 5,706 organized retail theft cases, 13,120 auto theft cases, and 29 cargo theft cases over the past three years.

However, we would also like to raise awareness of the challenges that our community faces with organized theft from commercial and residential construction sites. Bakersfield is leading the way in addressing California's housing crisis by aggressively supporting new construction. Over the past three years, Bakersfield Police Department has received 171 cases related to theft from residential and commercial construction sites. We have reason to believe that these cases are significantly underreported. While these cases are not at the same volume as organized retail and auto theft, the losses from these cases can be significant.

We respectfully request that the Board amend the draft RFP to incorporate language that supports the expenditure of grant funds for projects that address organized theft from commercial and residential development sites.

Sincerely,

Karen K. Goh
Mayor, City of Bakersfield

April 12, 2023

Dear Board of State and Community Corrections,

My name is Stacy Nunez, I am an education attorney with the Youth Justice Education Clinic (“YJEC”). YJEC represents cross-over youth with Special Education needs. This includes juvenile justice involved youth, whether they are on probation or detained in the halls. I currently represent several clients who are detained in Barry J Nidorf and Central Juvenile Hall. From what my clients share that they experience on a day-to-day basis, one thing is clear: the juvenile halls are beyond reform. Today I urge you, on behalf of my clients and all youth currently detained in the halls, that you vote to shut down Central and Barry J Nidorf and that as many youths as possible be released and sent home immediately.

During the peak of COVID, a state of emergency was declared, and youth were released because it was determined that sending them home was the best solution during such a crisis. The current circumstances warrant the same level of urgency. Young people at Central and Barry J Nidorf are in crisis. The long-standing, deplorable state of the juvenile halls calls for nothing less than a state of emergency. As was previously done, youth who are pre-disposition or who have committed low level offenses should be released immediately.

Releasing youth in conjuncture with closing the halls is necessary to prevent another catastrophe, like the one that occurred last March when all youth from Central were moved into Barry J Nidorf, from occurring. Moving hundreds of young people into a single facility that did not have enough space to safely house them, appropriate educate them, or could provide programming to appropriately meet their needs, was a complete failure that should have never occurred. Creating another hostile situation for young people who are already trying to survive in such unsuitable conditions would be unconscionable.

The poor state of the juvenile halls is a result of ongoing, systemic issues that cannot be remedied with short-term, quick “fixes.” No amount of Probation staff increase will appropriately address the toxic culture that has festered and perpetuated violence within the halls. The Probation department has been given far too many opportunities to attempt to remedy the situation and have shown time and time again that it is not capable of providing the support these young people need to truly heal and reenter their communities. This is the optimal time to defund Probation and instead fund actual solutions that contribute to healthy and holistic youth development. This is the time to reduce the population of detained youth and ensure that communities have the resources they need to care for their youth at home.

Thank you for your attention to this matter in such a critical time.

Respectfully,

Stacy Nuñez. Esq.
Youth Justice Education Clinic

Dear California Board of State and Community Corrections,

My name is Eden Chang and I am a member of the Education Justice Coalition. The Education Justice Coalition is a group of youth advocacy organizations with expertise in education law, programming, and youth development, informed by the lived experiences of our clients and formerly incarcerated colleagues. We are writing to express our deep concerns about the conditions in Central Juvenile Hall and Barry J. Nidorf Juvenile Hall, and urge that you vote to close them. Simply providing another extension to submit a corrective plan will fail to address many of the issues that have been present at these facilities for decades.

One of our main concerns regarding these facilities is that they have failed to meet the most basic educational needs of the youth housed there. This is especially concerning given that many youth are placed in these facilities due to concerns related to their education. Youth are entitled to a quality education and yet many of them have been continuously unable to meaningfully access it while detained. We are particularly concerned that youth in these facilities have historically been given "packets" to complete on their own, with little regard for grade level, special education needs, or whether they have already completed that same packet, rather than receiving direct instruction from a teacher that is appropriate given their needs. Further, young people and their families report, and the limited data available demonstrates, a lack of access to A-G courses and consistent special education and related services. Youth deserve an education in a comprehensive school, surrounded by their peers, and supported by active engagement from teachers and support personnel. Instead, as is evident from the BSCC investigation of the facilities, young people regularly miss school, and even when they are present, receive little to no actual instruction.

The poor state of the Juvenile Halls in Los Angeles County is the result of ongoing, systemic issues. It is abundantly clear that the problems faced by the youth in these facilities are not solely due to current staffing crises. The Probation Department has a long history of failing to provide consistent access to education and programming to detained youth. The continuous cycle of lawsuits, settlements, investigations and the consideration of this decision before us today is proof of this. Simply, creating plans to increase the probation staff cannot address these deep-rooted issues. We do not have confidence that the education plan proposed in BSCC corrective action plan can meet these needs or address these longstanding concerns.

In light of these concerns, we urge you to close Central Juvenile Hall and Barry J. Nidorf Juvenile Hall and to release those youth housed there to the greatest extent possible. We ask you to invest in community-based alternatives to incarceration that provide young people with the support and resources they need to thrive. Youth currently housed in these facilities need support, guidance, and equitable education within their communities, not segregation and punishment that further exacerbates their already challenging circumstances. We need to reimagine youth justice, rather than reinforce a system that has repeatedly failed to nurture and rehabilitate our most vulnerable population of young people. Upon closure of the halls, we ask that you consider repurposing the facilities for alternative use like the 24-hour youth centers in alignment with Youth Justice Reimagined.

Thank you for your attention to this important matter.

Sincerely,

Eden Chang

The Education Justice Coalition:

ACLU Foundation of SoCal

Arts for Healing and Justice Network

Alliance for Children's Rights

Children's Defense Fund-CA

Youth Justice Education Clinic at Loyola Law School



April 12, 2023

Linda Penner, Chair
Board of State and Community Corrections
2595 Venture Oaks Way, Suite 200
Sacramento, CA 95833
linda.penner@bscc.ca.gov
Via email only

Re: Unsuitability of Los Angeles County's Central and Barry J. Nidorf Juvenile Halls

Dear Chair Penner and Board Members,

We write to ensure that the Board of State and Community Corrections complies with its mandatory duty to issue notice of unsuitability to Los Angeles County's Central Juvenile Hall and Barry J. Nidorf (BJN) Juvenile Hall. Specifically, it is our position that the law requires the Board to issue notice to Los Angeles County that, upon its failure to submit an approved corrective action plan by the statutory deadline, its facilities are by law unsuitable for the confinement of youth under Welfare and Institutions Code Section 209.¹

The memorandum from staff to the Board,² posted yesterday, April 11, 2023, recommends that the Board to defer action with respect to Los Angeles County's juvenile halls. The law does not permit this delay. Under Section 209(d), because Los Angeles failed to file an approved corrective action plan within 60 days of receiving notice of its noncompliance with minimum standards, the facilities *shall* be unsuitable. Accordingly, the Board is now required to issue notice of unsuitability under Section 209(a)(4).

The April 11, 2023, memo recommending that the Board delay taking action raises significant concerns that the Board may fail to comply with its legal obligations during its April 13, 2023, meeting. We urge you to revisit the legal requirements as they apply to this situation and ensure that the Board takes the necessary steps to meet its statutory duty to enforce the minimum standards for children confined in Los Angeles County's juvenile halls.

As an additional matter, we note that the April 11, 2023 memo raises a question as to whether youth with orders committing them to the Secure Youth Treatment Facility (SYTF) in BJN may remain there after 60 days following a notice of unsuitability.³ The memo concludes

¹ All statutory references are to the Welfare and Institutions Code, unless otherwise noted.

² Memorandum to BSCC Chair and Members, "Determination of Suitability – (Welf. & Inst. Code, § 209(a)(4) & (d).), Barry J. Nidorf Juvenile Hall, Los Angeles County, Central Juvenile Hall, Los Angeles County, **Requesting Approval**," posted April 11, 2023, p. 5, *available here*: <https://www.bscc.ca.gov/wp-content/uploads/Agenda-V-Special-Order-of-Business-Inspection-of-LA-Co.-Juvenile-Halls-Determination-of-Suitability-FINAL.pdf>.

³ *Id.* at p. 4.

that “any determination of suitability would extend only to the juvenile hall operations of BJN,” and therefore would not apply to youth in the same juvenile hall building who are serving SYTF commitments. This conclusion appears to rest on a distinction without a difference. As noted in that same memorandum, “[c]urrently, post-dispositional SYTF youth are being comingled with pre-adjudicated youth at BJN and there are not clear delineations between what would constitute the juvenile hall portion of the facility and the SYTF portion of the facility.” We see no legal basis for allowing any youth to remain in a facility that has been found unsuitable for their confinement.


While we understand that the timelines and requirements for correcting compliance issues may, at times, appear burdensomely short or inflexible, we remind you that these timelines do not feel short to children living in dangerous facilities that are unable to meet the relatively low standards set forth in the laws and regulations. From the perspective of young people being routinely, illegally confined to their cells, denied access to the outdoors, forced to urinate in bottles for lack of access to a bathroom, unable to consistently attend school, and enduring other abuses and indignities, the time granted to facilities to achieve compliance with regulations they should never have been violating in the first place is agonizingly long.

The Board is obligated to inspect facilities and enforce the minimum standards. It may, and should, assist counties to develop and implement corrective action plans within the allowable timeframes. However, when a county does not file an approved corrective action plan by the deadline, the facility *shall* be unsuitable, and the Board is obligated to issue notice of unsuitability. That is the only legal option before the Board tomorrow with respect to Los Angeles County’s juvenile halls.

We ask that the Board review the circumstances and procedures outlined in Section 209 and issue a notice of unsuitability as required by law. We look forward to hearing it do so during its scheduled meeting. However, if the Board is unwilling or unable to meet its statutory duty, we reserve the right to seek resolution of this matter through litigation.

If you would like to discuss, we can make ourselves available at any point between now and the beginning of tomorrow’s meeting. Please feel free to contact us at the numbers below.

Sincerely,



Sean Garcia-Leys, Esq., Co-Executive Director
Peace and Justice Law Center
323-490-2412, sean.garcialeys@gmail.com



Erin Palacios, Staff Attorney
Youth Law Center
415-413-4127, epalacios@ylc.org

cc: Aaron Maguire, General Counsel, aaron.maguire@bscc.ca.gov

Allison Ganter, Deputy Director, allison.ganter@bscc.gov

AGENDA ITEM V

From: MARLON ESPIRITU
Sent: Wednesday, April 12, 2023 12:06 PM
To: BSCC Public Comment <publiccomment@bscc.ca.gov>
Subject: Los Angeles County Juvenile Halls

LA County has had chances in the past to fix this problem, and nothing was done. So now, when the halls are actually threatened with closing down, all of a sudden Officers are being forced to be re-assigned to the halls in order to say we have increased numbers in staffing. This absolutely doesn't make sense especially if you're one of those officers (whose lives were turned upside down) that were selected to stabilize this problem. Our personal lives were not taken into consideration.

Sent from my iPhone

AGENDA ITEM J

Dear BSCC Board Members:

My name is Daniel Bisuano. I am a young adult with lived experience as well as an entrepreneur. Countless years have passed us all by as people like myself advocate for a chance to be seen, to be heard, and to be listened to too. Today I wanted to make a comment because the issues that have been occurring in these juvenile detention centers is not only appalling, it's concerning. We are fed this dynamic in society and in our communities that if you mess up, if you break a law, if you go to jail, you are a monster – but this is so far from the truth.

The issues we face today are the same issues I faced as a 12-year-old boy incarcerated in a juvenile detention facility. I was forced to pee in the corner of my room not because of the lack of staff, but because of the lack of empathy and connectedness in the toxic culture of Probation. Probation was created on a foundation of oppression and no amount of staff will change the fact that almost 12 years ago these same issues occurred. It saddens me to know that after years of hard work we are still in the same place.

We all know the answers to our own questions and that is Probation is not the answer; change is. But, I am afraid that fear has affected us all as change is always scary but without this change we will fall into the same cycle. Today I am here to recommend that we close the juvenile facilities and divert all funding to programs like the Department of Youth Development, Youth Justice Reimagined and the credible messengers we fought so hard for. These programs have proven not only to be successful but also represent the community in which we serve. Just imagine if that was your child sitting in his or her cell having to urinate in their own clothing – how would you feel and would you think change is not only necessary but vital for the future of our youth?

Thank you,

Daniel Bisuano
Member of Education Justice Coalition

Vivian Wong, Esq.

Pronouns: she/her/hers

Supervising Attorney and Adjunct Professor

Youth Justice Education Clinic

Center for Juvenile Law and Policy



Founders Hall 243
919 Albany Street
Los Angeles, CA 90015
lls.edu | [Privacy + Legal](#)

AGENDA ITEM D

From: Martinez, Travis

Sent: Wednesday, April 12, 2023 5:49 PM

To: BSCC Public Comment <publiccomment@bscc.ca.gov>

Subject: Public Comment

I would like to submit the following as public comment for Attachment D-1 Senate Bill 154 Organized Retail Theft Prevention Grant Program

The impacts of organized retail crime (ORC) have made headlines across California. Law enforcement officials, local politicians, and asset protection specialists have had to face the challenges that ORC crews have brought to their businesses and communities. Over the last several years, the Redlands Police Department has partnered with retail stores to use specialized police technology to apprehend those who are intent on driving up the organized retail crime rate. By using enhanced GPS tracking technology coupled with installing automated license plate reader cameras that address community privacy concerns, RPD has created a system that has been proven to be effective in locating those who commit ORC and recovering property stolen during ORC events. We have numerous success stories and our strategy can easily be implemented in other police departments. As a 28 veteran of law enforcement and one who has traveled the country teaching others in law enforcement how to work smarter and be more effective by utilizing technology that is embraced by the public, I thank the Governor's Office and the BSCC for providing this funding opportunity as it is going to enable law enforcement agencies to partner with retail establishments to address the organized retail crime problem and hold the ORC thieves accountable for their crimes.

Travis Martinez

Deputy Chief of Police

Redlands Police Department



For additional information about this notice, agenda, to request notice of public meetings, to submit written material regarding an agenda item, or to request special accommodations for persons with disabilities, please contact:

Adam.Lwin@bscc.ca.gov or call (916) 324-2626

For general information about the BSCC:

visit www.bscc.ca.gov, call (916) 445-5073 or write to:
Board of State & Community Corrections
2590 Venture Oaks Way, Ste 200, Sacramento CA 95833

CONTACT US

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Board of State and Community Corrections
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California Governor
Gavin Newsom

