

STATE OF CALIFORNIA
BOARD OF STATE AND COMMUNITY CORRECTIONS



September 16, 2021
Board Meeting Agenda
& Reports



WWW.BSCC.CA.GOV

916-445-5073

KATHLEEN T. HOWARD
Executive Director, BSCC

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Chair, BSCC

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Adult Parole Operations, CDCR

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CAO/ County Supervisor

VACANT
Chief Probation Officer

KELLY M. VERNON
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Yolo County

ANDREW MILLS
Chief of Police
City of Santa Cruz

SCOTT BUDNICK
Film Producer and Founder of
The Anti-Recidivism Coalition

DAVID STEINHART
Director, Commonweal
Juvenile Justice Program

NORMA CUMPIAN
Women's and Non-Binary Services
Associate Director
Anti-Recidivism Coalition (ARC)



Board Meeting Agenda

September 16, 2021 - 10:00 a.m.

TELECONFERENCE & ZOOM PARTICIPATION ONLY

Pursuant to Governor's [Executive Order N-29-20](#)

Instructions for Attending ZOOM/Teleconference Board Meeting appear at the end of this agenda

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.

If you would like 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. Special Order of Business

Determination of Suitability – (Welf. & Inst. Code, § 209, subd. (d)).

- Barry J. Nidorf Juvenile Hall, Los Angeles County
- Central Juvenile Hall, Los Angeles County

III. Information Items

1. Chair's Report
2. Executive Director's Report
 - a. COVID Update
3. Legal Update
4. Legislative Update

IV. Action: Consent Items

- A. Minutes from June 10, 2021 and July 15, 2021 Board Meeting: **Requesting Approval**
- B. Proposed 2022 Board of State and Community Corrections Meeting Schedule: **Requesting Approval**
- C. Updated Grant Proposal Evaluation Process: **Requesting Approval**

V. Action: Discussion Items

- D. Enhanced Local Detention Facility Inspection Update: **Requesting Approval**
- E. Proposition 47 Appointment of Chair and Establishment of an Executive Steering Committee: **Requesting Approval**

VI. Public Comments

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

VII. Adjourn

Next Meeting:

Thursday, November 18, 2021 – BSCC Board Meeting

Instructions or Attending ZOOM/Teleconference Board Meeting:

Please click here to join:

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join:

[September 16, 2021 BSCC Board Meeting](#)

Passcode: 081578

Or One tap mobile:

+16699009128,,81524716005# US (San Jose)
+13462487799,,81524716005# US (Houston)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):
US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 301 715
8592 or +1 312 626 6799 or +1 646 558 8656
Webinar ID: 815 2471 6005
[International numbers available](#)

II. Special Order of Business

MEETING DATE: September 16, 2021

**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 –
Barry J. Nidorf Juvenile Hall, Los Angeles County
Central Juvenile Hall, Los Angeles County **Requesting Approval**

Summary

This agenda item requests the Board to make a determination of suitability within the meaning of Welfare and Institutions Code section 209, subdivision (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 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.

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.

Summary of 2018-2020 Biennial Inspection

On February 11, 2021, 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. A copy of the inspection report can be found here:

https://drive.google.com/drive/folders/1Vqe3goCNKm461_osebBmHFnsb055Do4M

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 April 12, 2021.

On April 12, 2021, the BSCC received the agency's corrective action plan. This corrective action plan required the agency to outline how they intended to correct the issues of noncompliance and to come into compliance within a reasonable timeframe, not to exceed 90 days or by July 11, 2021. (Welf. & Inst. Code, § 209, subd. (d).) As of July 12, 2021, and following a series of site visits to the facilities to review progress on the corrective action plan, the agency remained out of compliance with the regulations indicated below. On August 19, 2021, the BSCC notified the County of Los Angeles that the Board would make a determination of suitability at its next scheduled board meeting as required by Welfare and Institutions Code section 209, subdivision (d). (Attachment 1.) As of the date of the notification, the county's juvenile halls remained out of compliance with the following Title 15 regulations¹:

Barry J. Nidorf Juvenile Hall

- § 1313, County Inspection and Evaluation of Building and Grounds
- § 1352, Classification
- § 1353, Orientation
- § 1354.5, Room Confinement
- § 1355, Institutional Assessment and Plan
- § 1358.5, Use of Restraint Devices for Movement and Transportation within the Facility
- § 1371, Programs, Recreation, and Exercise

Central Juvenile Hall

- § 1313, County Inspection and Evaluation of Building and Grounds
- § 1321, Staffing
- § 1352, Classification
- § 1354.5, Room Confinement
- § 1355, Institutional Assessment and Plan
- § 1358.5, Use of Restraint Devices for Movement and Transportation within the Facility
- § 1371, Programs, Recreation, and Exercise

¹ The underlying factual bases for these items of noncompliance are provided in Attachment 1.

In addition, staff was unable to make a final determination of compliance for section 1358, Use of Restraints, at the Barry J. Nidorf facility at the time of the notification. The agency updated its policy and trained staff to comply with this regulation; however, no documentation of use of restraints was available for the timeframe after correction to present.

On September 2, 2021, the BSCC received a letter from Los Angeles County Chief Probation Officer Adolfo Gonzales, responding to the Board's notice of suitability determination. (Attachment 2.)

On September 13, 2021, BSCC staff will conduct a further inspection of Barry J. Nidorf and Central Juvenile Hall to determine the status of the above-referenced regulations. A supplemental report will be posted online prior to the September 16, 2021 Board meeting.

Recommendation/Action Needed

Staff recommends that the Board:

1. Make a determination of suitability within the meaning of Welfare and Institutions Code section 209, subdivision (d), for the following facilities:
 - a. Barry J. Nidorf, Los Angeles County
 - b. Central Juvenile Hall, Los Angeles County

Attachments

[1: August 19, 2021 Notice to Los Angeles County](#)

[2: September 2, 2021 Response from Los Angeles County](#)

II. Special Order of Business

Attachment 1



LINDA M. PENNER
Chair

KATHLEEN T. HOWARD
Executive Director

STATE OF CALIFORNIA

BOARD OF STATE AND COMMUNITY CORRECTIONS

2590 VENTURE OAKS WAY, SUITE 200 ♦ SACRAMENTO CA 95833 ♦ 916.445.5073 ♦ BSCC.CA.GOV



GAVIN NEWSOM
Governor

August 19, 2021

Dr. Adolfo Gonzales
Chief Probation Officer
Los Angeles County Probation Department
1601 Eastlake Avenue
Los Angeles, California 90033

*****PLEASE TAKE NOTICE*****

Dear Chief Gonzales:

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 **September 16, 2021** pursuant to Welfare and Institutions Code section 209, subdivision (d).¹

The Board of State and Community Corrections (BSCC) 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:

Summary of 2018-2020 Biennial Inspection

On February 11, 2021, following the inspection of the county's juvenile facilities, we notified your agency of several items of noncompliance with the Board's 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.

A copy of the inspection report can be found here:

https://drive.google.com/drive/folders/1Vqe3goCNKm461_osebBmHFnsb055Do4M

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 April 12, 2021.

On April 12, 2021, we received the agency's corrective action plan. This corrective action plan required the agency to outline how they intended to correct the issues of noncompliance and to come into compliance within a reasonable timeframe, not to exceed 90 days or by July 11, 2021. As of July 12, 2021 and following a series of site visits to the facilities to review progress on the corrective action, the agency remained out of compliance with the regulations indicated below and as set forth in the attachments to this letter. The agency continues to make significant progress towards coming into compliance with the Board's regulations. As of the date of this letter, however, the county's juvenile halls remain out of compliance with the following Title 15 regulations²:

Barry J. Nidorf Juvenile Hall

- § 1313, County Inspection and Evaluation of Building and Grounds
- § 1352, Classification
- § 1353, Orientation
- § 1354.5, Room Confinement
- § 1355, Institutional Assessment and Plan
- § 1358.5, Use of Restraint Devices for Movement and Transportation within the Facility
- § 1371, Programs, Recreation, and Exercise

Central Juvenile Hall

- § 1313, County Inspection and Evaluation of Building and Grounds
- § 1321, Staffing
- § 1352, Classification
- § 1354.5, Room Confinement
- § 1355, Institutional Assessment and Plan
- § 1358.5, Use of Restraint Devices for Movement and Transportation within the Facility
- § 1371, Programs, Recreation, and Exercise

We are unable to make a final determination of compliance for 1058, Use of Restraints at the Barry J. Nidorf facility; the agency has updated policy and trained staff to be in compliance with this regulation. However, there have not been uses of restraints at the facility so we have not had the opportunity to determine compliance due to there being no documentation.

² The underlying factual bases for these items of noncompliance are provided in the attachments.

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).)

AGENCY RESPONSE

The agency may, but is not required to, participate at the September 16, 2021 Board meeting as part of the Board's determination of suitability. If the agency wishes to respond in writing, we request that a response be submitted no later than September 3, 2021 to Adam.Lwin@bscc.ca.gov. If the agency anticipates that the facilities will be in compliance prior to the Board meeting, or soon thereafter, please include in the response specific facts articulating to what extent the facilities are, in fact, in compliance with the Board's regulations and estimated dates of compliance. This response will be included as part of the Board's 10-day agenda, which will be posted on September 6, 2021. The response may include any evidence or testimony rebutting staff's preliminary findings of noncompliance.

Due to the ongoing pandemic, the Board meeting will be held on Zoom in compliance with Executive Order N-29-20. A link to the meeting will be available at the Board's website 10 days prior to the meeting at: www.bscc.ca.gov. If you, your staff, or any other agency representative will be participating, please contact Adam.Lwin@bscc.ca.gov and provide the names and contact information of those participating no later than September 3, 2021.

While participation is not mandatory, the Board formally requests that you appear to discuss 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 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 agency 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 agency 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
Los Angeles County Board of Supervisors
Fesia Davenport, Los Angeles Chief Executive Officer
The Honorable Eric C. Taylor, Presiding Judge Los Angeles County Superior Court

Central Juvenile Hall
 Outstanding Items of Noncompliance
 2018/2020 Biennial Inspection

Applicable Title 15 Section + Subsections		Compliant	Comments from July-August 2021 Follow Up Site Visit
1313	County Inspection and Evaluation of Building and Grounds	(c) local health officer, inspection in accordance with Health and Safety Code Section 101045;	No Local Health Officer noted outstanding items in the 2019 medical/mental health inspection that have not been corrected.
1321	Staffing	(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;	No The staffing schedules that we reviewed were not completed consistently; we were unable to determine if staffing was adequate.
		(c) have a sufficient number of supervisory level staff to ensure adequate supervision of all staff members;	No The staffing schedules that we reviewed were not completed consistently; we were unable to determine the number supervisors assigned to the facility and were therefore unable to determine compliance.
1352	Classification	(d) provide for periodic classification reviews, including provisions that consider the level of supervision and the youth's behavior while in custody; and,	No No documentation of periodic reviews provided.

Central Juvenile Hall
 Outstanding Items of Noncompliance
 2018/2020 Biennial Inspection

Applicable Title 15 Section + Subsections		Compliant	Comments from July-August 2021 Follow Up Site Visit
1354.5	Room Confinement	(2) Room confinement shall not be used for the purposes of punishment, coercion, convenience, or retaliation by staff.	No The documentation that we reviewed did not indicate the need for the youth to be placed in room confinement consistently with the regulation's requirements.
		(B) Develop an individualized plan that includes the goals and objectives to be met in order to integrate the youth to general population.	No The documentation we reviewed did not provide enough information about the individualized plan and was not consistent with regulatory requirements.
1355	Institutional Assessment and Plan	(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.	No The assessments and caseplans provided for our review were incomplete and did not contain the elements required by this section of the regulation.
		(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;	No

Central Juvenile Hall
 Outstanding Items of Noncompliance
 2018/2020 Biennial Inspection

Applicable Title 15 Section + Subsections			Compliant	Comments from July-August 2021 Follow Up Site Visit
1358.5	Use of Restraint Devices for Movement and Transportation within the Facility	(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.	No	We were not provided with documentation that justified the need to place youth in restraints for transportation.
1371	Programs, Recreation, and Exercise	(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.	No	Program activities are either not documented or are inconsistently documented to include the type of program to confirm compliance with regulation.

Barry J. Nidorf Juvenile Hall
 Outstanding Items of Noncompliance
 2018/2020 Biennial Inspection

Applicable Title 15 Section + Subsections		Compliant	Comments from July-August 2021 Follow Up Site Visit
1313	County Inspection and Evaluation of Building and Grounds	(c) local health officer, inspection in accordance with Health and Safety Code Section 101045;	No Local Health Officer noted outstanding items in the 2019 medical/mental health inspection that have not been corrected.
1352	Classification	(d) provide for periodic classification reviews, including provisions that consider the level of supervision and the youth's behavior while in custody; and,	No No documentation of periodic reviews provided.
1353	Orientation	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:	No Based upon a review of sample of orientation packets, orientations of youth are not being completed prior to placement in a living unit.

Barry J. Nidorf Juvenile Hall
 Outstanding Items of Noncompliance
 2018/2020 Biennial Inspection

Applicable Title 15 Section + Subsections		Compliant	Comments from July-August 2021 Follow Up Site Visit
1354.5	Room Confinement	(2) Room confinement shall not be used for the purposes of punishment, coercion, convenience, or retaliation by staff. No	A review of a sampling of individual incident reports did not provide enough information to verify the justification to place a youth in room confinement.
1355	Institutional Assessment and Plan	(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. No	The assessments and caseplans provided for our review were incomplete and did not contain the elements required by this section of the regulation.
		(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; No	
1358.5	Use of Restraint Devices for Movement and Transportation within the Facility	(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. No	We were not provided with documentation that justified the need to place youth in restraints for transportation.

Barry J. Nidorf Juvenile Hall
 Outstanding Items of Noncompliance
 2018/2020 Biennial Inspection

Applicable Title 15 Section + Subsections	Compliant	Comments from July-August 2021 Follow Up Site Visit
1371	Programs, Recreation, and Exercise (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.	No Several units did not provide documentation of programs being provided.

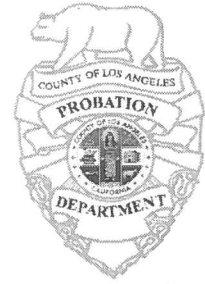
II. Special Order of Business

Attachment 2



COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2501



ADOLFO GONZALES
Chief Probation Officer

September 2, 2021

Submission Via E-Mail

Linda M. Penner, Chair
Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

Dear Ms. Penner:

RESPONSE TO NOTIFICATION OF IMPENDING DETERMINATION OF SUITABILITY OF BARRY J. NIDORF AND CENTRAL JUVENILE HALLS

This is in response to your August 19, 2021 letter, notifying that the California Board of State and Community Corrections (“BSCC” or “Board”) will be conducting a determination of suitability of Barry J. Nidorf Juvenile Hall (BJNJH) and Central Juvenile Hall (CJH) at its September 16, 2021, virtual Board meeting. We appreciate the opportunity to submit this response.

The findings of continued non-compliance with seven main sections of Title 15 of the California Code of Regulations are substantially similar at each juvenile hall, with six (per facility) attributed to insufficient documentation to demonstrate proof of practice. The documentation-related findings pertain to youth classification, orientation, room confinement, institutional assessment and plan, staffing, use of restraint devices for movement and transportation within the facility, and youth programming. In addition, one area of non-compliance relates to the annual inspection conducted by the Los Angeles County Department of Public Health (DPH).

We have taken immediate action as described herein and believe significant progress has been made toward gaining substantial compliance related to the documentation-related findings. We implemented a daily quality assurance review to ensure documentation demonstrates proof of practice. Based on our reviews, we now have proof of practice documentation.

With regard to those areas found to be non-compliant related to the annual inspection conducted by DPH, we are working collaboratively with two other County Departments (Health Services-Juvenile Court Health Services and Mental Health) to address the issues through Corrective Action Plans.

I. DOCUMENTATION-RELATED FINDINGS (LEAD DEPARTMENT: PROBATION)

The following provides the documentation-related findings of continued non-compliance and actions taken by the Probation Department, thus far, to gain substantial compliance.

Findings and Actions Taken

1. § 1321, Staffing (CJH)

Finding: The Staff Schedules at Central Juvenile were not completed in their entirety to accurately reflect the total number of youths in each unit, staff assigned in each unit, the specific supervisors on shift, and the number of one-on-one (level 3) youth requiring enhanced supervision.

Action Taken: Daily audits have been implemented as part of the quality assurance process to ensure proper completion of the staff schedules. Specific staff are assigned to collect and review the Staffing Schedules from the morning (6 a.m. - 2 p.m.), afternoon (2 p.m. - 10 p.m.), and overnight shifts (10 p.m. – 6 a.m.).

2. § 1352, Classification (BJN and CJH)

Finding: Although in policy, there was not a specific process for conducting periodic reviews of Classifications.

Action Taken: The Probation Department updated the Juvenile Hall Initial Assessment and Plan Periodic Review Form and included a section for reviewing the Unit Classification form. The updated form was operationalized on August 23, 2021. Daily audits are now conducted to ensure proper completion of the updated form.

3. § 1353, Orientation (BJN)

Finding: Orientations were being conducted in the Receiving Units which are deemed to be regular living units. Newly admitted youth should receive an orientation prior to being transferred to a regular living unit.

Action Taken: The Probation Department updated its procedures to ensure that orientations are conducted at Movement and Control prior to their transfer to the Receiving Unit. Daily audits have been incorporated to the quality assurance process to ensure proper completion of the Orientation form at Movement and Control.

4. § 1354.5 (a), Room Confinement (BJN and CJH)

Finding: Documentations for proper justification of Room Confinement were insufficient.

Action Taken: Daily audits are now conducted to ensure proper documentation is sufficient to ensure Room Confinement is within Title 15 requirements.

§ 1354.5 (b), Room Confinement (CJH)

Finding: Plans for Reintegration were not completed correctly.

Action Taken: Daily audits are conducted to ensure that Reintegration Plans are properly completed and compliant with Title 15.

5. § 1355, Institutional Assessments and Plan (BJN and CJH)

Finding: Institutional Assessments and related Plans were incomplete and excluded elements required by this regulation.

Action Taken: Daily audits are conducted to ensure that Institutional Assessments and related Plans are properly completed in their entirety.

6. § 1358.5, Use of Restraint Devices for Movement and Transportation within the Facility (BJN and CJH)

Finding: There were indications from Physical Intervention Reports that youth were being moved within the facility in handcuffs but there were insufficient documents assessing the use of handcuffs for transport.

Action Taken: Daily audits are conducted to ensure that there is sufficient documentation in Physical Intervention Reports, Supplemental Reports, and/or Special Incident Reports when moving youth in mechanical restraints within a facility.

7. § 1371, Programs, Recreation, and Exercise (BJN and CJH)

Finding: The Title 15 Programming Log did not specifically document what Social Awareness/Rehabilitation Programming was provided to the youth.

Action Taken: Daily audits are now conducted to ensure that there is specific information on what Social Awareness or Rehabilitation Programming was provided to the youth.

Expectations of Compliance – Documentation-Related Findings

The Probation Department expects to be in full compliance with all documentation-related findings at BJNJH and CJH by mid-September 2021, as a result of the following progress:

- There are now daily reviews of all Proof of Practice documentation, which began on August 22, 2021 and will continue indefinitely.
- A Facility Coordinator ensures that the reviewed documentation is uploaded into a shared drive where Headquarters staff has access to inspect the reviewed documents.
- The Facility Coordinator submits a daily report to the Facility Management, and to Bureau Management on their findings and of any action taken.
- These reports are reviewed daily by upper management to ensure that the audit process is checking for the correct information, that responsible staff, their supervisor, and their manager receive the training/feedback on the corrections needed, ultimately ensuring that incomplete or incorrect documents are corrected, and mistakes are not repeated.

II. ANNUAL INSPECTION CONDUCTED BY THE DEPARTMENT OF PUBLIC HEALTH (LEAD DEPARTMENTS: DHS-JCHS AND DMH)

The following provides the findings and specific actions taken by DHS-JCHS, DMH and Probation to gain compliance with the related sections of Title 15.

Findings and Actions Taken

8. § 1313, County Inspection and Evaluation of Building and Grounds (BJN and CJH)

Finding: The Annual Inspection from the Los Angeles County Department of Public Health's Medical/Mental Health Report showed five repeat items of non-compliance for BJNJH. Three out of the five repeat findings at BJNJH were also items of non-compliance at CJH.

Action Taken: The Probation Department met with DPH, DHS-JCHS, and DMH to address the findings. On August 31, 2021, at the request of the Probation Department, DPH conducted a follow up inspection and will provide an updated Annual Inspection for consideration by the BSCC Inspector.

Probation has a role in two of the five DPH-related findings and expects to be in compliance by mid-September 2021 with:

- Updating PEMRS to fix system interface issues between PCMS and PEMRS, which relates to admission date and youth location.
- Ensuring Signed Medical Consents for youth detained are current and uploaded in PEMRS.

DHS-Juvenile Court Health Services

Juvenile Court Health Services submitted a Corrective Action Plan to the Department of Public Health committing to have all newly admitted youth receive a full physical examination within 96 hours of admission, even during the COVID Pandemic. The Probation Department will assist in providing system access to an attending physician for use in the Quarantine/Isolation Units at BJN and at CJH where newly admitted youth await their COVID test result.

Juvenile Court Health Services submitted a Quality Assurance Study to DPH to address DPH's initial findings that administration/delivery of medication to youth, as prescribed, were not consistently documented in PEMRS. DPH will consider this study in their follow-up inspection report anticipated to be completed by mid-September 2021.

Department of Mental Health

The Department of Mental Health submitted a Corrective Action Plan to DPH to ensure that the Psychotropic Medication Authorization information in PEMRS is accurate. This requires a system update in PEMRS that we anticipate completing by mid-September 2021.

We will continue working closely with DPH, DHS-JCHS, and DMH to resolve any remaining non-compliant issues.

III. IMPENDING BSCC REINSPECTION

On September 13, 2021, our BSCC Field Representative will be conducting a reinspection of our documentation-related findings. Based on our daily reviews, we believe we have made significant progress and appreciate this opportunity for a reinspection.

Ms. Linda Penner
September 2, 2021
Page 6 of 6

We are committed to gaining and maintaining full compliance with the noted deficiencies and look forward to participating at the BSCC's virtual Board meeting on September 16, 2021, at which time, we can provide a further update of our progress.

Sincerely,



DR. ADOLFO GONZALES
Chief Probation Officer

c: Honorable Eric C. Taylor, Presiding Judge Los Angeles County Superior Court
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court
Each Member, Los Angeles County Board of Supervisors
Fesia Davenport, Chief Executive Officer, Los Angeles County
Rodrigo Castro-Silva, County Counsel, Los Angeles County
Christina R. Ghaly, Director, Department of Health Services, Los Angeles County
Jonathan E. Sherin, Director, Department of Mental Health, Los Angeles County
Barbara Ferrer, Director, Department of Public Health, Los Angeles County
Lisa Southwell, Field Representative, Board of State and Community Corrections
Sheila Williams, Senior Manager, Chief Executive Office, Los Angeles County
Wendelyn Julien, Executive Director, Probation Oversight Commission
Justice Deputies

Legislative Update

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
1	<p><u>AB 48</u></p> <p><u>Law enforcement: kinetic energy projectiles and chemical agents</u></p> <p><u>Assemblymember Gonzalez</u></p> <p><u>(D-80)</u></p>	<p>ENROLLED SEPTEMBER 10, 2021</p> <p>This bill would prohibit the use of kinetic energy projectiles or chemical agents by any law enforcement agency to disperse any assembly, protest, or demonstration, except in compliance with specified standards set by the bill, and would prohibit their use solely due to a violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive. The bill would include in the standards for the use of kinetic energy projectiles and chemical agents to disperse gatherings the requirement that, among other things, those weapons only be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer.</p>	<p>May impact training regulations</p>	<p>9/8/2021</p> <p>To the Governor.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
2	<p><u>AB 653</u></p> <p><u>Medication-Assisted Treatment Grant Program</u></p> <p><u>Assemblymember Waldron</u></p> <p><u>(R-75)</u></p>	<p>AMENDED IN SENATE AUGUST 26, 2021</p> <p>This bill would establish, until January 1, 2026, the Medication-Assisted Treatment Grant Program, to be administered by the Board of State and Community Corrections. The bill would require the board to award grants, on a competitive basis, to counties and would authorize counties that receive grants to use grant funds for various purposes relating to the treatment of substance use disorders and the provision of medication-assisted treatment. The bill would prohibit counties from using the grant funds to supplant existing resources for medication-assisted treatment services delivered in county jails or in the community. The bill would require counties that receive grants pursuant to these provisions to collect and maintain data relating to the effectiveness of the program and would require the board, by July 1, 2025, to submit a report to the Legislature describing the activities funded by the grant program and the success of those activities in reducing drug overdoses and recidivism by jail inmates and persons under criminal justice supervision. Funding for this grant program is not included in the bill, and the program is “operative only to the extent that funding is provided, by express reference, in the annual Budget Act or another statute.”</p>	<p>Would require the BSCC to administer this grant</p>	<p>9/9/2021</p> <p>To the Governor.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
3	<p><u>AB 731</u></p> <p><u>County jails: recidivism: reports</u></p> <p><u>Assemblymember Bauer-Kahan (D-16)</u></p>	<p>AMENDED IN SENATE AUGUST 26, 2021</p> <p>This bill would require sheriff in each county to compile and submit specified data to the Board of State and Community Corrections on their educational opportunities, rehabilitative opportunities, exercise opportunities, the number of participants and the cost of administering those programs, and success rates in reducing recidivism, as defined. The bill would require the board to compile a report based upon those findings and submit the report to the Legislature by a specified date.</p>	<p>Would require research and data collection and compiling a report to the Legislature</p>	<p>9/1/2021</p> <p>Ordered to inactive file at the request of Senator Skinner.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
4	<p><u>AB 990</u></p> <p><u>Prisons: inmate visitation.</u></p> <p><u>Assemblymember Santiago</u></p> <p><u>(D-53)</u></p>	<p>ENROLLED SEPTEMBER 10, 2021</p> <p>For people detained in a county jail on felony charges, this bill would include the right to personal visits as a civil right, as specified. The bill would provide that these civil rights may not be infringed upon, except as necessary and only if narrowly tailored to further the legitimate security interests of the government and would provide that any governmental action related to these civil rights may be reviewed in court for legal error under a substantial evidence standard of review.</p>	<p>May impact Title 15 Regulations</p>	<p>9/8/2021</p> <p>To the Governor.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
4	<p><u>AB 1223</u></p> <p><u>Firearms and ammunition: excise tax.</u></p> <p><u>Assemblymember Levine (D-10)</u></p>	<p>AMENDED IN ASSEMBLY JUNE 10, 2021</p> <p>This bill, the Gun Violence Prevention, Healing, and Recovery Act, would, commencing July 1, 2022, impose an excise tax in the amount of 10% of the sales price of a handgun and 11% of the sales price of a long gun, rifle, firearm precursor part, and ammunition, as specified. The tax would be collected by the state pursuant to the Fee Collection Procedures Law. The bill would require that the revenues collected be deposited in the Gun Violence Prevention, Healing, and Recovery Fund, which the bill would establish in the State Treasury.</p>	<p>Would secure funding to the CalVIP grant</p>	<p>6/3/21</p> <p>Did not pass the Assembly.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
5	<p><u>AB 1318</u></p> <p><u>Deferred entry of judgment pilot program</u></p> <p><u>Assemblymember Stone</u></p> <p><u>(D-29)</u></p>	<p>ENROLLED SEPTEMBER 03, 2021</p> <p>This bill would extend the pilot program to January 1, 2024, and would instead require, no later than December 31, 2022, the above-specified comprehensive report to be submitted to the Assembly and Senate Committees on Public Safety.</p> <p>Current law authorizes, until January 1, 2022, the Counties of Alameda, Butte, Napa, Nevada, Santa Clara, and Ventura to establish a pilot program to operate a deferred entry of judgment program for eligible defendants. Current law requires each participating county to establish a multidisciplinary team to meet periodically to review and discuss the implementation, practices, and impact of the program, and to submit data on the pilot program to the Board of State and Community Corrections. Current law requires the board to conduct an evaluation of the pilot program’s impact and effectiveness, as specified, and would require, no later than December 31, 2020, the evaluation to be combined into a comprehensive report and submitted to the Assembly and Senate Committees on Public Safety.</p>	<p>Will continue the grant until 2024.</p>	<p>9/8/2021</p> <p>To the Governor.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
6	<p><u>SB 2</u></p> <p><u>Peace officers: certification: civil rights.</u></p> <p><u>Senator Bradford</u></p> <p><u>(D-35)</u></p>	<p>ENROLLED SEPTEMBER 10, 2021</p> <p>This bill would provide that a threat, intimidation, or coercion under the Tom Bane Civil Rights Act may be inherent in any interference with a civil right and would describe intentional acts for these purposes as an act in which the person acted with general intent or a conscious objective to engage in particular conduct. The bill would eliminate certain immunity provisions for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the act.</p>	<p>May impact standards for training</p>	<p>9/8/2021</p> <p>To the Governor.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
7	<p><u>SB 334</u></p> <p><u>Detention facilities: contracts.</u></p> <p><u>Senator Durazo</u></p> <p><u>(D-24)</u></p>	<p>AMENDED IN ASSEMBLY SEPTEMBER 02, 2021</p> <p>This bill would require a private detention facility responsible for the custody and control of a prisoner or civil detainee to operate in compliance with these standards and to maintain specified insurance coverages, including general, automobile, and umbrella liability, and workers' compensation. The bill would require an insurer providing insurance to require the private detention facility to comply with the standards and to notify the director of the facility and the Insurance Commissioner of deficiencies and that the insurance contract will be canceled if the deficiencies are not corrected within 60 days, among other duties. The bill would state that it does not apply to specified detention facilities. The bill would state that it does not create any additional authority or responsibility for the Board of State and Community Corrections and Department of Corrections and Rehabilitation, as specified.</p>	None	<p>9/9/2021</p> <p>To the Governor.</p>

Agenda Item A

KATHLEEN T. HOWARD
Executive Director, BSCC

BOARD MEMBERS

LINDA M. PENNER
Chair, BSCC

KATHLEEN ALLISON
Secretary, CDCR

GUILLERMO VIERA ROSA
Director
Adult Parole Operations, CDCR

DEAN GROWDON
Sheriff, Lassen County

WILLIAM GORE
Sheriff, San Diego County

VACANT
CAO/ County Supervisor

LEE SEALE
Chief Probation Officer
Sacramento County

KELLY M. ZUNIGA
Chief Probation Officer
Kings County

GORDON S. BARANCO
Retired Judge
Alameda County

ANDREW MILLS
Chief of Police
City of Santa Cruz

SCOTT BUDNICK
Film Producer and Founder of
The Anti-Recidivism Coalition

DAVID STEINHART
Director, Commonweal
Juvenile Justice Program

NORMA CUMPIAN
Women's and Non-Binary Services Manager
Anti-Recidivism Coalition (ARC)



MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, JUNE 10, 2021 BSCC BOARD MEETING

Meeting Held Via Zoom & Teleconference
Pursuant to Governor's [Executive Order N-29-20](#)

I. Call to Order

Chair Linda Penner called the meeting to order at 10:00 AM.

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

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

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

The following members were in attendance on Zoom or Teleconference:

Chair Penner	Mr. Steinhart	Mr. Viera Rosa	Ms. Vernon
Mr. Gore	Ms Allison	Mr. Growdon	
Mr. Baranco	Mr. Mills	Ms. Cumpian	

ABSENT BOARD MEMBERS:

Mr. Budnick

Chair Penner announced that this is Judge Gordon Baranco's last meeting as the Judicial Council has appointed another Judge to the Board.

II. Information Items

1. COVID-19 Update:

This information item was presented by Executive Director Kathleen Howard:

[Presented on COVID data trends:](#)

- The Supplemental JPS collects select data elements on a weekly basis to track coronavirus-related impacts for local detention systems. The data consists of: Average Daily Population (ADP), Bookings, Releases, and Releases Related to COVID-19, and a significant drop-off in ADP and the lowest point occurred on the week ending 5/16/2020 with a total ADP of 50,631.
- Since the last Board update (March 27, 2021), there has been a slight decrease in ADP, going from 61,574 to 60,499.
- The BSCC COVID-19 Weekly Data Reporting survey collects select data elements on a weekly basis to track coronavirus-related impacts for local detention systems. The data includes: Testing, Confirmed Cases, Hospitalizations, Deaths, and more.
- Several counties' data were excluded from these slides because they had more than three missing reports during this time.
- These counties/facilities are Humboldt, Madera, Mendocino, Merced, Plumas, and Tehama.
- Of the counties that had 3 or fewer missing reports, some of their data have been imputed to better represent statewide trends.
- These counties/facilities are: El Dorado, Fresno, Lake, Lassen, Los Angeles, Marin, Mariposa, Monterey, Placer, Riverside, San Bernardino, San Francisco, Santa Barbara, Shasta, Sutter, Trinity, Tulare, and Tuolumne.
- total number of detained people who were confirmed positive from July 19, 2020 to May 29, 2021.
- Orange county reported 1,036 detained people tested in the week ending on January 30, 2021, then reported 2,230 the following week. And in the week after ending on February 13, 2021, Orange county reported 1,303. These increases and decreases correlate to the data seen in the "Total Number of Detained People Tested" figure above.
- The total number of detained people confirmed positive has continued to decrease since December 19, 2020. In the last eleven weeks (March 14, 2021 – May 29, 2021), no county reported any confirmed positive cases of 11 or more in seven of the last eleven weeks.
- Hospitalizations peaked in January 2021 and have declined since. In the last twelve weeks, there have been three hospitalizations reported.
- Since the start of data collection (July 19, 2020), 19 counties reported hospitalizations. Those counties who reported hospitalizations are: Butte, El

Dorado, Fresno, Imperial, Kern, Kings, Lake, Lassen, Monterey, Orange, Riverside, San Diego, San Luis Obispo, Santa Barbara, Shasta, Solano, Stanislaus, Sutter, and Tuolumne.

- Deaths: 1 death in Fresno, 6 deaths in Los Angeles, 1 death in Mendocino, 2 deaths in Orange, 1 death in Santa Barbara, and 1 death in San Diego. The last death reported is from reporting period 01/31/21 - 02/06/21.
- total number of juveniles who were tested for COVID-19 and total number of juveniles who were confirmed positive from July 19, 2020 to May 29, 2021.
- In the weeks following the last board meeting update up to March 27, 2021, the Juveniles Confirmed Positive have continued to remain relatively low.
- Howard stated that the data will be collected for a few more months and will revisit at the September meeting to see if the data is still needed.

2. Chair's Report:

Chair Penner congratulated Sheriff Dean Growdon for his installment as president of California State Sheriff's Association and thanked him for his participation on the Board.

3. Executive Director Report:

Executive Director Kathleen Howard reported on the following:

On the process of the adult regulations revisions:

- Howard stated that the virtual platform for the executive steering committee to meet and discuss as well as engage the public comment proved to be difficult.
- Howard thanked the FSO team and Chair of the committee for the work they have done.
- On May 25 the committee met virtually with many public comments. The public requested additional time for public comment.
- Public comments centered on collecting input from individuals with lived experiences and those who are currently incarcerated.
- The public comment period has been extended to July 31, 2021.
- The proposed revisions will be brought to the Board at the November 2021 meeting.

Ms. Allison and Ms. Cumpian agreed to assist in the outreach of formerly or currently incarcerated individuals.

Budget:

- Howard reported that June 15 is the deadline for the Legislature to release the budget. The May revise included several changes.
- The Governor's spring finance letter (SFL) included an increase of 14 new positions for the BSCC to enhance the inspection process and increase the frequency of inspections. The proposal was rejected by both houses of the Legislature. The Legislature did approve some aspects of the SFL which included conducting unannounced visits to local detention facilities.
- Howard said the budget is still in negotiations and is hopeful that the SFL will be approved.

Grants:

Howard stated that the May Revise and the Legislature's proposal includes:

- \$10.3 million one-time for a Gun Violence Reduction Grant Program
 - This program will support local law enforcement agencies in conducting activities related to seizing weapons and ammunitions from persons who are prohibited from possessing them
- \$18 million one-time pass-through funding for a County Resentencing Pilot Program
 - Recipients include various statewide district attorneys' and public defenders' offices
 - \$1.35 million of the \$18 million is made available to RAND Corporation for an evaluation of the pilot program
- \$30 million one-time augmentation to the Adult Reentry Grant Program
 - For re-entry, housing, and wraparound services
- \$1 million one-time pass-through funding for Statewide Gun Violence Restraining Order Training
 - Full funding will go to the San Diego City Attorney's Office
 - Funding shall be used to provide gun violence restraining training to agencies statewide beginning in 2021-22 through 2022-23
- CalVIP Budget Bill Language
 - \$200 million from May Revise was approved by the Legislature
 - Proposed language should include a 20% match for CBOs and cities

Howard said the full budget changes will be brought to the Board at the July Board meeting.

Howard mentioned that the Byrne/JAG solicitation has been received and General Counsel will provide brief information on the litigation of the grant.

Howard reported on the fees and charges of juvenile facilities which was discussed at the April Board meeting. The BSCC will develop a survey to the field and have a public

comment period. Howard thanked Board members Baranco and Steinhart for their input on the survey development.

4. Legal Update:

General Counsel Aaron Maguire reported on the following:

- Maguire mentioned litigation on the Byrne/JAG solicitation no longer contains immigration enforcement information. There is still ongoing discussions with California and the Federal Government to finalize the Byrne/JAG litigation.
- Maguire flagged conflict of interests for Board Members who may have remote interests on agenda items.

5. Legislative Update:

Legislative Analyst Adam Lwin flagged eight bills that may impact the BSCC as follows:

- [AB 653](#): Medication-Assisted Treatment Grant Program, would require the BSCC to administer the grant.
- [AB 731](#) County jails: recidivism: reports, and [AB 1474](#) Sentencing: consideration of costs, would require data and research on recidivism and the cost of incarceration.

Lwin mentioned bills that have died but may be acted upon in 2022:

- [AB 1165](#) Juvenile facilities: storage and use of chemical agents and facility staffing, which would have prohibited use or storage of chemical agent, with the exception of OC spray inside or on the grounds of a juvenile facility and use of chemical agents against those under 18 years of age.
- [SB 493](#) Local government financing: juvenile justice, by senator Bradford which would require the BSCC to include additional disaggregated information regarding race, ethnicity, and gender identity of program participants in the JJCPA reports that we collect from counties.
- Lwin stated that the Governor must sign or veto bills by October 21 and will continue to monitor bills that may impact the BSCC.

There were no public comments for Information Items 1-5

III. Action: Consent Items:

A. [Minutes from the April 8, 2021 Board Meeting: Requesting Approval](#)

Mr. Gore moved approval. Mr. Steinhart seconded. The motion was approved by all Board members.

IV. Discussion Items:

B. [Title II Grant Program, State Advisory Committee on Juvenile Justice and Delinquency Prevention \(SACJJDP\) 3-Year State Plan: Requesting Approval](#) -REVISED 6-10-2021

Field Representative Timothy Polasik presented this agenda item which requested Board approval of the Title II Grant Program Three-Year State Plan covering 2021-2023, as recommended by the State Advisory Group on Juvenile Justice and Delinquency Prevention (SACJJDP).

A typographical error was addressed by the Board members and a revised report was submitted during the meeting.

Public Comment was heard for Agenda Item C:

Dominique Nong (Children’s Defense Fund): Asked to examine and replicate SACJJDP process to include community collaboration in other grants.

Miguel Garcia (Anti Recidivism Coalition): Suggested continual community input and replicate this process in other grants.

End of Public Comment

Mr. Growdon motioned approval. Mr. Steinhart seconded. Ms. Vernon recused pursuant to section pursuant to Government Code section 1091. The motion was approved by all other Board members.

C. [Senate Bill 823 Youth Programs and Facilities Grant Funding Recommendations: Requesting Approval](#)

Deputy Director John Prince presented this agenda item which requested Board approval of the Youth Programs and Facilities Grant Program (YPFG) portion of Senate Bill 823 (Chapter 337, Statutes of 2020) awards as recommended by the Executive Scoring Panel.

- This grant would award El Dorado, Fresno, and Sonoma counties the requested amounts for Part A (\$1,000,000 each) as recommended by the YPFG ESP.
- Fund 37 Counties in Part B pursuant to the distribution formula set forth by the Board's prior action and the RFA (40%, 30%, 30%) to applicant small, medium, and large counties.
- Allocate the remaining funds from Part A (\$2,000,000) to Part B and direct staff to solicit requests from counties for budget modifications for additional expenditures pursuant to the terms and conditions of the RFA.
- In the event a grantee is unable to accept the conditional grant award, authorize staff to accept relinquished awards. Further direct staff to reallocate any relinquished awards to further augment Part B.

Chair Penner thanked the scoring panel for the great work on this grant.

Mr. Steinhart thanked the scoring panel and Chair Penner for the work on this grant but was disappointed that not many counties applied.

Public Comment was heard for Agenda Item C:

Renee Menart CJCJ: Suggested that the funding should focus on programming and the pro rata funding is concerning. Asked the BSCC to create guidelines for locals on appropriate spending.

Miguel Garcia (ARC): Stated that there should be more oversight on local spending of the funds.

End of Public Comment

Mr. Steinhart moved approval. Mr. Baranco seconded. Ms. Vernon recused pursuant to Government Code section 1091. The motion was approved by all other Board members.

D. Board of State and Community Corrections Strategic Planning Process 2022-2026 Approval of Goals: Requesting Approval

Field Representative Tonya Parker-Mashburn presented this agenda item which requested approval of the organizational goals for the BSCC 2022-2026 Strategic Plan, which will be in effect for five years from January 1, 2022 to December 31, 2026.

Public Comment was heard for Agenda Item D:

Renee Menart (CJCJ): Suggested goal three to rephrase the term minimum standards and for goal four to add analyze and synthesize the data.

Brisley Martinez: Suggested that the term minimum standards should be rephrased in goal three and goal two should include more community input.

Dominique Nong: Suggested the following:

- Goal one: add community input especially from those with lived experiences and currently incarcerated individuals.
- Goal two: list of alignment goals prioritizing community-based services.
- Goal three: the term minimum standards should not be included.
- Goal four: include analysis of data that is collected and provide data easily accessible to the public.

End of Public Comment

Executive Director Howard suggested that the action should be to review public comment and revisit the strategic plan and make additional improvements.

Based on additional comments received during the Board meeting, the Board decided not to take action on Agenda Item D. The decision was to defer a motion to approve the organizational goals for the BSCC 2022-2026 Strategic Plan until the Board could review and further consider incorporating suggestions received today. A revised draft of the organizational goals as well as feedback regarding organizational objectives from the public, staff, and the management team will be brought back to the Board at the meeting scheduled for September 16, 2021, for consideration. Approval of the BSCC 2022-2026 Strategic Plan is projected for the November 18, 2021, Board meeting.

Mr. Steinhart moved approval. Ms. Cumpian seconded. All other board members approved the motion to direct staff to continue the work on the strategic plan by progressing to the second step in the process which is the development of organizational objectives.

E. [Enhanced Local Detention Facility Inspection Update: Requesting Approval](#)

Deputy Director Allison Ganter presented this agenda item and provided an update on the local detention facility inspections that have been 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.

Staff requested that the BSCC Board approve the format for information being reported to the Board on a regular basis and to approve that at this time no Sheriffs are being requested to appear at the next Board meeting.

Public Comment was heard for Agenda Item E:

Brian Goldstein (CJCJ): Reported concerns of noncompliance issues from Butte County jail. Requested local Sheriffs to publicly address issues of noncompliance.

End of Public Comment

Mr. Steinhart move approval. Ms. Allison seconded. Mr. Growdon abstained.
The motion was approved by all other board members.

F. [Adult Reentry Grant \(ARG\) Program, Warm Handoff Cohort II Funding Recommendations: Requesting Approval](#)

Field Representative Tanya Hill presented this agenda item which requests Board approval of the Adult Reentry Grant Program Cohort II awards as recommended by the Scoring Committee. If the proposed list of award recommendations is approved, 37 community-based organizations are eligible to receive \$17.5 million to provide warm handoff reentry services from July 1, 2021 - February 28, 2025. A list of proposals recommended for funding is provided in.

Public Comment was heard for Agenda Item F:

Christina Yee (Breakout Prison Outreach): Requested the Board fully fund their proposal and asked for reconsideration of the funding.

Sister Teresa Harpin (Restorative Partners): Thanked the Board for the funding recommendation to their agency.

End of Public Comment

Mr. Baranco moved approval. Mr. Mills seconded. The motion was approved by all board members.

G. [Residential Substance Abuse Treatment \(RSAT\) Grant Program Funding Recommendations: Requesting Approval](#)

Field Representative Timothy Polasik presented this agenda item which requested Board approval of the Residential Substance Abuse Treatment (RSAT) Program awards as recommended by the RSAT Executive Steering Committee. The Board approved the proposed list of award recommendations to five local adult detention facilities who will receive federal funding to provide substance-use disorder treatment and aftercare services from July 1, 2021 - June 30, 2024. This grant will fully fund \$1,839,901 to four proposals and partially fund \$160,099 to one which fell at the funding cut-off point in the ranked order list.

Mr. Steinhart moved approval. Ms. Vernon seconded. Mr. Mills recused pursuant to Government Code section 1091. All other board members approved.

Mr. Growdon thanked the staff for their work and added that this version contains a reentry component and expansion of positive new programs.

H. [Proud Parenting Grant Program Request for Proposals: Requesting Approval](#)

Field Representative Helene Zentner presented this agenda item which requested the Board approve the release of the 2022 Proud Parenting Grant Program Request for Proposals as recommended by its Executive Steering Committee.

Ms. Cumpian thanked staff and the ESC members for the work on this grant.

Ms. Allison moved approval. Mr. Steinhart seconded. Mr. Gore was not present for the vote. Ms. Vernon recused pursuant to Government Code section 1091. The motion was approved by all other Board members.

V. Public Comments

There were no public comments.

VI. Adjourn

The meeting adjourned at: 12:29 PM

Next Meeting:

❖ BSCC Board Meeting

July 15, 2021

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Ms. Allison, Secretary, California Department of Corrections & Rehabilitations (CDCR)
3. Mr. Viera Rosa, Director Division of Adult Parole CDCR
4. Mr. Growdon, Sheriff, Nevada County
5. Mr. Gore, Sheriff, San Diego County
6. Ms. Vernon, Chief Probation Officer, Kings County
7. Mr. Baranco, Retired Judge, Alameda County
8. Mr. Mills, Chief of Police, Santa Cruz County
9. Mr. Steinhart, Director, Commonweal Juvenile Justice Program
10. Ms. Cumpian, Associate Director, Women and Non-Binary Services, Anti-Recidivism Coalition

BSCC STAFF:

Kathleen T. Howard, Executive Director

Aaron Maguire, General Counsel

Tracie Cone, Communications Director

Ricardo Goodridge, Deputy Director, Corrections Planning and Grant Programs

Allison Ganter, Deputy Director, Facilities Standards & Operations

John Prince, Deputy Director, County Facilities & Construction

Adam Lwin, Board Secretary

Tonya Parker-Mashburn, Field Representative, County Facilities & Construction

Tanya Hill, Field Representative, Corrections Planning and Grants Program

Helene Zentner, Field Representative, Corrections Planning and Grants Program

Timothy Polasik, Field Representative, Corrections Planning and Grants Program

KATHLEEN T. HOWARD
Executive Director, BSCC

BOARD MEMBERS

LINDA M. PENNER
Chair, BSCC

KATHLEEN ALLISON
Secretary, CDCR

GUILLERMO VIERA ROSA
Director
Adult Parole Operations, CDCR

DEAN GROWDON
Sheriff, Lassen County

WILLIAM GORE
Sheriff, San Diego County

VACANT
CAO/ County Supervisor

VACANT
Chief Probation Officer

KELLY M. VERNON
Chief Probation Officer
Kings County

JANET GAARD
Retired Judge
Yolo County

ANDREW MILLS
Chief of Police
City of Santa Cruz

SCOTT BUDNICK
Film Producer and Founder of
The Anti-Recidivism Coalition

DAVID STEINHART
Director, Commonweal
Juvenile Justice Program

NORMA CUMPIAN
Women's and Non-Binary Services
Associate Director
Anti-Recidivism Coalition (ARC)



MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, JULY 15, 2021 BSCC BOARD MEETING

Meeting Held Via Zoom & Teleconference
Pursuant to Governor's [Executive Order N-29-20](#)

I. Call to Order

Chair Linda Penner called the meeting to order at 10:00 AM.

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

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

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

The following members were in attendance on Zoom or Teleconference:

Chair Penner	Mr. Steinhart	Mr. Viera Rosa	Mr. Budnick
Mr. Gore	Ms Allison	Ms. Cumpian	Ms. Vernon

ABSENT BOARD MEMBERS:

Ms. Gaard, Mr. Mills, and Mr. Growdon

Chair Penner announce that Hon. Janet Gaard (Ret.) has been appointed by the Judicial Council as a new Board Member and will join the meeting in September.

II. Information Items

1. [Notice to Board of Fiscal Year 2021 California Edward Byrne Memorial Justice Assistance Grant \(JAG\) Application – Continuation of 2019-2022 Plan:](#)

This information item was presented by Deputy Director Ricardo Goodridge and provided notice that the BSCC is applying for the 2021 federal Edward Byrne Memorial Justice Assistance Grant Solicitation. The BSCC is applying for JAG funding to continue implementation of the JAG three-year cycle. BSCC staff has begun the process for updating the state strategy and will return to the Board in November 2021 with additional information.

Mr. Steinhart asked if there will be a new survey that will involve the National Criminal Justice Association (NCJA).

Goodridge responded that there will be a survey and NCJA will provide technical assistance to the BSCC.

This item did not require a vote.

III. Discussion Items:

A. [Senate Bill 823/ Senate Bill 92 Implementation: County Notice of Intent to Operate a Secure Track Youth Facility: **Requesting Approval**](#)

General Counsel Aaron Maguire presented this agenda item, which requested approval of the Secure Youth Treatment Facility (STYF) form. Senate Bill 92 (Chapter 18, Statutes of 2021) requires counties proposing to establish a secure youth treatment facility to notify the Board of State and Community Corrections of the operation in a format designated by the Board.

Public comment was heard for Agenda item A:

Natasha Mejia (National Institute for Criminal Justice Reform): Suggested that facility inspections be transparent. Requested community input when presenting secure track information.

Dominique Nong (Children's Defense Fund California): Requested that the example of "probation" as an example under the header "Operating Agency" be removed. Requested BSCC Field Representatives follow up with counties on their responses.

Aditi Sherikar (Children's Defense Fund California): Requested the completed SYTF forms be made available on the BSCC's website to give the public adequate time to raise concerns. Requested that any improvements that are made through the enhanced inspections process for the jails be applied to juvenile facilities, especially the secure youth treatment facilities.

Heile Gantan (Anti Recidivism Coalition): Urged the BSCC to make this process transparent.

Renee Menart (Center on Juvenile and Criminal Justice): Requested community notices. Asked about outcome measures that are built into this program and what the treatment facilities will do to improve restrictive settings.

End of Public Comment

Mr. Steinhart suggested changing the form under facility type to read: ("EG, Juvenile hall/camps/others).

Executive Director Howard said that the BSCC is planning to post the information online.

Mr. Steinhart moved approval. Ms. Allison seconded. The motion was approved by all Board members.

B. [California Violence Intervention and Prevention Grant Program, Appointment of Chair and Establishment of Executive Steering Committee: Requesting Approval](#)

This agenda item was presented by Field Representative Katrina Jackson and requested approval to establish an Executive Steering Committee (ESC) to oversee the development of a Request for Proposals for the California Violence Intervention and Prevention Grant Program, which received a significant, one-time increase of \$200 million over the next three fiscal years as part of the state budget. Staff also requested 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 ESC membership if needed.

Penner recommended Board Member Andrew Mills to Chair the committee.

Public Comment was heard for Agenda Item B:

Natasha Mejia (National Institute for Criminal Justice Reform): Requested funds from this grant be released to the field quickly and efficiently.

Jessie Warner (City of Oakland Department of Violence Prevention): Urged the Board to take action on releasing the funds quickly.

Gabriel Garcia: Asked for an expeditious release of funds for the CalVIP grant.

Mike McLively (Gifford’s National Gun Violence Prevention): Suggested funding and resources from this grant should be released as soon as possible.

End of Public Comment

Mr. Gore moved approval. Mr. Steinhart seconded. Mr. Budnick and Ms. Cumpian recused pursuant to Government Code section 1091. The motion was approved by all other Board members.

C. Adult Reentry Grant Program, Appointment of Chair and Establishment of Executive Steering Committee: Requesting Approval

This agenda item was presented by Field Representative Tanya Hill and requested the Board’s approval to establish an Executive Steering Committee to oversee the development of a Request for Proposals for the Adult Reentry Grant Program. Staff also requested 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 ESC membership if needed.

Chair Penner recommended Board Member Kelly Vernon to Chair the committee.

Mr. Vera Rosa moved approval. Ms. Allison seconded. Mr. Budnick and Ms. Cumpian recused pursuant to Government Code section 1091. The motion was approved by all other Board members.

D. Public Defense Pilot Program Funding Recommendations: **Requesting Approval**

Deputy Director Ricardo Goodridge presented this agenda item, which requested Board approval of the Public Defense Pilot Program. California counties are eligible to receive \$49,500,000 for indigent defense services in Fiscal Year (FY) 2021-22. This recommendation and schedule have been prepared in consultation with the Office of the State Public Defender.

Mr. Budnick moved approval. Mr. Gore seconded. Ms. Allison and Mr. Viera Rosa recused pursuant to Government Code section 1091. The motion carried.

IV. Public Comments

Brian Goldstein (Center, on Juvenile and Criminal Justice): Referred to an article that focused on San Diego Sheriffs department conduct of safety checks and suggested that the BSCC review inspections more carefully.

Michael Tovar (Foothill House of Hospitality): Increase funding of the CalVIP grant expeditiously.

V. Adjourn

The meeting adjourned at: 10:55 AM

Next Meeting:

❖ BSCC Board Meeting

September 16, 2021

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Ms. Allison, Secretary, California Department of Corrections & Rehabilitations (CDCR)
3. Mr. Viera Rosa, Director Division of Adult Parole CDCR
4. Mr. Gore, Sheriff, San Diego County
5. Ms. Vernon, Chief Probation Officer, Kings County
6. Mr. Steinhart, Director, Commonweal Juvenile Justice Program
7. Ms. Cumpian, Women's and Non-Binary Services Manager Anti-Recidivism Coalition
8. Mr. Budnick, Founder, Anti-Recidivism Coalition

BSCC STAFF:

Kathleen T. Howard, Executive Director

Aaron Maguire, General Counsel

Tracie Cone, Communications Director

Ricardo Goodridge, Deputy Director, Corrections Planning and Grant Programs

Adam Lwin, Board Secretary

Tanya Hill, Field Representative, Corrections Planning and Grants Program

Katrina Jackson, Field Representative, Corrections Planning and Grants Program

Agenda Item B

MEETING DATE: September 16, 2021

AGENDA ITEM: B

TO: BSCC Chair and Members

FROM: Kathleen Howard, Executive Director kathleen.howard@bscc.ca.gov

SUBJECT: Proposed 2022 Board of State and Community Corrections Meeting Schedule: **Requesting Approval**

Summary

This item requests the adoption of the 2022 Board of State and Community Corrections meeting schedule. This agenda item requests approval for specific dates and times noted below. The format for the meetings – virtual or in person – will be determined closer to the meeting dates.

Recommendation/Action Needed

Pending schedule availability for members, staff makes the following recommendations for 2022.

Thursday	February 10, 2022	10:00 a.m.
Thursday	April 7, 2022	10:00 a.m.
Thursday	June 9, 2022	10:00 a.m.
Thursday	July 14, 2022	10:00 a.m.
Thursday	September 8, 2022	10:00 a.m.
Thursday	November 17, 2022	10:00 a.m.

Agenda Item C

DATE: September 16, 2021 **AGENDA ITEM:** C

TO: BSCC Chair and Members

FROM: Kasey Warmuth, Chief of Research, kasey.warmuth@bscc.ca.gov

SUBJECT: Updated Grant Proposal Evaluation Process: **Requesting Approval**

Summary

This agenda item requests Board approval of the *Grant Proposal Evaluation Process* (September 2021, Attachment C-1), an update to the February 2020 *Grant Proposal Evaluation Process*, that reflects two modifications:

- A shift to a six-point rating scale which provides a zero (0) rating in the event no information related to a rating factor is provided in a grant proposal.
- A process for resolving ties between two or more proposals with identical proposal scores.

Background

One of the responsibilities of the BSCC is to award competitive grant funds to local government entities and nongovernmental, community-based organizations for a wide variety of purposes set forth in federal and state law. The *Grant Proposal Evaluation Process* outlines the process by which grant proposals are evaluated to ensure the awards are based on the strength of the proposal and the excellence of the proposed projects.¹ The goal of the proposal evaluation process is to provide a reliable, valid, and fair system for ranking proposals according to merit. The ultimate objective of the process is to select proposals for funding that most completely satisfy the criteria established by the California Legislature, the federal government, and the BSCC Board.

The latest version of the *Grant Proposal Evaluation Process* (February 2020) was approved by the Board on February 13, 2020. Key modifications made at this time included the multiple-panel rating process, elimination of the discussion of ratings, and technical decisions regarding the management of a missing rater. These modifications were made to address changes over the last few years related to BSCC grant responsibilities that impacted the nature of the evaluation process.

¹ Penal Code section 6024, subdivision (d), requires that the BSCC establish priorities for the use of funds as are available pursuant to federal acts and approve the expenditure of all funds pursuant to such federal acts, while Penal Code section 6027, subdivision (b)(5), requires the Board to develop comprehensive, unified, and orderly procedures to ensure that applications for state and federal grants are processed fairly, efficiently, and in a manner consistent with the mission of the board.

Since February 2020, staff identified two modifications to the process that were necessary. These modifications are outlined below and reflected in the update version of the process document – *Grant Proposal Evaluation Process* (September 2021).

1. *A zero (0) point on the rating scale.*

The shift from the five-point rating scale to a six-point rating scale provides a zero (0) rating in the event no information related to a rating factor is provided in a grant proposal.

2. *A standardized tie-breaking process.*

A standardized written process for breaking ties between proposals with identical proposal scores was needed.

Recommendation/Action Needed

Staff recommends that the Board:

1. Approve the updated *Grant Proposal Evaluation Process* (September 2021) and authorize its posting on the BSCC website.
2. Authorize staff to follow the approved *Grant Proposal Evaluation Process* (September 2021) for all ESCs moving forward, including those currently convened and in the process of grant development.

Attachments

C-1: Grant Proposal Evaluation Process: Technical Report (September 2021)

Provided with track changes to readily identify modifications to the document.



Grant Proposal Evaluation Process

Technical Report

Released: February 2020

Updated: September 2021



Board of State & Community Corrections
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Grant Proposal Evaluation Process

One of the responsibilities of the Board of State and Community Corrections (BSCC) is to award competitive grant funds to local partners for projects designed to reduce justice system involvement through intervention, education, and prevention strategies. This report documents the process by which grant proposals are evaluated to ensure the awards are based on the strength of the proposals and the excellence of the proposed projects. The goal in the development of the proposal evaluation process is to provide a reliable, valid, and fair system for ranking proposals according to merit. The ultimate objective of the process is to select proposals that most completely satisfy the criteria established by the legislature, the federal government, and the BSCC Board.

The BSCC Board approved multi-step grant proposal evaluation process is described below. These steps are grouped within their respective phase of the grant process. The four phases of the grant process are:

- development of the grant requirements,
- development and dissemination of the Request for Proposals (RFP),
- evaluation of proposals, and
- funding recommendations.

Development of the Grant Requirements

1. Analysis of the Funding Legislation to Determine Grant Requirements

The first step is conducted by BSCC staff who analyze the wording of the legislation or federal requirements to identify criteria that must be reflected in the grant program. These criteria may include: a) the grant time table; b) eligibility requirements; c) program content requirements; d) proposal evaluation criteria; e) process and outcome research requirements; f) data gathering mandates (e.g., collection of common outcome data across projects); and g) priority grantee characteristics (e.g., weighting factors that could include size of agency, size of county, jail population, crime statistics, demonstrated need, and collaborative regional proposals).

2. Establishment of an Executive Steering Committee (ESC)

The BSCC Board appoints an ESC charged with reviewing, developing and defining proposal-evaluation criteria and recommending the final form of the RFP for the BSCC's review and approval. The RFP document is used by applicants as a guide to develop their proposals. To ensure a fair and equitable process, the RFP must clearly describe what applicants must do to compete effectively for the grant funds, including the evaluation system that will be used to evaluate the proposals and make funding recommendations.

The ESC is empowered by the BSCC to review all proposals and recommend a list of proposed projects for funding to the BSCC. The makeup of the committee is designed to bring a wide range of perspectives to the selection process, including state adult and juvenile corrections and probation; local adult and juvenile corrections and probation; corrections research; urban and rural counties; the private sector; individuals with lived experience; and the general public. In the past, the size of the committee has generally ranged from five to sixteen members.

3. *Development of the Proposal Requirements*

The ESC meets shortly after the funds have been appropriated to develop the RFP for grant funds. Staff's review of the legislative requirements forms the basis for the discussion. As a result of the topics discussed by the ESC, the following determinations are made:

- The timetable for the dissemination of the RFP and the deadline for return of proposals.
- Eligibility and project requirements.
- Requirements for proposal layout in terms of the maximum number of pages allowed and the display of the budget (i.e., minimum technical requirements).
- Any funding set asides (i.e., specific pots of money earmarked for certain groups) that may be used to encourage geographical or other considerations in the distribution of available funds (e.g., county size by small, medium, or large population; city and county; small scope and large scope projects).
- The formal *Proposal Evaluation System* that will be used to assess each proposals' worth (described in Step 4); and
- Any other issues that need to be discussed and decided before moving ahead with the proposal generation and evaluation process.

4. *Development of the Formal Proposal Evaluation System*

A brief description of the five components of the BSCC's adopted *Proposal Evaluation System* is provided below. The components determined by the ESC include ~~the~~: a) rating factors and their criteria; b) weights assigned to each rating factor, c) preference points, and d) minimum scoring threshold(s).

Components of the Proposal Evaluation System

- I. Rating Factors and their Criteria
- II. Rating Factor Weights
- III. **FiveSix**-Point Rating Scale
- IV. Preference Points
- V. Minimum Scoring Threshold(s)

An ESC's first step in developing the *Proposal Evaluation System* is to identify rating factors and their criteria. The term rating factors refers to the general names provided to label sets of information to be supplied in each proposal (e.g., project need, project description). Each rating factor is comprised of a set of criteria specifying the type of information requested (e.g., describe the proposed program's services and interventions). Combined, these criteria define the rating factor. Staff draft a set of rating factors to serve as a starting point for the ESC's discussion. These rating factors generally include a statement of need; a project description including goals and objectives and an implementation plan; an evaluation or data collection component; and a project budget. However, additional rating factors may be included. The ESC reviews and edits the set of draft rating factors. The final set of rating factors developed by the ESC must be: a) appropriate for assessing the full worth of each proposal; b) mutually exclusive so that a characteristic is only measured once; and c) measurable, in the sense that the ESC members can agree on the definition and objective assessment of each rating factor.

An ESC's second step in developing the *Proposal Evaluation System* is to determine rating factor weights. The weights are used to indicate the relative importance of each rating factor in terms of the percent of the total proposal score. The weights are assigned using a percentage system (e.g., 10 percent, 20 percent, 30 percent) and the weights assigned across all rating factors must sum to 100 percent. For example, the ESC may conclude that one rating factor is twice as important as another rating factor. Therefore, if the ESC assigned a percentage of 10 percent to the first rating factor, 20 percent would be assigned to the second. The use of weights ensures the relative importance of each rating factor is reflected in proposal scores.

The BSCC's standard ~~five~~six-point rating scale is used across all grants and their *Proposal Evaluation Systems* (see *Figure 1 below*). This scale is a component of the Proposal Evaluation System; however, it is not modified or influenced by each ESC. It was developed in conjunction with feedback from prior ESC members regarding the previous 13-point scale and scholarly research regarding the optimal number of response categories to yield better quality data, increase reliability, and the ease of use for raters. The scale is used by the ESC members to evaluate the narrative responses to the rating factors.

An ESC's third step in developing the *Proposal Evaluation System* is to determine whether to define any preference points and how many. For example, the Legislature or the ESC may decide to give preference to applicants based upon the type of jurisdiction, jail population, size of the funding request, amount of matching funds, or crime rate within a jurisdiction. Preference points shall be assigned for objective criteria that doesn't require the expert judgement of the ESC members. That is, applicants

either receive preference point(s) for demonstrating they meet the stated criteria or they do not (yes/no).

An ESC's fourth step to develop the *Proposal Evaluation System* is to decide if proposals should be required to obtain a minimum score, referred to as a minimum score threshold, to be considered for funding. Minimum score thresholds may be defined for individual rating factors (e.g., score a minimum of 50% for the project need rating factor) and/or the total proposal score (e.g., obtain score of at least 60% of the total proposal score possible). Minimum thresholds prevent underperforming or non-competitive proposals from being awarded funds simply because funding remains. They may be beneficial when ESCs believe that the total request for funding from applicants may be less than the total funding available. However, minimum score thresholds may not result in full dispersal of the available funding.

Integration of the Proposal Evaluation System Components

Table 1, Table 2, and Figure 1 combined provide a high-level overview of how the components of the *Proposal Evaluation System* work in conjunction with each other.

Table 1 provides a general example of how the rating factors (column [one](#)), labeled #1 through #5 for example only, and their assigned weights (column three) influence the Maximum Rating Factor (RF) Score (column four); the Maximum RF Scores are combined to calculate the Total Proposal Score; the point at which preference points, if used, are added to proposal scores; and the application of minimum score thresholds, if used.

Table 1. Example Proposal Evaluation System

Rating Factor (RF)	Rating Scale Point Range	Weight (Percent of Total Score)	Maximum RF Score
Rating Factor #1	40 - 5	30%	60
Rating Factor #2	40 - 5	35%	70
Rating Factor #3	40 - 5	10%	20
Rating Factor #4	40 - 5	20%	40
Rating Factor #5	40 - 5	5%	10
Total Proposal Score:		100%	200
Preference Points (optional):			2
Maximum Possible Proposal Score with Preference Points (optional):			202

PLEASE NOTE (optional): To be considered for funding, the following threshold scores must be met: (1) a minimum of 50% of the Weighted RF Score for Rating Factor #2 AND (2) a minimum of 50% of the Total Proposal Score.

Table 2 provides an example of a project need rating factor. The example demonstrates two aspects of rating factors, including:

- A label, Project Need, is provided assigned to the set of five criteria that define it.
- Instructions are provided to the applicants that their narrative response:
 - should address each of the criteria.
 - will be evaluated using a sixfive-point scale (see Figure 1).

Table 2. Example Project Need Rating Factor

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

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 1 – 5.

<p>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 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>
<p>1.1 Description of the need to be addressed.</p> <p>1.2 Identified target population (e.g., gender, age, offense history, criminogenic factors). Selection of the target population included, when appropriate:</p> <ul style="list-style-type: none">• needs of underserved populations (e.g., disparities based on race, ethnicity, gender, sexual orientation, immigration status).• relationship of that population to the purpose of the grant. <p>1.3 Identified service gaps that contribute to the need.</p> <p>1.4 Solicited community input in determining need.</p> <p>1.5 Provided relevant qualitative and/or quantitative data with citations in support of the need.</p>



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

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 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.

- 1.1 Description of the need to be addressed.
- 1.2 Identified target population (e.g., gender, age, offense history, criminogenic factors). Selection of the target population included, when appropriate:
 - needs of underserved populations (e.g., disparities based on race, ethnicity, gender, sexual orientation, immigration status).
 - relationship of that population to the purpose of the grant.
- 1.3 Identified service gaps that contribute to the need.
- 1.4 Solicited community input in determining need.
- 1.5 Provided relevant qualitative and/or quantitative data with citations in support of the need.

Figure 1 provides BSCC’s standard **five**~~six~~-point rating scale that is used across all grants and their *Proposal Evaluation Systems*. Each scale point is labeled: **0 for Not Responsive**, 1 for Poor, 2 for Fair, 3 for Satisfactory, 4 for Good and 5 for Excellent. Additionally, beneath each point value and its label is an anchor which further defines each scale point. The ESC members will use this standard rating scale to evaluate a proposal’s response to each rating factor.

Figure 1. BSCC’s Standard **Five**~~Six~~-Point Rating Scale

Poor 1	Fair 2	Satisfactory 3	Good 4	Excellent 5
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.

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.

Development and Dissemination of the RFP

5. *Development of the Request for Proposals (RFP)*

When the ESC has completed steps three and four, BSCC staff formalize the ESC's decisions, which include the *Proposal Evaluation System*, in a draft RFP to present to the ESC for review and approval. Based upon input from the ESC, staff make the final changes to the RFP.

6. *BSCC Approval of the RFP*

Once the RFP is approved by the ESC, BSCC staff present it to the BSCC Board. The BSCC Board reviews the ESC's recommendations and approves the RFP. Shortly thereafter, the RFP is posted to the BSCC's website for solicitation and actively circulated to stakeholders.

7. *Dissemination of the RFP and Technical Assistance*

After the RFP is posted to the BSCC website and during the proposal-writing period, BSCC staff are available to answer technical questions from prospective applicants and provide clarity on RFP instructions. If there is a need and time allows, a bidder's conference is held in various locations around the state and online to: (a) clarify the BSCC's expectations regarding the proposals; (b) answer any questions that jurisdictions might have about the process; and (c) provide technical support regarding various aspects of the proposal writing process. When staff receive questions that may reflect general concerns, those questions and the official written response are posted on the grant page of the BSCC website.

Applicants are typically given between two and four months to respond to the RFP and complete their proposals. While this might seem like a long period of time, writing a high-quality proposal is difficult and time consuming, particularly if the funding requires collaborative planning and implementation. First, data must be collected regarding community needs and values. Once the needs are identified, collaborative working relationships between local organizations must be established. Partners in a collaborative venture may not have a history of working together and must spend time becoming familiar with each other's programs and priorities. Support for the program must be elicited from a variety of stakeholders (e.g., Board of Supervisors, Sheriffs, Probation, citizen groups, community-based organizations). Complicated planning must be done to put together projects that are multi-year, innovative, feasible, cost-effective, and have a reasonable chance of demonstrating significantly more effective outcomes than current practices.

8. *BSCC Staff Review of Submitted Proposals*

Once BSCC receives the completed proposals, staff assess whether proposals meet minimum technical requirements for competing in the proposal evaluation process. Applicants are informed of any non-compliance with minimum criteria and under certain circumstances may be given the opportunity to respond to non-substantive deficiencies in their proposals. Only proposals that pass this technical review are provided to the ESC for evaluation.

Evaluation of Proposals

9. *ESC Members Complete Rater Training*

At this stage, the role of the ESC members shifts to that of raters. As a rater, their evaluation of the proposals—accomplished by assigning points to each rating factor—will determine the proposals that are recommended to the Board for funding. BSCC staff prepare and facilitate the ESC's Rater Training. Rater Training is conducted to ensure that all ESC members have the same understanding of the RFP's rating factors, rating scale and its anchors, preference points (if applicable), and thresholds (if applicable). The presence of each ESC member at the Rater Training is crucial to developing a shared understanding of the proposal evaluation elements.

The rater training is designed to prepare ESC members for their role as a rater, to help ensure they:

- can provide ratings that are impartial and unbiased.
- can differentiate the quality of the proposals by recognizing their strengths and weaknesses.
- have a shared understanding of the rating factors and their criteria.

Research over the past century has shown where raters can go astray in achieving the goals above and has shown that training can improve the reliability of grant proposal scoring. It is a best practice to provide raters with training that is designed to address and overcome the common ways that ratings can go astray.

10. *ESC Members Read and Independently Evaluate Proposals*

After the rater training, ESC members are provided with their assigned proposals and materials necessary to evaluate them. BSCC's preferred practice is for each ESC member to read and evaluate *each* grant proposal received. However, when BSCC staff determine that the number of proposals received exceeds ESC members' ability to read and evaluate *all* proposals, a multiple-panel process is used. BSCC's multiple-panel process assigns subsets of ESC members to different panels. Each panel reads and evaluates a smaller but representative sample of proposals (referred to as panel-specific proposals). In addition, a small subset of proposals is common across all panels

for the purpose of evaluating possible panel differences (referred to as overlapping proposals). Further, standardized scores are used to overcome any possible panel differences.

The multiple-panel process is necessary to ensure that the hours of service required by ESC members is manageable while still providing for fair and equitable consideration of each proposal. This multiple-panel process has been used successfully for many recent grants and has solved the workload issues such that ESC members can successfully read and evaluate their assigned representative sample of proposals.

Typically, ESC members will have approximately three weeks to read and evaluate their assigned proposals. ESC members submit their evaluation of their assigned proposals to BSCC staff by the specified date.

11. BSCC Review of Raters' Evaluations

Upon receiving the ESC members' evaluations of their assigned proposals, BSCC staff:

1. Compile each ESC members' evaluation (points assigned to each rating factor) into software specifically designed for compiling the evaluations across ESC members and calculating each proposal's total proposal score.
2. Ensure data entry and formulas are accurate, prior to calculating total proposal scores.
3. Assess the interrater reliability and agreement of the ratings.
4. Assess for possible panel differences, if applicable.

A technical issue related to the calculation of proposals' scores is the management of a missing rater. If any raters submit ratings for only a subset of the proposals they were assigned to rate, or if they submit only a portion of the ratings required to fully evaluate entire proposals (e.g., do not submit ratings for one or more rating factors), then they are considered missing raters and *all* of the ratings from those raters are excluded from *all* score calculations. Thus, raters must submit a full set of ratings for all of their assigned proposals in order to have their ratings contribute to the evaluation process.

In the event of missing raters, the number of raters remaining drive decisions regarding the evaluation process.

- If two or more raters remain on the ratings panel-whether it is a single-panel or a multiple-panel process-the ratings of missing raters are excluded from *all* score calculations.
- If one rater remains in a single-panel process, then the ESC needs to be reformed to recruit additional members. Alternatively, a Scoring Committee could be formed.

- If one rater remains in a multiple-panel process, the panel is disbanded. The panel-specific proposals previously assigned to this now disbanded panel are divided among the remaining panels. Depending on when the raters are lost, the remaining rater may or may not have already evaluated the proposals assigned to this disbanded panel. If the remaining rater has evaluated the proposals, the rater is made a member of all panels for the calculation of proposal scores and is not assigned additional proposals to evaluate. If the remaining rater has not evaluated the proposals, the rater is simply assigned to one of the existing panels.

12. *Development of the Rank Order of Proposals and Funding Recommendation*

After confirming the accuracy of the data entry and proposal score calculations, as well as including preference points, if applicable, BSCC staff generates the table(s) that provides the rank order of the proposals (in descending order). 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 (e.g., rating factor #2 in Table 1 above). If an identical score occurs on this rating factor, rating factor scores will be used in order of descending weighted value until the tie is broken (e.g., from Table 2 above, using rating factor #1 and then, if necessary, rating factor #4). If this process does not break the tie and resolution of the tie directly impacts a funding recommendation, the tie will be resolved by a coin toss. This process will be done by the BSCC staff member who develops the rank list. For the coin toss, “heads” will be assigned to the first proposal in ascending alphabetical order by applicant name and “tails” will be assigned to the second proposal in ascending alphabetical order.

If the ESC had originally agreed on set asides, a table of rank order is developed for each set aside. For example, if there were funds set aside for small, medium, and large counties, three tables are developed, one for each set aside category. Each table identifies the total amount of funds available and then for each proposal listed in descending rank order, lists the applicant, amount of funding requested, the amount to be awarded if funded, the remaining amount of funds, and the cumulative amount of funding requested. The rank list(s) is developed as prescribed in the RFP (e.g., by funding categories or set asides, include any minimum thresholds or other special criteria) and is the ESC’s funding recommendation to the Board.

Table 3 provides a sample rank order list of proposals. In the sample provided, \$7 million is available in grant funds. Based on the rank order of proposals and the amount requested by each, funding would be exhausted with the proposal in the 6th ranked position, Applicant C. As such, Applicant C could be recommended to receive partial

funding and the five proposals preceding it could be recommended to receive full funding. Funding would not be available to recommend for proposals in rank order seven (7) through 13 for funding.

DRAFT

Table 3. Sample Rank Order List of Proposals

XYZ Grant Available Funds: \$7,000,000						
Rank	Applicant	Funds Requested	If Funded		Remaining	Cumulative
1	Applicant D	\$1,000,000	\$1,000,000		\$6,000,000	\$1,000,000
2	Applicant A	\$1,000,000	\$1,000,000		\$5,000,000	\$2,000,000
3	Applicant H	\$734,217	\$734,217		\$4,265,783	\$2,734,217
4	Applicant J	\$2,997,953	\$2,997,953		\$1,267,830	\$5,732,170
5	Applicant B	\$1,000,000	\$1,000,000		\$267,830	\$6,732,170
6	Applicant C	\$1,000,000	\$267,830		-\$732,170	\$7,732,170
7	Applicant E	\$1,000,000			-\$1,732,170	\$8,732,170
8	Applicant G	\$1,000,000			-\$2,732,170	\$9,732,170
9	Applicant F	\$999,696			-\$3,731,866	\$10,731,866
10	Applicant L	\$1,000,000			-\$4,731,866	\$11,731,866
11	Applicant M	\$1,000,000			-\$5,731,866	\$12,731,866
12	Applicant I	\$1,000,000			-\$6,731,866	\$13,731,866
13	Applicant K	\$999,780			-\$7,731,646	\$14,731,646

When minimum scoring thresholds are used, the table is modified to reflect the impact these may have on funding recommendations.

Funding Recommendations

13. ESC Review of Funding Recommendation and Feedback to BSCC Staff

Once the rankings are finalized, BSCC staff email the ESC members the table(s) of ranked proposals, the funding recommendation(s) that will be presented to the Board, and a link to an online survey. The survey will be designed to elicit feedback from the ESC members regarding the ESC process, the RFP, and the process for evaluating proposals that can be used to improve or refine future grantmaking efforts.

At the discretion of each ESC, during the rater training session, the members may decide upon an additional method to wrap-up the ESC process. While it is up to the ESC to determine the method, one or both of the following may be beneficial:

- Individual interviews in a video or phone conference format with BSCC staff.
- A full ESC meeting either in-person or by videoconference.

If an additional method is selected to wrap up the ESC process, regardless of the method selected, the purpose will be for the ESC members to: a) review the ranked proposals, the requested funds and available funds, and the final grant award

recommendations to be made to the BSCC Board; b) reflect on the body of work they completed together as an ESC and discuss lessons learned; and c) provide feedback to staff regarding the ESC process, the RFP, and the process for evaluating proposals. These additional meetings may occur either before or after the presentation of the funding recommendations to the Board (see Step 14) and ESC members are not required to attend.

14. Board Approval of Funding Recommendations

At the first BSCC Board meeting following the Development of the Rank Order of Proposals and Funding Recommendation (step 12), staff present the ESC's funding recommendation to the Board. It is the responsibility of the BSCC Board to review the evaluation process for fairness and completeness and to make the final funding decisions.

15. Applicant Feedback

Within a few days of receiving the Board's approval of the funding recommendations, BSCC staff informs the applicants of the results of the competitive process. When requested by an applicant, feedback is provided in the form of a table that displays the applicant's total proposal score, the scores for each rating factor, and their rank relative to those of applicants that were funded.

Summary and Conclusion

Developing a process for determining which applicants will receive funds for important programs is a tremendous responsibility. Applicants competing for grant funds not only have critical needs, but they also invest considerable effort and resources in planning for and constructing their proposals. It is essential that the competition for the grant funds be contested on an even playing field, according to clear, standardized and fair rules. It is essential that the individuals granted the responsibility of making funding recommendations make fully informed assessments based upon relevant criteria within a highly structured process.

We hope that the reader of this document concurs that the *BSCC Grant Proposal Evaluation Process* satisfies the above criteria and helps to ensure that the most meritorious grant proposals receive grant funds. Any feedback regarding *BSCC's Grant Proposal Evaluation Process* is appreciated.

Agenda Item D

MEETING DATE: September 16, 2021 **AGENDA ITEM:** D

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, allison.ganter@bscc.ca.gov

SUBJECT: Enhanced Local Detention Facility Update: **Requesting Approval**

Summary

This report is a regular update on the local detention facility inspections that have been 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.

Staff is requesting that the BSCC Board approve the recommendations included in the status report under the column headed "Staff Recommendation."

Background





The 2020/2022 Biennial Inspection Cycle began on July 1, 2020; this inspection cycle includes the implementation of the Enhanced Inspection Process (EIP), as approved by the Board at the February 2020 board meeting.

At the September 2020 meeting, BSCC staff provided an updated EIP workflow plan to the Board and presented a plan to conduct targeted inspections at those local detention facilities where there were more than two items of noncompliance, and where items of noncompliance were significant. Ten counties were identified for a targeted inspection early in the 2020/2022 Biennial Inspection Cycle; all ten targeted inspections have been completed. The list of outstanding items of compliance, and their status is located here:

<https://app.smartsheet.com/dashboards/7RmF5prh422f4XF9XFpqqRr9MmXfvQxHg354WRM1>

As inspections are completed for the 2020/2022 Biennial Inspection Cycle, BSCC staff continues to track the corrective action plan status of items of noncompliance identified during inspection. The list of outstanding items of noncompliance, and their status, is located here: <https://app.smartsheet.com/b/publish?EQBCT=d4d8ffca0f3e4fc49ef678d760872d85>

The attached report provides updated information about outstanding items of noncompliance, and how agencies are progressing toward compliance. Each item of noncompliance has been issued a color code that indicates where the agency is in their plan, and if there is a substantial threat to physical or mental health. The table below describes the codes:

	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.

All current items of noncompliance are in yellow and gray codes, and staff is not recommending that any sheriffs be requested to appear before the Board at this time. In the case of yellow-coded items of noncompliance in Butte, Lake, Lassen, Mariposa, and Modoc counties, staff continues to note progression toward compliance and believes that the items do not represent a threat to physical or mental health.

Items of noncompliance that have been corrected during the inspection cycle are located here:

<https://app.smartsheet.com/b/publish?EQBCT=bc3554fc43394e4fab3e915e64ee2a9d>

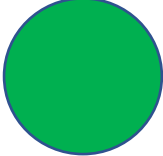

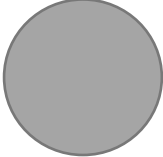
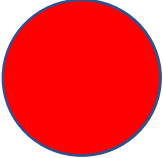
Recommendation/Action Needed

1. Staff is requesting that the BSCC Board approve recommendations outlined in the attachment titled "Outstanding Items of Noncompliance and Status – 20/22 Biennial Inspections."

Agenda Item D
Enhanced Local Detention
Facility Inspections

September 16, 2021

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.

2020/2022 Biennial Inspections of County Jail Systems Completed and Corrective Action Plan Status

Alameda County	Imperial County	Modoc County	San Diego County	Sonoma County
Alpine County	Inyo County	** Mono County	* San Francisco County	Stanislaus County
Amador County	Kern County	Monterey County	San Joaquin County	** Sutter County
Butte County	Kings County	Napa County	San Luis Obispo County	Tehama County
Calaveras County	Lake County	Nevada County	San Mateo County	* Trinity County
Colusa County	Lassen County	* Orange County	Santa Barbara County	Tulare County
Contra Costa County	Los Angeles County	Placer County	Santa Clara County	Tuolumne County
Del Norte County	* Madera County	Plumas County	* Santa Cruz County	Ventura County
El Dorado County	Marin County	* Riverside County	Shasta County	Yolo County
Fresno County	Mariposa County	Sacramento County	Sierra County	Yuba County
Glenn County	Mendocino County	San Benito County	Siskiyou County	
Humboldt County	Merced County	San Bernardino County	Solano County	

* Targeted Inspection
 ** Targeted and Biennial Inspections

Alpine and Sierra Counties do not have Type II Facilities

Agenda Item E

MEETING DATE: September 16, 2021 **AGENDA ITEM:** E

TO: BSCC Chair and Members

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

SUBJECT: Proposition 47 Grant Program, Appointment of Chair and Establishment of 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 third cohort of the Proposition 47 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 ESC membership if needed.

Background

Proposition 47 codified Government Code sections 7599-7599.2 in a 2014 voter-approved initiative (Attachment E-1). Its purpose, as stated in the ballot initiative, is 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.

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 legislative priorities for this grant program, including housing-related assistance and other community-based supportive services, job-skills training, case management and civil legal services. Grants may fund programs that serve both adults and juveniles (Attachment E-2).

Funding for the Proposition 47 Grant Program is calculated and distributed by the Department of Finance. The BSCC, State Department of Education, and California Victim Compensation and Government Claims Board each receive funding for Proposition 47 activities. Of the total available funding, 65 percent is awarded to the BSCC to administer a

grant program. The BSCC anticipates that in FY 2021 approximately \$75,286,000 will be available for competitive awards, of which \$71,521,700 would be available for grants and \$3,764,300 (5 percent) for administrative costs.

Additionally, BSCC will receive an annual deposit of \$75,704,000 that will be included in the final award amount, bringing the FY 2022-23 estimate to approximately \$150,986,000.

Any unspent funds from the first Proposition 47 Cohort (June 16, 2017 – August 15, 2021) will be added to the final total awarded for the third Prop 47 Cohort grant period.

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. In addition, the ESC composition will reflect the relevant stakeholder experience as required by Assembly Bill 1056.¹ 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 Proposition 47 Grant Program:

Activity	Tentative Timeline
BSCC Board Considers Chair Appointment and ESC Establishment	September 16, 2021
ESC Recruitment and Formation	September - October 2021
RFP development	November 2021 - January 2022
Present the RFP for BSCC Board approval	February, 2022
Release the RFP to the Field	February, 2022
Bidders' Conference	March, 2022
Proposals Due to the BSCC	May 2022
Proposal Rating Process and Development of Funding Recommendations	May - July 2022
BSCC Board Considers Funding Recommendations	July 2022
Grants Begin	August 2022

¹ Assembly Bill 1056 requires the Board establish 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. (Gov. Code, § 6046.3, subdivision (b),)

Recommendation/Action Needed

Staff recommends that the Board:

1. Appoint a Chair to the Proposition 47 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. Approve the proposed activities and tentative timeline associated with development of the RFP; and
4. Authorize the ESC to oversee the development of the Proposition 47 Request for Proposals and to make funding recommendations.

Attachments

E-1: Proposition 47

E-2: Assembly Bill 1056