

STATE OF CALIFORNIA
BOARD OF STATE AND COMMUNITY CORRECTIONS



July 15, 2021
Board Meeting
Agenda & Reports



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916-445-5073

KATHLEEN T. HOWARD
Executive Director, BSCC

BOARD MEMBERS

LINDA M. PENNER
Chair, BSCC

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Secretary, CDCR

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Adult Parole Operations, CDCR

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VACANT
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Retired Judge
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Chief of Police
City of Santa Cruz

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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

July 15, 2021 - 10:00 a.m.

TELECONFERENCE & ZOOM PARTICIPATION ONLY

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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.

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

I. Call Meeting to Order

II. Information Items

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

III. Action: Discussion Items

- A. Senate Bill 823/ Senate Bill 92 Implementation: County Notice of Intent to Operate a Secure Track Youth Facility: **Requesting Approval**
- B. California Violence, Intervention and Prevention (CaVIP) Appointment of Chair and Establishment of an Executive Steering Committee: **Requesting Approval**
- C. Adult Reentry Grant Appointment of Chair and Establishment of an Executive Steering Committee: **Requesting Approval**

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

IV. Public Comments

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

V. Adjourn

Next Meeting:

Thursday, September 16, 2021 – BSCC Board Meeting

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Information Item 1



LINDA M. PENNER
Chair

KATHLEEN T. HOWARD
Executive Director

STATE OF CALIFORNIA

BOARD OF STATE AND COMMUNITY CORRECTIONS

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GAVIN NEWSOM
Governor

Notice to Board of Fiscal Year 2021 California Edward Byrne Memorial Justice Assistance Grant (JAG) Application – Continuation of 2019-2022 Plan

Summary

This information item provides notice that the BSCC is applying for the 2021 federal Edward Byrne Memorial Justice Assistance Grant Solicitation.

Background

The Edward Byrne Memorial Justice Assistance Grant (JAG) is federally administered by the Bureau of Justice Assistance (BJA). Historically, the JAG Program provides federal funding to help address criminal justice needs. The BSCC is in year two of a three-year JAG state strategy that covers October 1, 2019 to September 1, 2022.

On January 26, 2018, the BSCC convened an Executive Steering Committee (ESC) comprised of subject-matter experts to consider updating the state strategy and Request for Proposals (RFP). During the meeting, the ESC heard presentations from JAG grantees and reviewed the results from the JAG 2013 Survey. At the time, the ESC determined that not enough time had passed to warrant a new assessment of the state strategy and that the strategy was still responsive to California's needs.

On November 8, 2018, the Board agreed to adopt the JAG 2013 Survey responses as part of the JAG RFP and the state strategy for the period covering October 1, 2019 - September 1, 2022. A synopsis of the three-year strategy is provided below:

California Three-year Strategy for the Byrne JAG Program

- (1) The strategy will honor responses from the California stakeholders in the survey with priority given to the survey supported areas of:
 - a) Prevention and Education
 - b) Law Enforcement
 - c) Prosecution, Courts and Defense
- (2) The needs of small, medium, and large counties will be considered.
- (3) Funding will be based on local flexibility and on the needs of the juvenile and adult justice communities and on input from a balanced array of stakeholders.
- (4) Applicants must demonstrate a collaborative strategy based on the Community Engagement Model that involves multiple stakeholders in the project or problem addressed.

(5) Some emphasis in the strategy will be given to the development of innovative and/or promising strategies to reduce recidivism.

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.

Attachments

Attachment 1: 2021 California Edward Byrne Memorial Justice Assistance

Attachment 1

California Edward Byrne Memorial Justice Assistance Grant (JAG) Program
Federal Fiscal Year 2021 Application
Program Narrative

A. Description of the Issue

The 2021 California Edward Byrne Memorial Justice Assistance Grant program will focus on violence reduction and recidivism. The Board of State and Community Corrections (BSCC) is in year two of the California three-year state strategy. The BSCC Board approved a three-year JAG cycle covering October 1, 2019 - September 1, 2022. The Board considered modifications to the state strategy in 2018 and determined the existing strategy was reflective of the state’s current needs.

History

In March 2013, the BSCC collaborated with the National Criminal Justice Association (NCJA) to develop a stakeholder engagement strategy. As part of this approach, input was sought from traditional and non-traditional partners to better understand:

- Past investments;
- Priority project types and initiatives within the seven JAG purpose areas; and,
- Priority purpose areas for funding.

These discussions led to the development of a 14-question JAG Survey. The survey was designed so that responses could be sorted by function within the criminal justice system. Analysis focused on finding consensus around the JAG purpose areas in greatest need of limited funds and determining which projects in each purpose area were viewed as most critical to California’s state and local criminal justice systems. Almost 900 respondents provided feedback. Responses were aggregated and analyzed by NCJA to show areas of consensus. Survey results identified three Program Purpose Areas (PPA) and the top areas of need within each purpose area as shown below:

JAG 2013 Survey Results	
Top Three (3) JAG Program Purpose Areas (PPA)	Top Areas of Need within Each PPA
Prevention and Education	<ul style="list-style-type: none"> • Gang Initiatives • Juvenile Delinquency • Substance Abuse • School Violence
Law Enforcement	<ul style="list-style-type: none"> • Gang Violence • Violent Crime Reduction Drug Enforcement • Gun Violence Reduction
Prosecution, Courts and Defense	<ul style="list-style-type: none"> • Problem' Solving Courts • Gun/Gang Prosecution Violent Crime Prosecution and Defense • Court-Based Restorative • Justice Initiatives • Innovations in Indigent

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BSCC and NCJA staff have been collaborating on a 2021 JAG Survey. The discussions have covered the relevance of prior survey questions, content updates, timelines, technical assistance, and rollout of the survey to the field. NCJA will be a key partner as the updated JAG Survey is released in late 2021.

California State Strategy/FY 2021 Funding Priorities

On January 26, 2018, the BSCC convened an Executive Steering Committee (ESC) comprised of subject matter experts to develop the state strategy and Request for Proposals (RFP). During the meeting, the ESC heard presentations from JAG grantees and reviewed the results of the JAG 2013 Survey. The ESC determined that not enough time had passed to warrant a new assessment of the state strategy and that the strategy was still responsive to California's needs. The ESC recommended maintaining the current PPAs and RFP principles, including an award to the California Department of Justice (less than \$10,000 requirement).

On November 8, 2018, the Board agreed to adopt the JAG 2013 Survey responses as part of the JAG RFP and the state strategy for the period covering October 1, 2019 - September 1, 2022. A synopsis of the three-year strategy is provided below:

California Three-year Strategy for the Byrne JAG Program

- (1) The strategy will honor responses from the California stakeholders in the survey with priority given to the survey supported areas of:
 - a) Prevention and Education
 - b) Law Enforcement
 - c) Prosecution, Courts and Defense
- (2) The needs of small, medium, and large counties will be taken into account.
- (3) Funding will be based on local flexibility and on the needs of the juvenile and adult criminal justice communities and on input from a balanced array of stakeholders.
- (4) Applicants must demonstrate a collaborative strategy based on the Community Engagement Model that involves multiple stakeholders in the project or problem addressed.
- (5) Some emphasis in the strategy will be given to the development of innovative and/or promising strategies to reduce recidivism.

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A competitive JAG RFP was released in December 2018. All applicants were required to submit proposals in alignment with the JAG PPAs and the state strategy. On September 12, 2019, the Board approved funding for 27 counties for approximately \$16.2 million for a period covering October 1, 2019 - September 30, 2022.

On September 12, 2019, the Board was briefed on the process for completing the next five-year state strategy. The multi-step process includes BSCC staff drafting a revised survey, NCJA consultation on the survey design, survey release (summer 2021), feedback from respondents, and incorporating feedback (e.g., Program Purpose Areas) into the next competitive RFP.

Subgrantee Award Process and Timelines

To ensure successful program design and implementation, the BSCC uses Executive Steering Committees (ESCs) to make decisions related to the BSCC's programs. ESCs are composed of subject matter experts and stakeholders representing both the public and private sectors. The BSCC includes diverse representation on its ESCs in breadth of experience, geography, and demographics. ESCs are convened and approved by the BSCC Board as the need arises, to carry out specified tasks, including state strategies and the development of RFPs for grant funds. ESCs submit grant award recommendations to the BSCC Board, and the Board then approves, rejects, or revises those recommendations.

The BSCC convened an 11-member ESC to develop the JAG RFP that was released in December 2018. That ESC included a cross-section of subject matter experts as shown below:

JAG ESC Membership		
1	Linda Penner, Chair	ESC Chairperson, Chairperson, Board of State and Community Corrections
2	Mark Delgado	Executive Director, Los Angeles County's Countywide Criminal Justice Coordination Committee, Los Angeles County
3	David Fernandez	Senior Special Agent, California Department of Corrections and Rehabilitation
4	Robin Lipetzky	Public Defender, Contra Costa County
5	Lyle Martin	Police Chief, Bakersfield Police Department, Kern County
6	Steve Meinrath	Attorney, Sacramento County
7	Jonathan Raven	Chief Deputy District Attorney, Yolo County
8	Darren Thompson	Sheriff-Coroner, San Benito County

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9	Erik Upson	Police Chief, Benicia Police Department, Solano County
10	Erica Webster	Juvenile Justice Advocate, Sacramento County
11	Charles Wilhite	Ph. D., Director, Criminal Justice, Azusa Pacific University, San Diego

The ESC convened over several months to discuss and develop RFP criteria, read and rate proposals, and to make funding recommendations. Thirty-two proposals were considered for funding. Eligible applicants were restricted to California’s 58 counties and the RFP allowed two or more counties to partner in a submission. As part of the ESC process, all members were trained on how to objectively read and rate proposals in an equitable manner. The highest rated proposals were recommended for funding. In all, 27 proposals were deemed the most meritorious through the ESC review process. The Board accepted the ESC funding recommendations in September 2019.

The BSCC will follow a similar process to allocate JAG funding. A diverse subject matter ESC will convene on or around November 2021 to develop an RFP based on the BSCC Board’s guidance and reflective of the feedback provided in the 2021 JAG Survey. Similarly, that ESC will be tasked with the development of the RFP, reading and rating proposals, and making funding recommendations to the BSCC Board in summer 2022.

Program Descriptions

The BSCC limits the use of JAG grant funds to programs designed within the PPAs. The current PPAs are Prevention and Education; Law Enforcement; and Prosecution, Courts, and Defense. The results of the 2021 JAG Survey will aid the BSCC as it considers keeping, reducing, and/or expanding the number of PPAs.

The BSCC does not require grantees to operate specific programs but does require grantees to use principles of evidence-based practices in the selection of local projects. The state strategy also allows subrecipients to select promising and innovative projects/programs for implementation based on the needs of the community. A list of subrecipients and program descriptions of programs funded for the period covering October 1, 2019 - September 30, 2022 are provided as attachment with this application. The less-than-\$10,000 allocation is awarded non-competitively to the California Department of Justice (CA DOJ), a state-level law enforcement agency, to support regional task force commanders.

B. Project Design and Implementation

State Level Engagement and Participation

Since 2012 the BSCC has embraced the leadership, direction and philosophy of both the Bureau of Justice Assistance (BJA) and the National Criminal Justice Association (NCJA) concerning technical assistance, strategic planning, evidence-based principles, and data driven strategies for the JAG program. California has adopted the principles of the JAG program first announced in the 2013 JAG solicitation, when BJA placed an emphasis on the state strategic plan, planning, and the process of using a community-engagement model to guide local JAG projects now and in the future.

As noted previously, the BSCC used an ESC process to help inform the JAG state strategy and to develop an RFP. ESCs are appointed by the BSCC, as the need arises, to carry out specified tasks and to submit findings and recommendations to the BSCC. The Board then approves, rejects, or revises those recommendations.

The current Board membership is provided below:

Board Membership		
1	Linda Penner	Chair, Board of State and Community Corrections
2	Kathleen Allison	Secretary of CDCR
3	Guillermo Viera Rosa	Director of Adult Parole Operation
4	Dean Growdon	Sheriff of Lassen County
5	William Gore	Sheriff of San Diego County
6	Vacant	A chief probation officer from a county with a population over 200,000, appointed by the Governor, subject to Senate confirmation
7	Janet Gaard	Retired Judge, Yolo County
8	Kelly M. Vernon,	Chief Probation Officer of Kings County
9	Andrew Mills	Chief of Police of Santa Cruz
10	Scott Budnick	Founder of Anti-Recidivism Coalition
11	David Steinhart	Director of Juvenile Justice Program Commonweal
12	Norma Cumpian	Women's and Non-Binary Services Manager, Anti-Recidivism Coalition
13	Vacant	A county supervisor or county administrative officer. This member shall be appointed by the Governor, subject to Senate confirmation

Each Board approved ESC is led by a Chair. The role of the Chair is to ensure that the Committee completes its assigned task within scope and on time. The Chair leads the

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meetings and facilitates the group discussion. Working with BSCC staff, the Chair names the appropriate members to the committee, develops the meeting agendas, and represents the committee to the Board.

The role of the ESC member is to attend and actively participate in ESC meetings. Working collaboratively, ESC members develop recommendations and/or work product in accordance with the stated purpose of the ESC.

Community Engagement and Participation

JAG subrecipients are required to form a local JAG Steering Committee comprised of stakeholders representing diverse disciplines who have experience and expertise in the proposed local interventions. The JAG Steering Committee is tasked with developing and maintaining a local three-year strategy in one-year increments. At a minimum, the local three-year strategy is used to plan, prioritize activities, identify challenges, and foster collaborative relationships. This process has led to increased engagement from traditional and non-traditional stakeholders.

The local JAG Steering Committee shall represent a significant cross-section of juvenile and/or criminal justice stakeholders, depending on the intervention chosen, within the grantee's county. The committee's composition should include a diverse representation of traditional and non-traditional stakeholders. Examples of non-traditional stakeholders could include community-based and faith-based organizations, educators, and social service providers, family member of a criminal justice involved person, job developers, advocacy groups, or citizens. Examples of traditional stakeholders could include law enforcement, prosecution, probation, courts, and other city and county departments. Each county shall determine the total number of members to serve on the local JAG Steering Committee and ensure the same voting rights are extended to all members.

Stakeholders identified for membership on the local JAG Steering Committee shall possess a working knowledge of the problem areas being discussed within the identified JAG priorities (Prevention and Education; Law Enforcement; and Prosecution, Courts, Defense and Indigent Defense). The local JAG Steering Committee will be used to:

- Identify priorities and the community needs. At a minimum, this should include community outreach.
- Determine the intervention (PPA) type needed to address the local need.
- Develop the local strategies to address the local community need.
- Identify the projects and/or services to be provided to address the community need.
- Develop written operational policies/procedures for the Local JAG Steering Committee to include but not be limited to meeting frequency of not less than once a year, maintenance of agendas and meeting minutes. The written policy/procedure should also include strategies for inclusion of the local community members at the meetings. Applicants may add any other information that they would like.
- Provide ongoing oversight of the project.

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Addressing Gaps

JAG subrecipients are encouraged to proactively address gaps in consultation with the BSCC. Typically, subrecipients self-identify challenges and develop solutions that meet their needs. Prior subrecipients have identified supportive services, substance-abuse treatment, trauma-informed care, youth and adult reentry services, restorative justice, specialty courts, youth and adult programs, and family counseling services as necessary resources to implement effective programming. Whenever possible, BSCC staff offer technical assistance to help subrecipients address these gaps.

Coordination of State and Related Justice Funds

Although supplanting is prohibited, the BSCC encourages leveraging federal, state, local, and private funds. In instances where leveraging occurs within a program, BSCC tracks and reports all federal funds separately to ensure funds are not comingled.

C. Capabilities and Competencies

Additional Strategic Planning/Coordination Efforts

The BSCC was established in 2012 to serve as an independent body providing leadership and technical assistance to the adult and juvenile criminal justice systems. The BSCC is comprised of four divisions. Corrections Planning and Grant Programs (CPGP), Facilities Standards and Operations (FSO), Standards and Training for Corrections (STC), and County Facilities Construction.

FSO collaborates with local law enforcement agencies to maintain and enhance the safety and security of local adult and juvenile detention facilities. Key responsibilities include:

- Establishing minimum standards for local adult and juvenile detention facilities (California Code of Regulations, Titles 15 and 24)
- Conducting biennial inspections of local adult and juvenile detention facilities
- Conducting compliance monitoring pursuant to the federal Juvenile Justice and Delinquency Prevention Act (JJDP)
- Providing technical assistance and training to local detention facilities
- Collecting data relative to operations and demographics from local detention facilities

STC works in collaboration with local corrections systems to improve the professional competence of local corrections staff in California. Key responsibilities include:

- Establishing minimum selection and training standards
- Administering the Corrections Training Fund
- Monitoring for compliance with standards
- Developing core training curricula for entry-level staff
- Administering a training course certification process

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- Providing program support and technical assistance to local corrections systems
- Providing training in selected curriculum

CFC works in collaboration with state and local government agencies in administering financing for local adult jail/criminal justice facility and juvenile detention facility construction projects, for the purpose of enhancing public safety and conditions of confinement.

CPGP administers federal and state grant programs for local partners that are designed to reduce recidivism through intervention, education, and prevention strategies. Key responsibilities include:

- Ensure the fair, prudent and efficient distribution of state and federal grant funds
- Prevent and reduce crime by encouraging use of evidence-based practices
- Engage in collaborative planning, ongoing research and information-sharing
- Provide grant related training and other technical assistance

In addition to the JAG program, CPGP also administers the federal Title II Formula Block Grant and the Residential Substance Abuse Treatment Program.

Monitoring and Technical Assistance

BSCC staff conduct periodic monitoring of each project to assess whether the project is in compliance with grant requirements and making progress toward grant objectives. As needed, monitoring visits may also occur to provide technical assistance on fiscal, programmatic, evaluative, and administrative requirements. The underlying goal is to provide early intervention and resolution of any challenges that may arise during the term of the grant. In that spirit, the BSCC also hosts a mandatory Grantee Orientation.

Prior to delivering services, JAG subrecipients are required to attend a one-day grantee orientation led by BSCC staff. The purpose of this mandatory session is to review the program requirements, invoicing and budget modification processes, data collection and reporting requirements, as well as other grant management and monitoring activities. The orientation also provides grantees an opportunity to ask questions and receive feedback in real time. Typically, the Project Director, Financial Officer, Day-to-Day Contact, individual tasked with Data Collection and Evaluation and a minimum of one Community Partner are required to attend.

To help subrecipients comply with the terms and conditions of their JAG funded projects, the BSCC has also made its Grant Administration Guide available on its website at: https://www.bscc.ca.gov/s_correctionsplanningandprograms/. The Guide provides information on a variety of administrative, program, and fiscal topics.

Evidence-Informed Programs

The BSCC is committed to supporting a focus on better outcomes in the criminal justice system and for those involved in it. Subrecipients were encouraged to focus on the following principles when designing their projects:

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- Is there evidence or data to suggest that the intervention or strategy is likely to work, (i.e., produce a desired benefit)? For example, was the intervention or strategy you selected used by another jurisdiction with documented positive results? Is there published research on the intervention you are choosing to implement showing its effectiveness? Is the intervention or strategy being used by another jurisdiction with a similar problem and similar target population?
- Once an intervention or strategy is selected, will you be able to demonstrate that it is being carried out as intended? For example, does this intervention or strategy provide for a way to monitor quality control or continuous quality improvement? If this intervention or strategy was implemented in another jurisdiction, are there procedures in place to ensure that that you are following the model closely (so that you are more likely to achieve the desired outcomes)?
- Is there a plan to collect evidence or data that will allow for an evaluation of whether the intervention or strategy worked? For example, will the intervention or strategy you selected allow for the collection of data or other evidence so that outcomes can be measured at the conclusion of the project? Do you have processes in place to identify, collect and analyze that data/evidence?

The state strategy notes that “some emphasis shall be given to innovative and/or promising strategies to reduce crime and recidivism.” Subrecipients were encouraged to identify innovative or promising strategies in their applications for JAG funds. The BSCC defined innovative and promising as:

- “Innovative” for purposes of the JAG RFP is broadly construed to include programs or strategies that are “new” in the county or area where applied or represent expanded or reconfigured programs targeting additional populations or needs in the applicant county. Innovative programs or strategies described in the proposal must be linked to one or more components of an evidence-based practice.
- “Promising” for purposes of the JAG RFP is broadly construed to include crime-reduction and recidivism-reduction programs or strategies that have been implemented elsewhere with evidence of success, but with evidence that is not yet strong enough to conclude that the success was due to the program, or that it is highly likely to work if carried out in the applicant’s circumstances. The difference between evidence-based and promising approaches is a difference in degree that depends on the number of situations in which a program or strategy has been tested and the rigor of the evaluation methods that were used.
- Applicants seeking to implement “promising” programs or strategies should be able to describe the documentation, data and evidence available to support the approach and why it is best suited to the needs and objectives described in the proposal.

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- Evidence, which may vary in terms of its novelty or its strength, is relevant to the assessment of a program's potential benefits, whether described as innovative, promising, or evidence based.

All JAG proposals submitted through the most recent competitive process were required to address the following:

- (1) The applicant must show, in the grant proposal, that the proposed intervention(s) whether evidence-based, innovative, or promising) are likely to achieve benefits desired in the local setting. To do this, the applicant must:
 - a. describe the intervention(s) being proposed for implementation;
 - b. discuss any evidence (e.g., research, outcome evaluations, etc.) that
 - c. indicates the intervention, or its components have been effective elsewhere;
 - d. describe the population(s) for which each intervention has been shown to be or is likely to be effective and show that it is appropriate for the proposed target population; and,
 - e. discuss what has been done to ensure that the support factors (e.g., inter-agency partnerships, certified trainers, auxiliary services, suitable criteria for participation, program materials, etc.) required or necessary for the intervention can be mobilized in the local setting.

Documentation of effectiveness can take the form of research or literature review, or reference to reviews of program effectiveness conducted by policy shops, some of which are listed in the subheading below titled, "EBP Informational Resources." Descriptions of local needs and agency capacities, in light of the factors that supported an intervention elsewhere, can be applied to an assessment of relevance.

- (2) Applicants must also describe how they will track operations to assess whether an intervention is being carried out as intended. This task is often referred to as a process evaluation; formative evaluation is a related term also found in the literature.
- (3) Finally, applicants must address their plans for outcome evaluation (e.g., how they will assess what happened as a result of the intervention and whether it produced its intended benefits).

D. Plan for Collecting the Data Required for this Solicitation's Performance Measures

Data Collection Plan

The BSCC emphasizes compliance with the data collection requirements of the JAG grant program by including the BJA Performance Measurement Tool (PMT) quarterly accountability metrics report and semi-annual progress reporting requirements as special conditions for subrecipients; and by monitoring subrecipient reporting compliance. Subrecipients are required to submit the PMT accountability measures that pertain to their JAG funded activities to the BSCC at the end of each quarter.

Subrecipients are required to set aside at least five percent (or \$25,000, whichever is greater) of their total grant award for data collection and evaluation efforts, which includes the development of the Local Evaluation Plan and Final Local Evaluation Report. Subrecipients are strongly encouraged to use outside evaluators to ensure objective and impartial evaluations, especially state universities or community colleges.

Local Evaluation Plans

The purpose of the Local Evaluation Plan is to ensure that projects funded by the BSCC can be evaluated. Subrecipients include a detailed description of how they will assess the effectiveness of the proposed program in relationship to each of its goals and objectives. This relationship should be apparent in the LEP. The Plan describes the evaluation design or model used to evaluate the effectiveness of the project component(s), with the project goals and the project objectives clearly stated. Subrecipients must also address process and outcome evaluations within the plan.

**Allocation Determination and State Requirements Regarding Use of JAG Funds
and Units of Local Government**

Less Than \$10,000 Allocations

The California Department of Justice received the less than \$10,000 allocation in compliance with the JAG solicitation.

Death in Custody Reporting Act (DCRA)

In 2021 the Death in Custody Reporting Act (DCRA) will be accomplished through a collaboration between the California Department of Justice (Cal-DOJ) and the Board of State and Community Corrections (BSCC). Both agencies will work together to ensure all reporting is uploaded into PMT on a quarterly basis.

National Incident-Based Reporting System

In 2021 California was not certified by the FBI as compliant with the federal National Incident-Based Reporting System (NIBRS). As such, the BSCC will set aside three percent of its award to further NIBRS compliance. The California Department of Justice (Cal-DOJ) currently acts as the Statistical Analysis Center for California. The 3 percent set aside will be used by Cal-DOJ to further NIBRS compliance. Cal-DOJ, in conjunction with the National Crime Statistics Exchange effort, is in the process of planning its transition to the California Incident Based Reporting System (CIBRS) repository which will house California's FBI mandated National Incident-Based Reporting System (NIBRS) data collection and the mandated California specific data elements. Cal-DOJ is in process of assessing the next steps for the implementation of the NIBRS program in California

Additional Application Components
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Research and Evaluation Independence and Integrity

The Board of State and Community Corrections intends to pass-through the Justice Administration Grant (JAG) funds through a competitive process to eligible jurisdictions. The BSCC will ensure that the subrecipients of JAG funds maintain research/evaluation independence; including appropriate safeguards to ensure research/evaluation objectivity and integrity, and review of potential conflicts of interest.

State Strategic Plan or Annual Report

The State Strategic Plan is discussed in the Proposal Narrative Section.

Disclosure of Duplication in Cost Items

The Board of State and Community Corrections does not have any pending applications for federally funded grants or cooperative agreements that include requests for funding to support the same project being proposed in the application under this solicitation and would cover any identical cost items outlined in the budget submitted to OJP as part of the application under this solicitation.

Applicant Disclosure and Justification – DOJ High Risk Grantees

The Board of State and Community Corrections is not currently designated high risk by another federal grant making agency.

30-Day Board Review

The Board of State and Community Corrections made its Federal Fiscal Year 2021 JAG application available to Board members for review and comment on July 15, 2021.

30-Day Public Posting and Public Comment

The Board of State and Community Corrections made its Federal Fiscal Year 2021 JAG application available to citizens for comment on July 15, 2021. The application will be posted for 30 days on the BSCC website at www.bscc.ca.gov.

Agenda Item A

MEETING DATE: July 15, 2021 **AGENDA ITEM:** A

TO: BSCC Chair and Members

FROM: Aaron Maguire, General Counsel, aaron.maguire@bscc.ca.gov
Allison Ganter, Deputy Director, allison.ganter@bscc.ca.gov

SUBJECT: Senate Bill 823/ Senate Bill 92 Implementation: County Notice of Intent to Operate a Secure Track Youth Facility: **Requesting Approval**

Summary

Senate Bill 92 (Chapter 18, Statutes of 2021) requires counties proposing to establish a secure youth treatment facility (SYTF) to notify the Board of State and Community Corrections (BSCC) of the operation of the facility in a format designated by the Board.

BSCC staff request that the Board approve the attached form for counties to submit notice of intent to establish a SYTF.

Background

Enactment of Senate Bills 823 (Chapter 337, Statutes of 2020) and Senate Bill 92 provide for the transition of youth housed at the state Division of Juvenile Justice to county supervision. Senate Bill 92 specifically allows for the establishment of SYTFs for the confinement of youth specified in Welfare and Institutions Code section 875. Welfare and Institutions Code section 875, subdivision (g)(4), requires counties intending to establish a SYTF to submit notice to the BSCC in a format designated by the Board.

Beginning July 1, 2022, the BSCC will conduct inspections of each SYTF. By July 1, 2023, the BSCC will review and establish standards for SYTF; until then, the BSCC will review SYTF operations using standards in existing regulations. BSCC staff will provide status updates to the Board as these activities progress.

Attachment A is the proposed form that counties will use to submit notice of establishment of a SYTF to BSCC staff; counties will have the option to submit alternate documentation, such as an operational program statement, if such is available.

Upon receipt, BSCC staff will add the SYTF to its list of facilities for inspection, assigning designated SYTF facilities a new BSCC number and establishing the facility's rated capacity. BSCC staff will provide information to the Board at regularly scheduled meetings as well as on the BSCC website regarding counties establishing SYTFs.

Recommendation/Action Needed

- Approve proposed Notice of Proposed Operation and Description of Secure Youth Treatment Facility form

Attachments

Attachment A-1: Secure Youth Treatment Facility Form

Attachment A-1

County Notice of Proposed Operation and Description of Secure Youth Treatment Facility

Submit this form to your assigned BSCC Field Representative

Welfare and Institutions Code (WIC) section 875, subdivision (g)(4) provides:

A county proposing to establish a secure youth treatment facility for wards described in subdivision (a)ⁱ shall notify the Board of State and Community Corrections of the operation of the facility and shall submit a description of the facility to the board in a format designated by the board.

Submission of this form serves as notice to the BSCC of the proposed operation and description of a Secure Youth Treatment Facility (SYTF).

Date:	
County:	
Facility Name:	
Facility Address:	
Intended Date of Operation:	
Contact Person:	
Contact Person E-Mail:	

REQUIRED INFORMATION:

Fill in information on form or attach a separate document. If an operational program statement or other document addresses the required information, that document may be submitted as notice of proposed operation.

Identify each facility that will operate as a SYTF.

Operating Agency (e.g., Probation Dept.)	Facility Name & Address	Facility Type (Juvenile Hall/Camp)	# of SYTF Beds

If existing beds will be converted to SYTF beds, please indicate by checking the box:

Describe the juvenile population to be served by each SYTF facility in the county by factors including offense, age, gender and any special programming, such as sex offender or mental health treatment to which the facility may be dedicated.	
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TO THE EXTENT KNOWN, PLEASE PROVIDE THE FOLLOWING INFORMATION:

<p>Describe the proposed or actual population capacity of the SYTF (ADP and maximum as applicable).</p> <p>If the county proposes or plans to accept commitments of SYTF youth from another county or counties, describe the capacity of the SYTF that will be dedicated or available to out-of-county commitments.</p>	
<p>If the SYTF is a unit of a facility that also houses detained or committed youth other than Section 875 committed wards, indicate which unit or part of the facility will be utilized as a SYTF.</p> <p>Indicate whether you intend to separate SYTF from non-SYTF youth in the facility, and if they will be separated, describe how they will be separately housed and programmed.</p>	
<p>Describe how the SYTF will be secure as required by WIC § 875 including any proposed modifications to achieve security.</p>	
<p>Describe how the programming, treatment, and education offered and provided is appropriate to meet the treatment and security needs of the youth serving baseline and modified baseline terms under WIC § 875.</p>	
<p>Describe the staffing proposed for the SYTF, including staffing ratios.</p>	
<p>If the county will use or proposes to establish or utilize a less restrictive program to which SYTF-committed youth may be transferred by the juvenile court, describe the less restrictive program including whether it is operated by a community service provider.</p>	

ⁱ Welfare and Institutions Code section 875, subdivision (a), provides:

- (a) In addition to the types of treatment specified in Sections 727 and 730, commencing July 1, 2021, the court may order that a ward who is 14 years of age or older, be committed to a secure youth treatment facility for a period of confinement described in subdivision (b) if the ward meets the following criteria:
- (1) The juvenile is adjudicated and found to be a ward of the court based on an offense listed in subdivision (b) of Section 707.
 - (2) The adjudication described in paragraph (1) is the most recent offense for which the juvenile has been adjudicated.
 - (3) The court has made a finding on the record that a less restrictive, alternative disposition for the ward is unsuitable. In determining this, the court shall consider all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case. The court shall additionally make its determination based on all of the following criteria:
 - (A) The severity of the offense or offenses for which the ward has been most recently adjudicated, including the ward's role in the offense, the ward's behavior, and harm done to victims.
 - (B) The ward's previous delinquent history, including the adequacy and success of previous attempts by the juvenile court to rehabilitate the ward.
 - (C) Whether the programming, treatment, and education offered and provided in a secure youth treatment facility is appropriate to meet the treatment and security needs of the ward.
 - (D) Whether the goals of rehabilitation and community safety can be met by assigning the ward to an alternative, less restrictive disposition that is available to the court.
 - (E) The ward's age, developmental maturity, mental and emotional health, sexual orientation, gender identity and expression, and any disabilities or special needs affecting the safety or suitability of committing the ward to a term of confinement in a secure youth treatment facility.

Agenda Item B

MEETING DATE: July 15, 2021

AGENDA ITEM: B

TO: BSCC Chair and Members

FROM: Katrina Jackson, Field Representative, katrina.jackson@bscc.ca.gov

SUBJECT: California Violence Intervention and Prevention 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 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 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

Formerly known as the California Gang Reduction, Intervention and Prevention Grant (CalGRIP)¹, the State Legislature established the California Violence Intervention and Prevention (CalVIP) Grant Program in Fiscal Year (FY) 2017-18. CalVIP encouraged jurisdictions to develop local approaches that best meet the diverse needs of each community. In 2019, the CalVIP Grant Program was codified as the Break the Cycle of Violence Act (Chapter 735, Statutes of 2019) and established the authority and duties of the BSCC in administering the program, including the selection criteria for grants and reporting requirements to the Legislature.

Historically, the CalVIP Grant Program has received approximately \$9 million each year. This year, the state budget provided a \$200 million one-time augmentation across the next three fiscal years to enhance the CalVIP Grant Program. In addition to this one-time increase, the BSCC anticipates CalVIP will continue to receive its annual \$9,000,000 allocation,² which will be used to fulfill the BSCC's ongoing obligations for existing grantees.

A display of the one-time and ongoing allocations is provided below:

¹ CalGRIP was first funded in the FY 2007-08 budget.

² Provided funding is appropriated in the FY 2021-22, 2022-23, and 2023-24 State Budget Acts

Fiscal Year (FY)	One-time Appropriation	Ongoing Appropriation	Total
FY 2021-22	\$67,000,000	\$9,000,000	\$76,000,000
FY 2022-23	\$67,000,000	\$9,000,000	\$76,000,000
FY 2023-24	\$66,000,000	\$9,000,000	\$75,000,000
Total	\$200,000,000	\$27,000,000	\$227,000,000

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 composition of the ESC will reflect the relevant stakeholder experience as prescribed by the Break the Cycle of Violence Act. 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 CalVIP Program:

Activity	Tentative Timeline
BSCC Board Considers Chair Appointment and ESC Establishment	July 15, 2021
ESC Recruitment and Formation	July - August, 2021
RFP development	September - November 2021
Present the RFP for BSCC Board approval	November 18, 2021
Release the RFP to the Field	November 2021
Bidders' Conference	December 2021
Proposals Due to the BSCC	February 2022
Proposal Rating Process and Development of Funding Recommendations	March - May 2022
BSCC Board Considers Funding Recommendations	June 2022
Grants Begin	July 2022

Recommendation/Action Needed

Staff recommends that the Board:

1. Appoint a Chair to the California Violence Intervention and Prevention (CalVIP) Grant Program Executive Steering Committee (ESC);
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 CalVIP Request for Proposals and to make funding recommendations.

Agenda Item C

MEETING DATE: July 15, 2021 **AGENDA ITEM:** C

TO: BSCC Chair and Members

FROM: Tanya Hill, Field Representative, tanya.hill@bscc.ca.gov

SUBJECT: Adult Reentry 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 Adult Reentry 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

The Adult Reentry Grant (ARG) provides funding for community-based organizations to deliver reentry services for people formerly incarcerated in state prison. The ARG Program was established in the 2018 Budget Act (Senate Bill 840, Chapter 29, Statutes of 2018) and received additional funding through the Budget Act of 2019 (Assembly Bill 74, Chapter 23, Statutes of 2019) and the Budget Act of 2020 (Assembly Bill 89, Chapter 7, Statutes of 2020).

The Budget Act of 2021 (Senate Bill 112) appropriated \$67 million to the BSCC to administer the ARG program (Attachment D-1). This includes \$37 million in ongoing funding and a one-time increase of \$30 million. The \$67 million will be equally split between Rental Assistance and Warm Handoff and Reentry Services as prescribed by the Budget Act of 2021. BSCC will retain a portion of the award for administrative costs not to exceed 5 percent.

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's composition will reflect the relevant stakeholder experience as prescribed by the Budget Act of 2021. 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 ARG Program:

Activity	Tentative Timeline
BSCC Board Considers Chair Appointment and ESC Establishment	July 15, 2021
ESC Recruitment and Formation	July - August, 2021
RFP development	September - November 2021
Present the RFP for BSCC Board approval	November 18, 2021
Release the RFP to the Field	November 2021
Bidders' Conference	December 2021
Proposals Due to the BSCC	February 2022
Proposal Rating Process and Development of Funding Recommendations	March - May 2022
BSCC Board Considers Funding Recommendations	June 2022
Grants Begin	July 2022

Recommendation/Action Needed

Staff recommends that the Board:

1. Appoint a Chair to the Adult Reentry 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 ARG Request for Proposals and to make funding recommendations.

Attachments

C-1: [Assembly Bill 128 \(Chapter 21, Statutes of 2021\)](#)

Agenda Item D

MEETING DATE: July 15, 2021 **AGENDA ITEM:** D

TO: BSCC Chair and Members

FROM: Ricardo Goodridge, Deputy Director, ricardo.goodridge@bscc.ca.gov

SUBJECT: Public Defense Pilot Program Funding Recommendations: **Requesting Approval**

Summary

This agenda item requests Board approval of the Public Defense Pilot Program. If the proposed list of recommendations is approved, California counties will be 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.

Background

Amendments to the Budget Act of 2021 (Senate Bill 129)¹ allocates \$50,000,000 to the BSCC to administer a new Public Defense Pilot Program (Attachment D-1). From the \$50,000,000 allocation, \$49,500,000 shall be provided to counties for indigent defense based on each county's share of the total adult population in the state. Eligible recipients of the funds include public defenders, alternate defenders, and other qualifying entities "that provide indigent defense in criminal matters for the purposes of workload associated with the provisions in paragraph (1) of subdivision (d) of Section 1170 of, and Sections 1170.95, 1473.7, and 3051 of, the Penal Code." The BSCC also was provided \$500,000 to cover administrative costs and to contract with a university or research institution to complete an independent evaluation of the pilot program.

The BSCC calculated the amount of funding each county is eligible to receive by dividing the \$49.5 million by the county's share of the total adult population using the 2021 projected population figures from the Department of Finance (Attachment D-2). The amount of funding for which counties are eligible ranged from \$1,527.64 to \$12,720,245.54.

¹ As of the date of the posting of this report, Senate Bill 129 was approved by the Legislature and awaiting further action by the Governor.

In addition to the FY 2021-22 allocation, the BSCC anticipates similar appropriations in FY 2022-23 and 2023-24². A display of the three-year projected allocation is provided below:

Fiscal Year (FY)	Appropriation	Administration/Evaluation	Total
FY 2021-22	\$49,500,000	\$500,000	\$50,000,000
FY 2022-23	\$49,500,000	\$500,000	\$50,000,000
FY 2023-24	\$49,500,000	\$500,000	\$50,000,000
Total	\$148,500,000	\$1,500,000	\$150,000,000

Subject to funding availability, counties will receive appropriations over three years.

Recommendation/Action Needed

In consultation with the California State Public Defender's Office, staff recommends that the Board take the following actions:

1. Approve the Public Defense Pilot Program Funding Recommendations.
2. Direct staff to continue to work with the Office of the State Public Defender to identify the appropriate county entities that provide the eligible indigent defense services authorized by the Public Defense Pilot Program.
3. Authorize staff to contract for an independent evaluation of the Public Defense Pilot Program.

Attachments

D-1: [Senate Bill 129](#) (Pending Governor's Signature)

D-2: Public Defense Pilot Program - Funding Allocation by County

² The table assumes that funding will be appropriated in the FY 2022-23 and 2023-24 State Budget Acts.

Attachment D-2

Public Defense Pilot Program: Funding Allocation by County

County	2021 Adult Population Projection ¹	Percent of State's Adult Population	Funding Allocation
Alameda County	1,310,463	4.26%	\$2,107,280.30
Alpine County	950	0.00%	\$1,527.64
Amador County	32,097	0.10%	\$51,613.34
Butte County	178,559	0.58%	\$287,130.47
Calaveras County	37,331	0.12%	\$60,029.84
Colusa County	16,466	0.05%	\$26,478.03
Contra Costa County	913,324	2.97%	\$1,468,663.88
Del Norte County	21,061	0.07%	\$33,866.98
El Dorado County	156,085	0.51%	\$250,991.33
Fresno County	748,839	2.43%	\$1,204,165.00
Glenn County	22,104	0.07%	\$35,544.17
Humboldt County	106,276	0.35%	\$170,896.33
Imperial County	139,633	0.45%	\$224,535.81
Inyo County	14,393	0.05%	\$23,144.56
Kern County	668,405	2.17%	\$1,074,823.70
Kings County	113,142	0.37%	\$181,937.15
Lake County	50,623	0.16%	\$81,403.94
Lassen County	25,584	0.08%	\$41,140.16
Los Angeles County	7,910,391	25.70%	\$12,720,245.54
Madera County	119,430	0.39%	\$192,048.53
Marin County	211,320	0.69%	\$339,811.56
Mariposa County	14,277	0.05%	\$22,958.02
Mendocino County	68,911	0.22%	\$110,811.82
Merced County	208,364	0.68%	\$335,058.18
Modoc County	7,555	0.02%	\$12,148.76
Mono County	10,891	0.04%	\$17,513.19
Monterey County	326,955	1.06%	\$525,757.56
Napa County	112,201	0.36%	\$180,423.99
Nevada County	82,255	0.27%	\$132,269.54
Orange County	2,490,391	8.09%	\$4,004,654.76
Placer County	318,725	1.04%	\$512,523.37
Plumas County	16,362	0.05%	\$26,310.79
Riverside County	1,892,294	6.15%	\$3,042,889.32
Sacramento County	1,188,728	3.86%	\$1,911,525.24
San Benito County	47,881	0.16%	\$76,994.69
San Bernardino County	1,637,398	5.32%	\$2,633,005.70
San Diego County	2,542,693	8.26%	\$4,088,758.61
San Francisco County	743,109	2.41%	\$1,194,950.91
San Joaquin County	580,077	1.88%	\$932,788.51
San Luis Obispo County	231,049	0.75%	\$371,536.63

County	2021 Adult Population Projection ¹	Percent of State's Adult Population	Funding Allocation
San Mateo County	606,435	1.97%	\$975,173.30
Santa Barbara County	350,503	1.14%	\$563,623.75
Santa Clara County	1,520,817	4.94%	\$2,445,538.49
Santa Cruz County	220,402	0.72%	\$354,415.80
Shasta County	139,023	0.45%	\$223,554.90
Sierra County	2,665	0.01%	\$4,285.43
Siskiyou County	35,470	0.12%	\$57,037.27
Solano County	346,196	1.12%	\$556,697.91
Sonoma County	406,287	1.32%	\$653,326.79
Stanislaus County	419,536	1.36%	\$674,631.75
Sutter County	75,397	0.24%	\$121,241.59
Tehama County	49,445	0.16%	\$79,509.67
Trinity County	11,188	0.04%	\$17,990.78
Tulare County	344,299	1.12%	\$553,647.45
Tuolumne County	43,726	0.14%	\$70,313.27
Ventura County	657,705	2.14%	\$1,057,617.64
Yolo County	179,802	0.58%	\$289,129.27
Yuba County	57,279	0.19%	\$92,107.07
Grand Total	30,782,767	100.00%	\$49,500,000.00

Note: ¹2021 county adult population is based on projections obtained from the Department of Finance's Report P-2B: Population Projections by Individual Year of Age, 2010-2060 California Counties (2019 baseline). Obtained from: <https://www.dof.ca.gov/forecasting/demographics/Projections/>.