

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

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Sheriff, Lassen County

WILLIAM GORE
Sheriff, San Diego County

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Merced County Supervisor

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Chief Probation Officer
Sacramento County

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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, NOVEMBER 19, 2020

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 10:03 AM.

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

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

Penner administered the Oath to Kathleen Allison, the newly appointed Secretary of California Department of Corrections and Rehabilitation and welcomed her to the Board.

Lwin called roll and announced that there was a quorum.

The following members were in attendance on Zoom or Teleconference:

Chair Penner	Ms. Allison	Mr. Viera Rosa	Mr. Growdon
Mr. Gore	Ms. Cumpian	Mr. Seale	Ms. Zuniga
Mr. Baranco	Mr. Mills	Mr. Budnick	Mr. Steinhart

ABSENT BOARD MEMBERS:

Ms. Lor

II. Information Items

1. COVID-19 Update:

Executive Director Kathleen Howard reported on the following:

- On July 31, 2020 the BSCC launched the COVID-19 data dashboard and continues to collect reported cases of COVID from local facilities. The BSCC collected the following information:
 - Juvenile Detention Facility Data:
 - 22 counties with zero (0) positive tests
 - 9 facilities with fewer than 11 positive tests (the HIPPA default number to protect patient privacy in facilities) within a week
 - Barry J. Nidorf Juvenile Hall in Los Angeles County had zero (0) positive tests since September 26
 - Glenn Rockey Camp School in Los Angeles County reported fewer than 11 positive tests since October 15
 - Los Angeles Central Juvenile Hall reported zero (0)
 - Riverside Juvenile Facility reported zero (0) in the last four weeks
 - San Diego Kearny Mesa Juvenile Facility has reported fewer than 11 positive tests
 - Adult Detention Facility Data:
 - Fresno County reported a rise of 20 cases in the week of October 26
 - Lake County continues to have positive cases
 - Los Angeles County has increased positive cases
 - Most are reporting fewer than 11 cases each week since October 4
 - Orange County has reported few cases
 - San Bernardino has seen a rise in positive tests
 - San Joaquin has also seen a rise since October 16
 - Confirmed cases has declined in Ventura county since the week of September 20.

Riverside County:

The BSCC staff reviewed the Riverside county jail COVID-19 positivity rate and has found that it is lower than the county as a whole.

Director Howard referred to Chief of Research Kasey Warmuth to review the statistical data on Riverside County

Warmuth presented the following:

- An overview of the data collected in accordance with the public health guidelines.
- Riverside County has an average daily population of 3,485. The county has tested close to 15,666 with a positivity rate of 471.
- The Larry D. Smith Correctional Facility and the Blythe Jail currently has over 5% positivity rate.
- Riverside County has a positivity rate of 8% and the Riverside County jails have a lower rate than the county.

Director Howard asked General Counsel Aaron Maguire to provide an update on Riverside legal issues.

Maguire reported the following:

- CalOSHA issued fines to the Riverside County Jail, which are being contested and appealed.
- Failure to train employees, failure to maintain infection protocols between mid-April and November 11.
- Prison Law Office filed COVID concerns in July which would implement specific protocols. The federal court will monitor these protocols.

Howard reported that the BSCC will request all Sheriffs the policies and procedures on all communicable disease within the facility.

2. Chair's Report:

Deferred to Executive Director.

3. Executive Director Report:

Executive Director Kathleen Howard reported on the following:

- ❖ On November 12, the BSCC held a listening session on the State Advisory Committee on Juvenile Justice and Delinquency Prevention for the three-year plan for the Title II grant.
- ❖ On December 9, the BSCC will hold a listening session for the enhanced inspection process of local detention facilities.
- ❖ The BSCC research department will hold a virtual listening session on December 3 on the plan to begin collecting late night release information for the Jail Profile Survey.
- ❖ Board Member Norma Cumpian, Howard, Deputy Director Allison Ganter, and Field Representative Kim Moule visited the San Diego Las Colinas detention facility on November 16.

4. Legal Update:

Maguire reported on the following:

- On Friday, November 13, the United States Department of Justice filed a petition for certiorari with the United States Supreme Court regarding the Edward Byrne Justice Assistance Grant (JAG) litigation.
- Counsel reminded Board members who might have a remote interest on grant items during the funding discussions to recuse themselves pursuant to Government Code section 1091.

5. FSO Inspection Update

This agenda item provides an update on the BSCC's Enhanced Inspection Process (EIP) since the September 2020 Board Meeting. BSCC Facility Standards and Operations (FSO) Division staff has begun the 2020/2022 Biennial Inspection Cycle, and this report will provide some details on the completed inspections in recent months. Going forward, BSCC staff will provide the Board with regular updates on facility inspections, including status of noncompliance and instances where inspections were postponed due to COVID-19 outbreaks in facilities.

Trinity, Mono, and Modoc counties have been visited during the pandemic and San Francisco and Riverside will be visited in the second week of December. BSCC staff are working with counties to ensure all targets are met.

Public Comment was heard for the Information Items 1 through 5:

Tumani Drew: Asked for missing data from the San Francisco facility. Asked to revisit COVID guidelines for detention facilities.

Courtney Morris: Asked where the COVID data for all facilities and missing facilities. What are the consequences of not submitting information?

Avalon Edwards (Starting Over Inc): Reported on the incidents at the Riverside County jail. Ask what oversight the BSCC has over the facility and to revise current regulations.

Dominique Nong: Suggested specific conditions for the enhanced inspection listening sessions and asked an improved inspection process to be presented to the Board at the next meeting.

James Martinez (MILPA): Requested that the BSCC revise COVID-19 guidelines for juvenile and adult facilities.

Renee Menart (CJCJ): Asked for a revision of the inspection of detention facilities and a presentation to the Board at the next meeting.

Israel Villa (California Alliance For Youth and Justice): Develop more robust inspection process to include community members and have the Board be more involved in the decision-making process.

Sarah-Michael Gaston (Youth Forum): Asked for more detailed information on the COVID-19 data dashboard.

Brian Goldstein (CJCJ): Asked the BSCC to revise the COVID-19 guidelines and mandate testing for all detention facilities.

End of Public Comment

Mr. Seale reported that Sacramento County has complied with BSCC's requests and developed a website with county information.

Mr. Budnick asked if funding could be withheld if a county does not report COVID-19 data, the reason BSCC has not visited Riverside County jail, and about the counties that have not reported the data.

Chair Penner responded that more analysis is needed to determine if grant funding could be withheld from nonreporting counties. She said that due to an outbreak the BSCC did not visit the Riverside County jail but assured Mr. Budnick that there will be a visit to the Riverside facility in January 2021. Staff reported that the Sacramento, Tehama and Amador sheriffs have not reported COVID-19 data.

III. Action: Consent Items:

- A. [Minutes from the September 10, 2020 Board Meeting: Requesting Approval](#)
- B. [Assembly Bill 1196: Peace Officers: Use of Force: Implementation: Standards for Training in Corrections \(STC\): Training Certification Prohibition Update: Requesting Approval](#)
- C. [Proud Parenting Grant Program No-Cost, Six-Month Extensions: Requesting Approval](#)

Mr. Growdon moved approval. Mr. Baranco seconded. Mr. Viera Rosa and Mr. Gore were not present during the vote. The motion carried for consent items A, B, and C.

IV. Discussion Items:

Agenda Item F was taken out of order

F. [Indigent Defense Grant Program Funding Recommendations: Requesting Approval](#)

Deputy Director Ricardo Goodridge and California State Public Defender Mary McComb presented this agenda item.

Staff recommended the following:

Approve the Indigent Defense Grant Program Funding Recommendations; and authorize staff to contract for an external evaluation of the Indigent Defense Grant Program.

Mr. Baranco moved approval. Ms. Allison seconded. Mr. Growdon recused pursuant to Government Code section 1091. The motion carried.

D. [Title II Grant Program: Identifying Effective Interventions and Replicable Strategies for Reducing Racial and Ethnic Disparities \(RED\) Request for Proposals: Requesting Approval](#)

Field Representative Timothy Polasik presented Agenda Item D.

The Board approved staff's following recommendations:

Authorized release of the RFP as recommended by the Reducing Racial and Ethnicity Disparity Subcommittee Working Group and approved by the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP).

Mr. Steinhart moved approval. Mr. Mills seconded. Mr. Viera Rosa and Mr. Gore were not present during the vote. The motion carried.

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

Field Representative Mary Wakefield presented this agenda Item.

This item was information only and did not require the Board's vote.

G. [Adult Reentry Grant Warm Handoff Request for Proposals: Requesting Approval](#)

Field Representative Tanya Hill presented this agenda item.

The Board approved the following:

- Accepted the staff edits and technical changes to the RFP; and
- Approved the release of the Adult Reentry Grant Program Warm Handoff Cohort II RFP

Mr. Baranco moved approval. Mr. Growdon seconded. Mr. Budnick and Ms. Cumpian recused pursuant to Government Code section 1091. Mr. Viera Rosa and Mr. Gore were not present during the vote. The motion carried.

H. [Proposition 64 Public Health and Safety Grant Program Executive Scoring Panel Chair and Updated Request for Proposals: Requesting Approval](#)

Field Representative Helene Zentner presented this agenda item.

The Board approved the following:

- Release of the amended Prop 64 PH&S Grant Program Request for Proposals, Cohort 2
- Appointed Judge Gordon Baranco (Ret.) as Chair of the Proposition 64 PH&S Grant Scoring Panel
- Delegate authority to the Chair to work with BSCC staff to establish a Scoring Panel with relevant subject-matter expertise; and
- Authorized the Scoring Panel to make funding recommendations to the Board

Public Comment was heard for Agenda Item H:

Sarah-Michel Gatson: Asked that this grant be prioritized for youth programs and youth service providers.

Renee Menart (CJCJ): Asked the Board to consider youth service providers and those with lived experience to be on the panel.

End of Public Comment

Mr. Budnick moved approval. Mr. Steinhart seconded. Mr. Mills, Mr. Growdon, and Mr. Seale recused pursuant to Government Code Section 1091. Mr. Viera Rosa and Mr. Gore were not present during the vote. The motion carried.

I. [Coronavirus Emergency Supplemental Funding Program \(CESF\) Request for Applications: Requesting Approval](#)

Prior to the presentation on this Board item, Mr. Growdon, Ms. Zuniga, Mr. Budnick, Mr. Seale, Mr. Mills, and Ms. Cumpian recused themselves from the discussion citing potential remote interest (Gov. Code, § 1091) in the Coronavirus Emergency Supplemental Funding Program. However, these recusals resulted in the Board lacking a quorum to proceed with the discussion. General Counsel Maguire invoked the “rule of necessity” citing the Board’s mandatory obligation to operate the CESF program. Through random drawing Mr. Seale and Mr. Mills were selected to return to the discussion to maintain a quorum.

Deputy Director Ricardo Goodridge presented this agenda item.

The Board approved the following:

Approved and authorized release of the Coronavirus Emergency Supplemental Funding Program Proposal Instructions and Application Packet.

Mr. Steinhart recommended an addendum to Section 3.2 on page 11 of the RFA would as proposed read *“Provide a CESF Local Advisory Committee Roster (Appendix D) including member affiliations and their nongovernmental organization status as relevant.”*

Public Comment was heard for Agenda Item I:

Israel Villa (California Alliance for Youth and Community Justice): Suggested that the CESF funding should be allocated to community-based organizations.

End of Public Comment

Mr. Steinhart moved approval. Mr. Mills seconded. Mr. Growdon, Ms. Zuniga, Mr. Budnick, and Ms. Cumpian recused pursuant to Government Code section 1091. Mr. Gore was not present during the vote. The motion carried.

J. [Senate Bill 823 Youth Programs and Facilities Grant Program Request for Information: Requesting Approval](#)

Executive Director Howard and Deputy Director John Prince presented agenda item J.

The Board approved the following:

- Establish a working group comprised of Chair Linda Penner and Board Member David Steinhart and task the working group with developing an RFI to gather additional information for the development of the Youth Facilities Grant Program.
- Delegate authority to the working group to release the RFI to the field without additional approval from the Board.

Public comment was heard for Agenda Item J:

Dominique Nong: Requested that community members, incarcerated youth members be involved in decision making for this grant.

Danielle Sanchez (Chief Probation Officers of California): Asked the BSCC to prioritize the funding that would stabilize meaningful options at the local level.

End of Public Comment

Mr. Budnick moved approval. Mr. Growdon seconded. Mr. Seale and Ms. Zuniga recused from this item pursuant to Government Code section 1091. Mr. Gore was not present during the vote. The motion carried.

V. Public Comments

Avalon Edwards (Starting Over Inc): Reported on the violations at the Riverside County jail. Suggested that community members should be allowed to attend jail inspection visits. Asked the BSCC to investigate reinstating safe in-person visitation at detention facilities.

Israel Villa: Echoed previous advocate opinions. Stated that there should be more discussion on the DJJ realignment.

Michelle Strofaci: Renee Menart read a letter from Strofaci of firsthand experience by her husband in a detention facility.

VI. Adjourn

The meeting adjourned at: 12:50 PM

Next Meeting:

❖ BSCC Board Meeting:

February 11, 2021 (Zoom)

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Ms. Allison, Secretary, California Department of Corrections & Rehabilitation (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. Mr. Seale, Chief Probation Officer, Sacramento County
7. Ms. Zuniga, Chief Probation Officer, Kings County
8. Mr. Baranco, Retired Judge, Alameda County
9. Mr. Mills, Chief of Police, Santa Cruz County
10. Mr. Budnick, Founder, Anti-Recidivism Coalition
11. Mr. Steinhart, Director, Commonweal Juvenile Justice Program
12. Ms. Cumpian, Women's and Non-Binary Services Manager 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
Mary Wakefield, Standards for Training and Corrections
Tanya Hill, Field Representative, Corrections Planning and Grants Program
Timothy Polasik, Field Representative, Corrections Planning and Grants Program
Helene Zentner, Field Representative, Corrections Planning and Grants Program
Field Representative, Corrections Planning and Grants Program