

KATHLEEN T. HOWARD
Executive Director, BSCC

BOARD MEMBERS

LINDA M. PENNER
Chair, BSCC

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Secretary, CDCR

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Director
Adult Parole Operations, CDCR

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Sheriff, San Diego 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, FEBRUARY 11, 2021

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.

Penner provided instructions to the Board members and the public for participating in the meeting.

Board Secretary Adam Lwin called 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. Growdon |
| Mr. Gore | Ms. Cumpian | Mr. Seale | Ms. Zuniga |
| Mr. Baranco | Mr. Mills | Mr. Budnick | |

ABSENT BOARD MEMBERS:

Ms. Allison

II. Information Items

1. COVID-19 Update:

This information item was presented by Executive Director Kathleen Howard:

- Howard thanked the research team and the county data reporters on the work they are doing and the information they are submitting.
- Reported that data may differ from what is on the BSCC's website and what has been reported to the media.
- Stated that BSCC is making every effort to have the most up-to-date data.
- Reported that the average daily population data was collected from February 2020:
 - Across the state, 73,000 county population numbers dropped
 - The population was at its lowest in May of 2020 with 50,631 people in county jails
 - The current average daily population is almost 61,000
- Howard said that from November through the end of January the population has been stable and the data that the BSCC collects weekly from data reporters tracks the following COVID-19 data elements:
 - Testing confirmed cases
 - Hospitalizations
 - Deaths
- Howard clarified that when a facility reports a number that is less than 11 (positive values between 1 and 10) that for privacy purposes is reported as less than 11 and not the actual number. The highest week of reported numbers of tests was 7,600 during the middle of December.
- Reported that on November 1 and January 30, Riverside and Orange county submitted increases rates as follows:
 - During the week of November 28 Orange county reported 225 people who were tested
 - Riverside reported 2,300 tested in the week ending November 7 and then 530 tested in the week ending on January 9
- Howard said that the positivity rate of 9.84 percent. The positivity rate at the low estimate is 5.85 percent and the high estimate is 9.7 percent. The general population positivity rate remains consistent.
- Howard said that the responsibility within the county detention facilities for management of a communicable disease is a responsibility that's shared between the detention facility and the responsible physician, facility administrator, and county health officer.

2. Chair's Report:

Chair Penner reported on her inspection visit to Riverside County on January 20, 2021. Penner was joined by Board Member Norma Cumpian, Deputy Director Allison Ganter, and Field Representative Michael Bush.

Penner met with Riverside Sheriff's department representatives, who provided an overview of the department's COVID-19 response, including policy, procedures and screening forms and documentation.

The team reviewed intake and screening COVID-19 protocols, testing, visit intake, medical and general population housing units.

The team also observed programs and vocational education opportunities, and spoke with people housed in the facilities, and with medical and custodial staff relative to protocols and practices relative to COVID-19.

3. Executive Director Report:

Executive Director Kathleen Howard reported on the following budget items:

County Jail Lease Revenue Bond Funding Relinquishment:

- BSCC Budget Impact – Reallocation of Relinquished Construction Funds:
The BSCC administers five financing programs for adult jail facilities in counties statewide. Since these programs began, several county recipients have relinquished their awards and some counties realized minor project savings that remain unspent. Approximately \$202 million is currently available for allocation. The Administration supports reallocating these bonds to purchase or modify county community mental health facilities.

Proposition 47: Second Chance Fund:

- Budget Impact –Increased Funds
 - DOF estimated net General Fund savings of \$114.8 million, which is an increase of \$11.9 million over the estimated savings in FY 2020-21.
 - The savings can be attributed to the state's reduced reliance on contract facilities to house prison inmates.
 - The current estimated transfer to the BSCC is \$74.363 million, which is an increase of \$7.734 million from FY 2020-21. This amount represents the initiative-mandated 65% of the savings intended for grants to public agencies to support various recidivism reduction programs.

Proposition 64/Cannabis Tax Fund:

- Budget Impact – Increased Funds
 - The Budget includes \$60.215 million from the Cannabis Tax Fund.
 - 5 percent of the appropriation is reserved for administration support = \$3.011 million.
 - 95 percent of the appropriation is reserved for local assistance = \$57.204 million.
 - This is a \$20.48 million increase from FY 2020-21.

Ongoing Grants/Programs with No Change in Funding:

- Adult Reentry Grant (ARG)
 - On-going \$37 million. No change from FY 2020-21.

- Community Corrections Partnership Plan
 - On-going \$7.95 million. No change from FY 2020-21.

- California Violence Intervention and Prevention (CalVIP)
 - On-going \$9 million. No change from FY 2020-21.

- Standards and Training for Corrections (STC)
 - \$20,970 million to support training for local corrections agencies. No change from FY 2020-21.

- BSCC Overall Programs and Operations
 - No change in funding for positions and support of programs

4. Legal Update:

General Counsel Aaron Maguire reported on the following:

Edward Byrne JAG litigation is currently under review by the United States Supreme Court. The Court may review the information on February 26.

NCJA has indicated that the immigration conditions will be removed from federal grants.

He flagged conflict of interests for Board Members who may have remote interests.

5. Legislative Update:

Legislative Analyst Adam Lwin reported on the following:

Referred the Legislative report in the Board meeting materials. The Legislature has until February 19 to introduce bills and it was too early to determine bills that might impact the Board.

6. Targeted Jail Inspections:

Deputy Director Allison Ganter presented information on the targeted jail inspections:

Ten counties have been identified for the 2020-2022 targeted inspections based on the number of items of noncompliance in 18/20 inspections. These include:

1. Imperial County Sheriff's Office
2. Los Angeles County Sheriff's Department
3. Madera County Department of Corrections (inspection completed)
4. Modoc County Sheriff's Office (inspection completed)
5. Mono County Sheriff's Office (inspection completed)
6. Riverside County Sheriff's Department
7. San Francisco County Sheriff's Department
8. Santa Cruz County Sheriff's Department
9. Sutter County Sheriff's Office
10. Trinity County Sheriff's Department (inspection completed)

The enhanced inspection process will include items of noncompliance in the initial inspection report.

The agency has 30 days to correct or submit a corrective action plan (CAP). The agency will have 90 days to provide a correction. If the BSCC does not receive a response or if no action was taken, the Board may invite the Sheriff to appear.

Field Representatives will provide continuous technical assistance and staff will provide regular updates to the Board on noncompliance status.

Ganter provided information on five counties that the FSO division has inspected, along with the noncompliance items. More detail on the facilities can be found here: <https://www.bscc.ca.gov/wp-content/uploads/Info-Item-6-Targeted-Inspections-FINAL.pdf>

With all noncompliance issues, Field Representatives are working with counties to come back into compliance and align with state and federal guidelines.

Ganter included in her report:

- San Francisco has been scheduled for inspection on February 16, 2021 and Field Representatives are providing technical assistance before the inspections.

- Santa Cruz is tentatively scheduled for March 24, 2021. A corrective action plan has been submitted and staff is continuing technical assistance.
- Sutter County will be inspected as soon as possible. Staff is providing technical assistance for Sutter.

Chair Penner and Ms. Cumpian reported on their experience visiting the Riverside County jail.

Cumpian stated that incarcerated individuals can get tested and have received all resources they needed in the facility.

Penner reported that the Riverside County jail is meeting the minimum standards expectations.

Chair Penner reported on the jail listening sessions that were held in 2020 and the amount of information received from the public. Chair Penner thanked local staff who have worked to be transparent, open and accountable in the work that they do.

7. Jail Listening Sessions Outcomes

Deputy Director Allison Ganter presented on this item:

- Reported that the BSCC research team provided an analysis of responses from the previous sections.
- 31 people provided verbal and written comments
- 82 percent represented community-based organizations or advocate groups, 29 percent of which were formerly system involved.
- 15 percent represented family members of those currently incarcerated
- 9 percent were attorneys
- Comments fell into the following categories
 - Local facility inspections
 - Inspection Process
 - Inspection Team
 - Written Standardized Procedures
 - Regulations
 - Role of the BSCC
 - Facility conditions during COVID-19
 - General facility conditions
 - Agency Culture
 - Facility Conditions
 - Health and Medical Care

- The listening sessions addressed some issues as unannounced inspections. Public notifications, improved data collection, access to PPE and hygiene products, lack of transparency & quarantining, lack of visitation and denial of hot meals. A full analysis of may be found here:

https://www.bscc.ca.gov/wp-content/uploads/Attachment-B-Facility-Inspections-Content-Analysis_2_3_2021-Final.pdf

- Ganter stated that more information will be brought to the Board at the April Board meeting.

Board Members discussed the effectiveness of the listening session and having unannounced visits.

Chair Penner said that the Board is in constant conversation with the administration and the Department of Finance of the BSCC's abilities, authority, and what changes need to be made within the agency.

Penner explained that announced visits are conducted to review policies, procedures before an inspector enters a facility. The review of documentation is vital.

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

Brian Goldstein (Center on Juvenile and Criminal Justice): Reported that COVID-19 data from Fresno County is underreported and referred to the New York Times article which reports a different number. Asked for an explanation of the undercount, for a revise of Fresno's COVID-19 testing data and review of other facility information.

Avalon Edwards (Starting Over Inc.): Described the conditions in Riverside County jail and encouraged that the BSCC to complete unannounced visits to capture the day to day of the facility.

Captain Kevin McConnell: Reported that San Francisco Sheriff's department is ready and accepting of the upcoming inspections but due to COVID-19 the number of individuals in the facility will be limited. Thanked the advocacy groups for raising concerns that should be addressed.

Joseph Bear (Transgender Gender Variant and Intersex Justice Project): Requested CDCR release incarcerated individuals and reduce the prison population by 50 percent.

Red Martinez: Asked if officers are being tested and suggested that inspectors should check all facilities carefully and conduct surprise visits.

Kerry Schaaf: Described a lived experience of her family member and explained her experience with detention facilities. Encouraged more talks with policy makers and incarcerated individuals.

Michael Jurado (Participatory Defense): Described his experience being incarcerated and requested that surprised visits be conducted.

Courtney Morris (Justice Under Capitalism): Described experiences of those in detention facilities and requested unannounced inspections.

End of Public Comment

Mr. Baranco and Ms. Cumpian asked if an ombudsman or a hotline is available for those who are detained.

Ganter explained that the BSCC does receive letters and phone calls and provides resources and responses to each one.

III. Action: Consent Items:

A. [Minutes from the November 19, 2020 Board Meeting: Requesting Approval](#)

Mr. Steinhart moved approval. Mr. Budnick seconded. The motion carried for consent item A.

IV. Discussion Items:

B. [Modification of the California Department of Corrections and Rehabilitation Coronavirus Emergency Supplemental Funding Grant Agreement: Requesting Approval](#)

This agenda item was presented by Deputy Director Ricardo Goodridge and Jessica Fernandez of the California Department of Corrections and Rehabilitation (CDCR)

This agenda item requested Board approval to amend the CDCR's \$15 million Coronavirus Emergency Supplemental Funding (CESF) program grant agreement to allow for additional reentry services not listed in the original agreement for people returning from state prison.

Public Comment was heard for Agenda Item B:

Daniella Tavaki: Asked if the CDCR programs provide programs for transgender women and men and what the services were and if these individuals are being housed within homes with the gender with which they identify.

Mary Moreno: Suggested oversight of the funds being released to CDCR and if the funds are going to programs and services.

Mr. Budnick acknowledged CDCR and the positive work parole is doing for those who are being released from incarceration and shared the positive changes he is seeing in facilities.

End of Public Comment

Mr. Budnick moved approval. Mr. Growdon seconded. Mr. Viera Rosa recused pursuant to **pursuant to Government Code section 1091**.

C. [Senate Bill 823: Request For Information Reports and Request For Application development: Requesting Approval](#)

This agenda item was presented by Deputy Director John Prince.

This agenda item proposed the development of a Request for Application (RFA) for the \$9.6 million Youth Programs and Facilities Grant Program portion of Senate Bill 823 (Chapter 337, Statutes of 2020) requested by the working group, co-chaired by Chair Linda Penner and BSCC Board Member David Steinhart. This item delegated to the working group the development of the Youth Facilities Grant Program RFA to be brought back to the Board for approval and release at the April 8, 2021 board meeting.

Chair Penner and Mr. Steinhart added that this grant program is for infrastructure improvements. Steinhart added that this approach is to get the funding out to the counties quickly to meet their needs.

Public Comment was heard for Agenda Item C:

Miguel Garcia (Anti-Recidivism Coalition): Shared his experience as a formerly incarcerated youth. Asked for more transparency of this grant and have stakeholder input and expand the workgroup to include lived experience youth and subject matter experts.

Dominique Nong (Children's Defense Fund): Was concerned that community input was not sought for this grant. Requested that the workgroup should be more transparent and include community members. Requested that the allocation should be more targeted.

Renee Menart (CJCJ): Requested the Board refrain from distributing any of the funds pro rata. Added that the workgroup structure should be expanded.

Karen Pank (CPOC): Testified in support of this grant and the BSCC's recommendation. Added that realignment would change probation facilities and programs and this funding would aid the probation departments.

Alexis Magdalano (MILPA): Requested more transparency of the workgroup decisions and an expanded workgroup. Wanted more information about which youth would be sent back to Monterey County or released.

Bernie Gomez (MILPA): Requested more transparency of the working group. Asked that stakeholder input be done and talk with those with lived experience before investing in this grant.

Red Martinez: Wanted more programs and continuum of care for youth rather than infrastructure and high security.

Cesar Lara (MILPA): Requested information on counties that did not complete the survey and suggested that Monterey County should not receive additional funding for infrastructure.

Aaron Coronado (MILPA): Requested more transparency and suggested that more services in prevention and intervention should be used with this funding.

End of Public Comment

Mr. Steinhart said that the working group used a modified approach in part because the grant was noncompetitive by statute. This grant focuses on infrastructure and improvements of local facilities to house youth coming out of DJJ. Higher security will be needed, or the youth would need to enter adult court or state prisons.

Steinhart acknowledged some very important service needs for females, mentally ill youth, and those with sex offenses that needed sex offender treatment and this grant will address these needs.

He said that this is a start but due to time constraints this proposal should be moved. Steinhart added that the workgroup will consider community input.

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

D. [Board of State and Community Corrections 2018-2020 Strategic Plan Timeline for 2022-2026 Strategic Planning Process: Requesting Approval](#)

Field Representative Tonya Parker-Mashburn presented on this agenda item.

This agenda item requested approval to extend the current BSCC 2018-2020 Strategic Plan through December 31, 2021 and approve a timeline for the development of a new strategic plan that will be implemented beginning January 1, 2022. Instead of a three-year plan, it is proposed that the new strategic plan will be developed and implemented for five years (2022-2026).

Mr. Baranco moved approval. Mr. Growdon seconded. Mr. Budnick and Mr. Gore were not present during the vote. The motion carried.

E. [Extension of the Existing Residential Substance Abuse Treatment \(RSAT\) Grant Agreements covering July 1, 2018 to June 30, 2021, and Approval of a new Request for Proposals for July 1, 2021 to June 30, 2024: Requesting Approval](#)

This agenda item requested Board approval to modify the current Residential Substance Abuse Treatment (RSAT) Grant Agreements with a no-cost, six-month grant-term extension and to release a new Request for Proposals (RFP) for the next cohort as recommended by its Executive Steering Committee (ESC).

Mr. Steinhart moved approval. Mr. Mills seconded. Mr. Gore and Mr. Budnick was not present during the vote. The motion carried.

F. [Proud Parenting Grant Program – Appointment of Chair and Establishment of Executive Steering Committee: Requesting Approval](#)

This agenda item requested approval to establish an ESC to oversee the development of an RFP for the Proud Parenting Grant Program. Staff is also requested 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.

The Board nominated Norma Cumpian as the Chair to develop the ESC.

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

G. [Jail Profile Survey: Addition of Late-Night Release Information and AB 109 Survey: Requesting Approval](#)

Chief of Research Kasey Warmuth presented this agenda item.

This agenda item requests approval to collect data related to late-night releases from jail and the AB 109 survey data through the Jail Profile Survey (JPS). Staff also requested the Board's approval of the timeline for adding late-night release

Mr. Steinhart moved approval. Mr. Mills seconded. Mr. Growdon recused from this item.. Mr. Gore and Mr. Budnick were not present during the vote. The motion carried.

H. [Coronavirus Emergency Supplemental Funding Program \(CESF\) Request for Applications – Extension of Application Deadline: Requesting Approval](#)

This agenda item requested Board approval to extend the Coronavirus Emergency Supplemental Funding (CESF) program application due date to March 12, 2021 to allow eligible counties additional time to apply for funding.

Public comment was heard for Agenda Item H:

Avalon Edwards (Starting Over Inc.): Asked why the CESF funding for reentry services was not available to CBOs but the Riverside County Sheriff applied for \$3.3 million.

Executive Director Howard provided a response:

The BSCC provided notice out of the CESF emergency funding for counties to all county administrative officers as well county probation chiefs, the focus that the board had determined as a priority was related to reentry. The CAO's had the opportunity to share that as broadly and widely within their county government.

Local advisory committees' membership is written in the RFP that at a minimum the local CESF advisory committee representatives should include non-governmental

community-based organizations, tribes, and cities within the counties that are impacted by the proposal.

End of Public Comment

Mr. Baranco moved approval. Mr. Viera Rosa seconded. Mr. Mills recused from this item pursuant to Government Code section 1091. Mr. Gore and Mr. Budnick were not present during the vote. The motion carried.

V. Public Comments

Brian Goldstein (CJCJ): Stated the Fresno County COVID-19 jail data is inaccurate from BSCC's data and data reported to New York Times and asked BSCC to address the issue.

Renee Menart (CJCJ): Referred to Chair Penner and Ms. Cumpian's visit to Riverside County jail. Suggested that an unannounced visit should have been conducted. Suggested that grant funding to the facility and the county should be revoked. Asked the BSCC to address community concerns with the substantially revised inspections process and to solicit feedback from community member before seeking approval from the board

VI. Adjourn

The meeting adjourned at: 1:37 PM

Next Meeting:

- | | |
|-----------------------------------|-----------------------|
| ❖ BSCC Board Meeting: | April 8, 2021 (Zoom) |
| ❖ BSCC Strategic Planning Meeting | April 27, 2021 (Zoom) |

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Mr. Viera Rosa, Director Division of Adult Parole CDCR
3. Mr. Growdon, Sheriff, Nevada County
4. Mr. Gore, Sheriff, San Diego County
5. Mr. Seale, Chief Probation Officer, Sacramento County
6. Ms. Zuniga, Chief Probation Officer, Kings County
7. Mr. Baranco, Retired Judge, Alameda County
8. Mr. Mills, Chief of Police, Santa Cruz County
9. Mr. Budnick, Founder, Anti-Recidivism Coalition
10. Mr. Steinhart, Director, Commonwealth Juvenile Justice Program
11. 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

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

Timothy Polasik, Field Representative, Corrections Planning and Grants Program

Helene Zentner, Field Representative, Corrections Planning and Grants Program

Kasey Warmuth, Chief of Research