

KATHLEEN T. HOWARD
Executive Director, BSCC

BOARD MEMBERS

LINDA M. PENNER
Chair, BSCC

KATHLEEN ALLISON
Secretary, CDCR

GUILLERMO VIERA ROSA
Director
Adult Parole Operations, CDCR

DEAN GROWDON
Sheriff, Lassen County

WILLIAM GORE
Sheriff, San Diego County

VACANT
CAO/ County Supervisor

LEE SEALE
Chief Probation Officer
Sacramento County

KELLY M. ZUNIGA
Chief Probation Officer
Kings County

GORDON S. BARANCO
Retired Judge
Alameda County

ANDREW MILLS
Chief of Police
City of Santa Cruz

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

DAVID STEINHART
Director, Commonweal
Juvenile Justice Program

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



MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, APRIL 8, 2021 BSCC BOARD MEETING

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

I. Call to Order

Chair Linda Penner called the meeting to order at 10:02 AM.

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

Penner announced that Chief Zuniga and Sherriff Growdon have been confirmed by the California Senate to the Board and congratulated them.

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

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

The following members were in attendance on Zoom or Teleconference:

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

ABSENT BOARD MEMBERS:

Mr. Budnick

II. Information Items

1. COVID-19 Update:

This information item was presented by Executive Director Kathleen Howard:

- Howard thanked the research team Kasey Warmuth and Michael Lee, and the county data reporters on the work they are doing and the information they are submitting.
- Clarified the discrepancies on COVID-19 data from Fresno County and what was published in a New York Times article. Howard referenced a letter from [Fresno County](#). The New York Times article referenced positive test data over a longer time period. The BSCC's data dashboard started in late July 2020. New York Times data reflected multiple positive tests for the same individuals. Fresno County jail had a practice of retesting individuals during the pandemic. Fresno provided the total number of positive cases to the BSCC.
- Reported that recent average daily population has dropped except for the time when people were not transferring to CDCR. Overall, the population has remained steady in the most recent weeks.
- Howard mentioned that the recent COVID-19 case trends in county jails shows that the testing estimates are 6,504 at the end of March 27. The confirmed positive of those detained is about 210, which is significantly lower than in December 2020.
 - The positivity rate is between .33 percent and 3.23 percent.
 - Hospitalizations of those detained as of February 27 is one individual.
 - County juvenile numbers have decreased since February 2020 and remain steady.
 - Positivity rate in juvenile facilities remain steady at the rate of 5 at 1.48%

2. Chair's Report:

Chair Penner mentioned that the information presented at the previous meeting on Fresno County COVID-19 data was researched and the BSCC acted. Penner stated that the BSCC consulted with the Sheriff of Fresno County to seek out more information, as is the Board's practice.

Due to technical issues, the Board recessed briefly at 10:21 a.m. to address public access to the meeting.

The Board returned at 10:23 a.m.

3. Executive Director Report:

Executive Director Kathleen Howard reported on the following:

BSCC staff participated in the Senate and Assembly budget subcommittee hearings. Howard and Chair Linda Penner testified regarding the Board's statutory authority, membership, and the limits on the Board's ability to perform investigatory functions.

On April 1, the Department of Finance released Spring Budget Change Proposal for an addition of 14 positions to conduct and support more facility inspections in the field. There is also a proposed statutory change for BSCC inspectors to be given authority to conduct unannounced inspections.

The [Legislative Analyst Office Report: A Review of State Standards and Inspections for Local Detention Facilities](#) will be addressed during the strategic planning meeting on April 27, 2021.

Ms. Cumpian asked for clarification of the 14 new positions for the BSCC and if there would be discussion at the strategic planning of the possibility of having people without law enforcement experience for these positions.

Howard responded that there are 8 field inspectors and 6 administrative roles to manage the enhance inspection process and further information will be discussed at the strategic planning meeting.

Howard added to her Executive Director's report:

- The BSCC hosted a virtual Coronavirus Emergency Supplemental Funding (CESF) Program Grantee Orientation on April 7. 150 representatives from 31 counties attended the one-day orientation.
- The BSCC is hosting a virtual Adult Reentry Grant - Rehabilitation of Existing Property and Buildings Grantee Orientation April 15-16. Epidaurus *DBA* Amity Foundation is the sole grant recipient and has proposed to rehab a 4-story building in downtown Los Angeles.
- The BSCC is hosting a virtual Proud Parenting Grant Executive Steering Committee Meeting on April 21. The grant provides parenting services to young parents and expectant parents between the ages of 14 and 25 who were involved in the juvenile systems. The BSCC is seeking additional membership on the ESC and encourages those interested to visit the BSCC homepage for additional information.
- The BSCC is hosting a virtual Residential Substance Abuse Training (RSAT) Program Executive Steering Committee Meeting on May 6. The ESC is working towards the development of funding recommendations that will eventually come before the Board.

Director Howard deferred to General Counsel Maguire to discuss the State Auditor's report on public safety realignment.

General Counsel Aaron Maguire provided background on public safety realignment and referred to the BSCC's response to the auditor's recommendations.

Maguire noted the Auditor's finding that the BSCC "failed to provide oversight of, and guidance to, counties and as a result has reported inconsistent and incomplete information." Specifically, the Auditor found that the BSCC should have been including all information regarding all accounts and subaccounts related to Realignment as part of the CCP reports the BSCC collects.

Maguire then detailed the history of Realignment and the provisions of the Penal Code (section 1230.1) that required the executive committees of local Community Corrections Partnerships to vote on a plan related to the implementation of Assembly Bill 109, not all of Realignment. Maguire explained that the Auditor's Office was wrong in its conclusions regarding the role of the BSCC and the CCPs.

The full audit along with BSCC's responses may be found here: [Public Safety Realignment – Weak State and County Oversight Does Not Ensure That Funds Are Spent Effectively](#).

4. Legal Update:

General Counsel Aaron Maguire reported on the following:

Updated the Board on the status of the lawsuits involving the Board's federal grants, which included California v. Barr and United States v. California, and informed the Board that both cases had been dismissed. In addition, Maguire informed the Board that as part of the dismissals it is expected that the immigration conditions that were included in prior federal grants will not be included in future solicitations.

Maguire flagged conflict of interests for Board Members who may have remote interests on agenda items.

5. Legislative Update:

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

[AB 1474](#) by Assembly Member Gabriel would require the BSCC to compile annual report on the cost of incarceration in each county sheriff and probation and post it on the website

[SB 472](#) authored by Senator Caballero would require the BSCC to administer to 5 additional counties the social innovation financing program grant also known as Pay for Success grant. Currently Los Angeles, Ventura and Alameda participate.

[SB 493](#) Local government financing, juvenile justice by Senator Bradford proposed to revise the JJCPA program. The BSCC currently collects annual plans and expenditure reports from counties and posts them on the website. The BSCC would be required to include additional disaggregated information regarding race, ethnicity, and gender identity of program participants in the JJCPA reports collected from counties.

Mr. Steinhart added that SB 493 would require 95 percent of JJCPA funding to be allotted to community-based organizations.

6. Enhanced Inspection Update:

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

Ten counties were identified for a targeted inspection early in the 2020/2022 Biennial Inspection Cycle:

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

All targeted inspections have been completed; the status of remaining items of noncompliance is located here:

<https://app.smartsheet.com/b/publish?EQBCT=a8589252397847ee8dcb371a9c6ec015>.

7. Jail Listening Sessions Outcomes

Deputy Director Allison Ganter presented on this item:

The BSCC reviewed the feedback on the inspection process and has compiled an initial response.

The initial responses fell into three general themes:

1. Current practice of the BSCC
 - a. How it is implemented
 - b. How it could be improved
2. A proposed practice that is worthy of consideration for implementation

3. Issue is outside of the BSCC's scope of authority

Ganter stated that BSCC staff will continue to listen and solicit feedback from members of the community to ensure transparency, accountability, and a meaningful inspection process.

Public Comment was heard for the Information Items 1 through 7:

Danielle Cetrone: Reported on a family member with diabetes inside Riverside county jail who cannot receive adequate resources and asked the Board for help.

Karrie Schaff: Mentioned a family member in Riverside county jail and encouraged the BSCC to conduct unannounced inspections and interview inmates and encouraged transparency of the facility.

Avalon Edwards (Starting Over Inc.): Mentioned poor conditions in Riverside County jail regarding food, COVID, and lack of vaccines.

Tina Curiel-All (Fathers and Families of San Joaquin): Encouraged the Board to review the data and work with their organization has completed.

Vonya Quarles: Stated that a culture of transparency and enhanced inspections should occur and asked for a change in the community corrections partnership membership, which should include more community members.

Aditi Sherikar: Requested the BSCC adhere to the state auditor's recommendations to be more involved and take into account the funding use. Suggested that unannounced visits should be conducted.

Renee Menart (CJCJ): Encouraged that unannounced inspections be conducted.

Miguel Garcia: Recommended community representation on the SB 823 scoring panel and asked that community members be considered. The RFA should be accessible and transparent.

Brisely Martinez: Encouraged unannounced inspections and that inspectors speak with the inmates in facilities.

Brian Goldstein (CJCJ): Suggested that the Board invite the Legislative Analyst Office and State Auditor to the next meeting and incorporate their recommendations.

Ed Little (California for Safety and Justice): Suggested unannounced visits of local detention facilities and include community stakeholders.

End of Public Comment

III. Action: Consent Items:

A. [Minutes from the February 11, 2021 Board Meeting: Requesting Approval](#)

B. [Senate Bill 1022, Local Criminal Justice Facilities: Madera County Requesting Scope Change: Requesting Approval](#)

This agenda item requested that the Board approve Madera County's request for a scope change that would shift construction of a jail addition from a second story to ground-floor space adjacent to and connected to the existing jail.

Mr. Growdon moved approval. Mr. Gore seconded. The motion carried for consent item A & B.

Ms. Cumpian left the meeting at 11:45 a.m.

IV. Discussion Items:

C. [Senate Bill 823: Summary of Stakeholder Input Session and Release of Request for Applications: Requesting Approval](#)

This agenda item was presented by Deputy Director John Prince and proposed the release 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) developed by the working group, co-chaired by Chair Linda Penner and BSCC Board Member David Steinhart, and the approval of a formation of a Scoring Panel to rate the applications.

Chair Penner and Mr. Steinhart stated that the implementation of SB 823 is on a short timeline, but that there were substantive adjustments made to the RFA based on the public input received. They thanked the public for their comments and included intent language for programming.

Public Comment was heard for Agenda Item C:

Danielle Sanchez (Chief Probation Officers of California): Thanked the Board for the work on this project and for the ability to provide feedback.

Renee Menart (CJCJ): Suggested that the scoring panel participation should include formerly incarcerated and system-impacted individuals.

Aditi Sherikar: Asked for community representation for the scoring panel and the inclusion of system-involved individuals. Suggested holding a webinar for the scoring panel.

End of Public Comment

Mr. Growdon moved approval. Ms. Allison seconded. Mr. Seale and Ms. Zuniga recused pursuant to Government Code section 1091.

D. [Juvenile Justice Fees: Senate Bill 1290, Chapter 340 Information Gathering: Requesting Approval](#)

This agenda item was presented by Executive Director Kathleen Howard and requested Board approval to direct the development of a survey instrument to determine the scope of fees imposed on youth and families in connection with county juvenile facilities and programs. Staff recommended that the Board direct staff to develop a survey related to the imposition of fees on youth and families involved in the juvenile justice system and to hold a public stakeholder process to accept comments related to the development of the survey.

Mr. Steinhart suggested surveying families as well and on defining the scope and content of the survey.

Mr. Baranco stated that the Judicial Council is doing work related to court-ordered fees and might be able to assist.

Public Comment was heard for Agenda Item D:

Sue Burrell: Provided written comment, which was shared with Board Members electronically.

Aditi Sherikar: Suggested that the BSCC should consult with family members and those involved for the survey.

End of Public Comment

Mr. Steinhart moved approval. Ms. Allison seconded. The motion carried.

E. [Coronavirus Emergency Supplemental Funding Program \(CESF\) Funding Recommendations: Requesting Approval](#)

Deputy Director Ricardo Goodridge presented this agenda item, which requested Board approval to increase the Coronavirus Emergency Supplemental Funding award to the California Department of Corrections and Rehabilitation (CDCR) by \$6.9 million and make conforming changes to the grant agreement between the Board and CDCR. This additional funding is made available as a portion of the \$58.5 million that had been earmarked for counties was unencumbered following two solicitation periods. By allocating leftover funds to the existing CDCR contract, the BSCC can ensure the CESF funds are encumbered before the Board's federal spending authority expires on June 30, 2021.

Mr. Baranco moved approval. Mr. Mills seconded.

Ms. Allison and Mr. Viera Rosa recused pursuant to Government Code section 1091. The motion carried.

F. [Proposition 64 Public Health and Safety Grant Program Cohort 2 Funding Recommendations: Requesting Approval](#)

Field Representative Helene Zentner presented this agenda item, which requested Board approval of the Proposition 64 Public Health and Safety (Prop 64 PH&S) Grant Program Cohort 2 awards as recommended by the Scoring Panel. The grant will fully fund the [23 Proposition 64 Cohort 2 proposals totaling \\$21,271,544](#) for grant projects that will assist in mitigating local impacts due to the legalization of recreational cannabis in California.

Mr. Baranco thanked Ms. Zentner and Ashley Garibaldi for their work on this grant.

Mr. Growdon asked why some applicants were declined, and Ms. Zentner responded that it was due to missing or incomplete information.

Public Comment was heard for Agenda Item F:

Anita Gutierrez: Thanked the Board for making the Prop 64 funding and described the program in Pomona California.

End of Public Comment

Mr. Baranco moved approval. Mr. Mills seconded. Mr. Gore and Mr. Seale recused pursuant to Government Code section 1091. The motion carried.

[G. Title II Grant Program – Identifying Effective Interventions and Replicable Strategies for Reducing Racial and Ethnic Disparities Contract: Requesting Approval](#)

Field Representative Timothy Polasik presented this item, which requested Board approval of a contract between the BSCC and WestEd, in partnership with the National Institute for Criminal Justice Reform, to identify effective interventions and replicable strategies for reducing racial and ethnic disparities. This contract, which was developed through a Request for Proposals process recommended by the State Advisory Group on Juvenile Justice and Delinquency Prevention (SACJJDP) and approved by the Board, if approved, will assist the BSCC with fulfilling its grant requirements under the federal Title II grant program.

Ms. Allison moved approval. Mr. Steinhart seconded. Mr. Baranco, a board member of the National Institute for Criminal Justice Reform, a proposed subcontractor on the project, recused from this item pursuant to Government Code section 1091. The motion carried.

V. Public Comments

Brisely Martinez: Referred to Agenda Item C and suggested that the funding should be allotted to programming needs.

VI. Adjourn

The meeting adjourned at: 12:00 PM

Next Meeting:

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| ❖ BSCC Strategic Planning Meeting | April 27, 2021 (Zoom) |
| ❖ BSCC Board Meeting | June 10, 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 & Rehabilitations (CDCR)
3. Mr. Viera Rosa, Director Division of Adult Parole CDCR
4. Mr. Growdon, Sheriff, Nevada County
5. Mr. Gore, Sheriff, San Diego County
6. 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. 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

Michael Shores, Field Representative, County Facilities & Construction

Helene Zentner, Field Representative, Corrections Planning and Grants Program

Timothy Polasik, Field Representative, Corrections Planning and Grants Program