

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, APRIL 11, 2019

Meeting Held At:
BSCC Board Room
2590 Venture Oaks Way, Suite 101
Sacramento, CA 95833

I. Call to Order

Chair Linda Penner called the meeting to order at 10:01 AM and welcomed the Board Members and the public to the meeting.

The Chair congratulated Mr. Ralph Diaz on his official appointment as Secretary to the California Department of Corrections and Rehabilitation.

Mr. Diaz thanked Chair Penner and all in attendance for the support and his membership to the Board.

Chair Penner let the Board Members and the public know that the Agenda will be taken out of order and will be heard as follows:

- Information Items 1 through 5
- Agenda Item A
- Agenda Item B
- Agenda Item C
- Agenda Item E
- Agenda Item F
- Agenda Item G
- Then public comment
- Then closed session
- Reconvene to discuss Agenda Item D

Board Secretary Adam Lwin called roll and announced there was a quorum.

The following members were in attendance:

Ms. Penner	Mr. Steinhart	Mr. Diaz	Ms. Tournour
Mr. Budnick	Mr. Gore	Mr. Varela	
Mr. Baranco	Mr. Mills	Mr. Ertola	

Absent Board Members:

Mr. Growdon, Ms. Perez, and Mr. Powers

II. Information Items

1. Chair's Report

None to report.

2. Executive Director's Report

Executive Director Kathleen Howard reported on the following:

- Legislation impacting the BSCC includes the following:
 - AB 18 (Levine) and AB 1603 (Wicks) relating to proposals on CalVIP Grant.
 - AB 32 (Bonta) prohibiting CDCR from entering contracts with private prisons.
 - AB 180 (Gipson) Smart Justice Student Program.
 - SB 678 (Glazer) Restorative Justice Pilot Program.
 - AB 696 (Lackey) Study on pepper spray.
 - AB 1321 (Gipson) Reporting on chemical agents.
 - AB 732 (Bonta) Prenatal care for pregnant inmates and provisions of feminine hygiene products.
 - AB 964 (Medina) In-person visitation required by 01/01/2025.
 - SB 555 (Mitchell) Operation of stores in county jails.

- On April 3 – 4, 2019 there was a two-day symposium for jail administrators in San Diego. This event was a joint effort planned by the BSCC and the California State Sheriff's Association, and the American Jail Association. The event provided jail administrators with a meaningful seminar to share knowledge and learn from subject-matter experts on current issues affecting local detention facilities.

- Released the Adult Reentry Grant RFP for the Rental Assistance and Warm Hand-Off Reentry Services components on January 18, 2019 with proposals due March 25, 2019.
 - Results included:
 - 161 proposals requesting \$201,529,462 were received
 - 13 were disqualified
 - 148 requesting \$187,402,033 will move forward for rating
 - 58 for rental assistance requesting \$145,401,780 (\$25 million available)

- 90 for warm handoff requesting \$42,000,253 (\$9.35 million available)
 - 38 applicants applied for both
 - Rater recommendations will be finalized at the ESC's June 18-19 meeting
 - Award recommendations will be brought to the Board at the July 11, 2019 meeting.
- Released the Youth Reinvestment Grant Tribal and Non-Tribal RFPs on January 18 with proposals due March 29, 2019.
 - Results included:
 - 49 non-tribal proposals requesting \$44,967,129 (\$35.062 million available)
 - 12 tribal proposals requesting \$6,602,151 (\$1.119 million available)
 - Disqualifications will be determined after the technical review
 - Rater recommendations will be made final at the ESC's June 4-5 meeting.
 - The Tribal Advisory Group will make final recommendations on May 30, 2019.
 - Award recommendations will be brought to the Board at the June 13 meeting.
- Released the Prop 47 Cohort 2 RFP on January 18, 2019 with proposals due on March 18, 2019.
 - Results included:
 - 46 proposals requesting \$194,784,248
 - Large Scope: 33 proposals requesting \$183,987,287 (\$77,817,873 available)
 - Small Scope: 13 proposals requesting \$10,796,961
 - Small Scope: 10 requesting \$9,738,779 (\$18,616,627 available)
 - 3 small scope proposals were disqualified
 - 43 requesting \$193,726,066 will move forward for rating
 - Los Angeles County may submit a single application for up to \$18,616,627 for the entire grant period
 - Rater recommendations will be made final at the Scoring Panel's meeting on June 5-6, 2019.
 - Award recommendations will be brought to the Board on June 13, 2019 meeting.
- JAG Proposals are due April 25, 2019. The BSCC received 45 letters of intent to apply. The ESC will make final award recommendations in August and will be brought to the Board on September 12, 2019.
- Title II 2019 application process has been completed. The award amount is unknown. The 2018 award was \$4.7 million.

- The RSAT 2019 application is currently in process. The award amount is unknown. The 2018 award was \$2.2 million.
- Currently working on final acceptance of JAG 2018 award in the amount of \$18 million. Bureau of Justice Administration has advised that the 2019 state solicitation should be out in April 2019.
- The State Controller's Office is planning to conduct an audit of Yolo County Health and Human Services Agency's Proposition 47 Program.
- The federal Office of Juvenile Justice and Delinquency Prevention is planning to conduct a compliance audit the week of May 13 through 17, 2019 to review the four core compliance protections of the Juvenile Justice and Delinquency Prevention Act. Substantive findings are not anticipated.
- On March 28, 2019 SACJJDP toured the Ventura County Probation Agency Juvenile Facilities. It was hosted by Retired Ventura County Court Judge Back and by Board Member and Chief Probation Officer Mark Varela.
- The annual Juvenile Justice Crime Prevention Act/ Youthful Offender Block Grant legislative report was released and posted on the BSCC's website.

3. Legislative Update Report (Presented by Executive Director Howard):

Legislative Board Report in Board binders.

Chair Penner introduced Wayne Bilowit, Law Enforcement Liaison for the Governors' office who attended the meeting.

4. Legal Update:

- General Counsel Aaron Maguire reported there may be items on the Agenda that could be a conflict of interest for some Board Members and Members should recuse themselves during the discussion of the respective Agenda Items.
- Updated the Byrne/JAG 2017 litigation and said that the court case is currently in the 9th Circuit Court of Appeals. The appeal for the 2018 funding is currently in the northern district of California. The BSCC is in the process of accepting the funding and is working on getting the 2017 funding out to the field in the fall.
- Reported on the San Francisco Chronical article on the cost of juvenile detention facilities and that BSCC provided the information to the reporter in accordance with the Public Records Act.

The Board members discussed the article that the number juvenile detainees have reduced dramatically. As a result of the low census, the cost of running a facility increases.

5. Mentally Ill Offender Crime Reduction (MIOCR) Grant: Program Close-out Summary

Field Representative Helene Zentner presented this information item.

The Budget Acts of 2014 and 2015 appropriated a total of \$18.8 million from Recidivism Reduction funds to establish the MIOCR grant program. This grant required that half of the funding be awarded to projects designed for mentally ill adult offenders, and half be awarded to projects that target mentally ill juvenile offenders.

The purpose of the MIOCR grant was to support appropriate prevention, intervention, and supervision services through promising and evidence-based strategies aimed at reducing recidivism in segment of California's offender population that included individuals living with mental health disorders and improving outcomes for the individuals while continuing to protect public safety.

35 proposals were received through the RFP process, which requested \$32.6 million. 21 proposals were funded, which included 10 adult projects and 11 juvenile projects. The grant was a three-year project that ran from July 1, 2015 to June 30, 2018.

Representatives Captain Martin Neideffer and Kelly Glossup, LCSW, presented the Alameda County Sheriff's Office MIOCR program called Operation My Home Town (OMHT).

OMHT is an evidence-based wraparound, pre- and post-release clinical case management program. The model is aimed at assisting ex-offenders to lead productive lives in the community, decrease recidivism, and improve public safety.

The OMHT uses eight principles of evidence-based practices as follows:

1. Assess actuarial risk and needs
2. Enhance intrinsic motivation
3. Target interventions in corrections (risk, need, treatment/responsivity, dosage)
4. Skill-training with directed practice
5. Increase positive reinforcement
6. Engage ongoing support in natural communities
7. Measure relevant processes and practices
8. Provide measurement feedback

Alameda found that 83 percent of the MIOCR participants assessed were high/very high risk and need. 84 percent had two or more mental disorders. 41 percent were assessed as low functioning. Predominant symptoms included psychosis, paranoid ideation, obsessive compulsive, and phobia.

The Alameda program uses clinical case management services and referrals to supportive services including housing, employment, financial support, and referral partners.

Since the grant funding ended in June of 2018, the Alameda OMHT serviced 57 participants.

Chair Penner, Mr. Ertola, Mr. Varela, and Mr. Mills thanked and commended the Alameda program for the positive outcomes of their program and seeing the grant from beginning to end.

Action: Consent Items

A. Minutes from the January 17, 2019 Board Meeting: Requesting Approval

Mr. Ertola moved approval. Mr. Diaz seconded. Mr. Steinhart abstained. The motion carried.

III. Discussion Items

B. Title II: Request for Proposals: Requesting Approval.

Field Representative Timothy Polasik presented this agenda item, which requested the Board's approval and authorization to release of the Title II Grant Program Request for Proposals developed by the Title II Grant Program Executive Steering Committee and approved by the State Advisory Committee on Juvenile Justice and Delinquency Prevention.

Executive Director Howard thanked Chair Rachel Rios for the hard work and dedication. Mr. Steinhart moved approval. Mr. Gore seconded. Prior to the discussion of this agenda item Mr. Varela and Mr. Budnick recused themselves and left the room, pursuant to Government Code section 1091. The motion carried.

C. Title II Tribal Youth Grant Program Request for Proposals: Requesting Approval.

Field Representative Timothy Polasik presented this agenda item, which requested the Board's approval of the Title II Tribal Youth Grant Program RFP developed by the Title II Youth Grant Program ESC and approved by the SACJJDP.

Mr. Budnick moved approval. Mr. Mills seconded. The motion carried.

E. Titles 15 and 24 Minimum Standards for Local Detention Facilities Regulation Revision: Requesting Approval

Deputy Director Allison Ganter presented this agenda item. The BSCC is required to biennially review minimum standards for adult local detention facilities and make appropriate revisions pursuant to Penal Code section 6030, subdivision (a).

BSCC staff requested the Board's approval to begin the Adult Titles 15 and 24 Regulations Revision Process, create an ESC, and appoint an ESC Chair.

Upon approval, staff will begin regulation revision activities, which involves soliciting participation and feedback from subject-matter experts, local detention facility stakeholders, and community and criminal justice partners. The Board will approve any proposed regulation revisions before BSCC staff begins the Administrative Procedures Act process.

The Board appointed Sutter County Sheriff Brandon Barnes to Chair the ESC.

Public Comment was heard for this agenda item:

Renee Menart (Center on Juvenile and Criminal Justice): Asked that when establishing the ESC to include lived-experience members.

End of Public Comment

Mr. Baranco moved approval. Mr. Steinhart seconded. The motion carried.

F. Senate Bill (SB) 844 (Adult Local Criminal Justice Facilities Construction Financing Program) – Contra Costa County Scope Change: Requesting Approval

Field Representative Tonya Parker-Mashburn presented this agenda item, which requested the Board's approval of Contra Costa County's request for a scope change to decrease the number of rated beds in its SB 844 proposal to 288 from 416 and approval of other facility enhancements.

Mr. Steinhart asked for clarification on the reentry program scope change.

Captain Tom Chalk, Project Manager for Contra Costa County responded that the program space and housing space was increased, and therapeutic classrooms were added.

Mr. Diaz asked if there would be a project manager that will see the program through entirely.

Captain Chalk responded that there will be permanent personnel assigned to the project.

Mr. Gore moved approval. Mr. Mills seconded. The motion carried.

G. Senate Bill (SB) 1022 (Adult Local Criminal Justice Facilities Construction) - Imperial County Requesting Site and Scope Change: **Requesting Approval**

Field Representative Michael Shores presented this agenda item, which requested Board approval of Imperial County's request for a change in project scope due to a site relocation. Imperial County is seeking to construct a new re-entry facility in front of the existing Herbert Hughes Correctional Center in El Centro, California. This new scope seeks to relocate the project from the original proposed site in Brawley, CA.

Mr. Diaz moved approval. Mr. Baranco seconded. The motion carried.

IV. Public Comments

There was no public comment.

V. Closed Session- (Gov. Code, § 11126, subd. (e)(2)(B) & (C).):

The Board went into closed session at 11:37 AM.

- State of California v. Barr, Case No. 17-cv-4701 (Byrne/JAG Litigation). (Gov. Code, § 11126, subd. (e)(2)(B) & (C).)
- State of California v. Barr II, Case No. 18-cv-5169 (FY 2018 Byrne/JAG Litigation). (Gov. Code, § 11126, subd. (e)(2)(B) & (C).)
- *Doe v. Board of State and Community Corrections*, Case No. 34-2018-00246913, Sacramento Superior Court. (Gov. Code, § 11126, subd. (e)(2)(A).)

- Significant Exposure to Litigation – One Potential Case. (Gov. Code, § 11126, subd. (e)(2)(B)(i).)

The Board met in closed session. The Board took no action on these items.

The Board reconvened at 12:19 PM.

D. Regulation Update for Feminine Hygiene Products: **Requesting Approval**

General Counsel Aaron Maguire presented this agenda item, which requested the Board:

- Approve the proposed revisions to Section 1265 of Title 15 of the California Code of Regulations as follows:

§ 1265. Issue of Personal Care Items.

There shall be written policies and procedures developed by the facility administrator for the issue of personal hygiene items. ~~Each female inmate shall be issued sanitary napkins and/or tampons as needed. Each female inmate shall be provided with sanitary napkins, panty liners, and tampons as requested.~~

[...]

- Direct staff to begin the rulemaking process pursuant to the Administrative Procedures Act and publish notice of regulatory action in the California Regulatory Notice Register.
- Following the requisite public comment period, if no public comments are received and no changes are made to the express terms: deem this action the final Board approval; direct staff to file the final proposed regulations and the Final Statement of Reasons without further Board action; and file any other final rulemaking documents required by the Administrative Procedures Act.

Ms. Tournour moved approval. Mr. Baranco seconded. Mr. Budnick was not present during the vote. The motion carried.

VI. Adjourn

The meeting adjourned at: 12:23 PM

Next Meeting:

- ❖ BSCC Board Meeting: Thursday, June 13, 2019 (Sacramento)

ROSTER OF PERSONS IN ATTENDANCE

BSCC BOARD MEMBERS:

Chair Penner, Chair, Board of State and Community Corrections
Mr. Diaz, Secretary, CDCR
Mr. Gore, Sheriff, San Diego County Sheriff
Ms. Perez, Kern County Supervisor
Mr. Varela, Chief Probation Officer, Ventura County
Mr. Ertola, Chief Probation Officer, Nevada County
Mr. Baranco, Retired Judge, Alameda County
Mr. Mills, Chief of Police, City of Santa Cruz
Mr. Steinhart, Director, Commonweal Juvenile Justice Program
Ms. Tournor, Director, City of Sacramento, Office of Public Safety Accountability
Mr. Budnick, Founder of Anti-Recidivism Coalition

BSCC STAFF:

Kathleen T. Howard, Executive Director
Tracie Cone, Communications Director
Aaron Maguire, General Counsel
Mary Jolls, Deputy Director, Corrections Planning and Grant Programs
John W. Prince, Deputy Director, County Facilities Construction
Allison Ganter, Deputy Director, Facilities Standards and Operations
Evonne Garner, Deputy Director, Standards and Training for Corrections
Adam Lwin, Board Secretary, Associate Governmental Program Analyst
Helene Zentner, Field Representative, Corrections Planning and Grant Programs
Timothy Polasik, Field Representative, Corrections Planning and Grant Programs
Michael Shores, Field Representative, County Facilities Construction
Tonya Parker-Mashburn, Field Representative, County Facilities Construction