

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, FEBRUARY 10, 2022 BOARD MEETING
Meeting Held Via Zoom & Teleconference

Pursuant to Executive Order N-1-22

The full recording of the meeting may be viewed here:

<https://www.youtube.com/watch?v=3UF6JHUKzes>

I. Call to Order

Chair Linda Penner called the meeting to order at 09:00 AM.

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

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. Growdon	Ms. Gaard	Mr. Steinhart
Ms. Allison	Mr. Haynes	Mr. Mills	Ms. Chavez
Ms. Cumpian	Ms. Vernon	Mr. Budnick	

ABSENT BOARD MEMBERS:

Mr. Viera Rosa

II. Special Order of Business

Determination of Need to Take Action on Item Not Appearing on 10-Day Agenda
(Gov. Code, § 11125.3, subd. (a)(2))

[Inspection of Juvenile Halls for Suitability – \(Welf. & Inst. Code, § 209, subd. \(a\)\(4\) & \(d\)\)](#)

- [Central Juvenile Hall, Los Angeles County](#)

*Please note: based on additional information received from the County of Los Angeles, including recent updates of policies and procedures regarding medical isolation for COVID-19, this item will no longer be heard as a “determination of suitability” within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4). The county has been noticed of the new items of noncompliance, and will be required to submit a corrective action plan for the items described in the attached notice of noncompliance pursuant to Welfare and Institutions Code section 209, subdivision (d).

Chair Penner explained that this item will not require the Board’s action or vote. Instead, it will be a briefing on the latest inspection of the facility.

General Counsel Aaron Maguire explained that a follow-up inspection was conducted by Deputy Director Allison Ganter on February 3, 2022, and after reviewing documents submitted by Los Angeles County staff, BSCC staff determined the county was following guidelines in response to the COVID-19 Omicron surge. The BSCC provide a notice of corrective action requiring a submittal of a new corrective action plan.

Deputy Director Allison Ganter briefed the Board on her visit and findings to the Central Juvenile Hall’s Hope Center, the full report may be found here: [Central Juvenile Hall, Los Angeles County](#).

Mr. Mills asked if there were more than one individual who was kept in insolation for too long and if staff numbers were impacted by the Omicron surge at the facility.

Ganter stated that only one youth in the report was noticed. The error was made by the health provider at the facility. The intent of the medical provider was for the youth to be placed on medical isolation.

Mr. Haynes asked if this new instance would initiate a new 90-day time clock?

Maguire stated that staff will work with the county to meet appropriate timelines.

Public Comment was heard for the Information Items:

Aditi Sherikar: Asked the Board to complete more through inspections to keep youth safe.

Brian Goldstein: Expressed concern about the room confinement at the Los Angeles juvenile hall. Asked the BSCC to prioritize speaking to youth and revise the inspection process.

Nia MooreWeathers: Said the BSCC should be more transparent and have outreach with youth inside of facilities and connect with grassroots organizations on communicating with youth.

End of Public Comment

Chair Penner thanked Deputy Director Ganter and Field Representative Lisa Southwell for their work on Los Angeles and stated that the Board is ready to take proper action as necessary.

Mr. Steinhart stated that the violations in Los Angeles are concerning and that he appreciates that staff is working with them.

Mr. Mills asked what other remedies are available rather than shutting down the facility.

Maguire stated that there is a court monitor available at the facility due to the lawsuit by the Department of Justice. The BSCC does not have the authority to sue the facility but has the authority to find the facility suitable or not suitable.

Mr. Mills suggested there should be another solution and to research other options that the Board can do to address this matter.

Chair Penner stated that there are measures that need to be explored and there is a lot more work to be done.

Chair Penner acknowledged the retirement of Deputy Director Evonne Garner of the Standards and Training for Corrections Division of the BSCC.

Deputy Director Garner thanked the Board and reflected on her role at the BSCC for 17 years.

The Board members and Executive Director also thanked Garner for her support and dedication to the Board.

Chair Penner referenced for the Board the public comment letter received from Sue Burrell from the Pacific Juvenile Defender Center which can be found here:

[Public Comment from Pacific Juvenile Defender Center](#)

[Related Article to the Public Comment Letter](#)

III. Information Items

1. Chair's Report

- Penner reported on her visit to the California State Sheriff's Association (CSSA) meeting and is looking forward to working with CSSA on new grants coming from the Governor and the Legislature.

- Penner introduced Director Katherine Lucero and Counsel Alisa Hartz as the new leadership from the Office of Youth and Community Restoration (OYCR).

2. Executive Director's Report

[COVID-19 Update](#)

Director Howard stated the following:

- The Adult Daily Population has ranged from 59,000 to 61,000 since December 2020
- Total Number of Detained People Tested has increased in recent weeks across the majority of facilities and jurisdictions, along with the total number of detained people confirmed positive.
- Since the beginning of January 2022 there has been a spike in positive confirmed cases of COVID-19.
- Testing and positive cases are at peaks statewide, the positivity rates in January 2022 are similar to January 2021 rates.
- Recently, hospitalizations have increased along with the increase of confirmed positive cases. Although in the most recent week's available data, there were two <11 hospitalization(s) reported compared to higher numbers in prior weeks.
- Deaths: Fifteen <11 figures have been reported during the data collection (7/19/20 – 10/30/21). All fifteen <11 figures have been confirmed to be one death per <11 reported. 1 death in Fresno, 6 deaths in Los Angeles, 1 death in Marin, 1 death in Mariposa, 1 death in Mendocino, 2 deaths in Orange, 1 death in Santa Barbara, and 2 deaths in San Diego. The last death reported is from reporting period ending on 9/18/21.
- Confirmed Positive cases in juvenile facilities have significantly increased in the last four weeks. In total during the from July 19, 2020 through 12/18/21, there was only one report over the <11 figure. Since 12/19/21, there have been eight facilities reporting a weekly total over the <11 figure.
- Total Number of Juveniles tested have also significantly increased in the last three weeks.
- The BSCC does not report cases under 10 due to California Department of Public Health guidelines.

Howard referred to the public comment letter and the article received from Sue Burrell from the Pacific Juvenile Defender Center

Howard stated:

- The suspension of regulations is very transparent: the FSO team reviews all requests carefully and they are further reviewed by Chair Penner. Not every suspension is approved.
- The BSCC is willing to take suggestions on how to improve the process.
- The BSCC tracks any suspensions of regulations and the FSO teams reviews all instances

Howard briefed the Board on the Governor's FY 2022-2023 proposed budget and added that the Legislature is has started scheduling hearings to discuss the proposals. The budget summary is as follows:

Organized Retail Theft Prevention Grant

BSCC Budget Impact – New Competitive Grant Funds

- \$85 million General Fund annually through FY 2024-25
- This funding will be awarded to local law enforcement to combat organized retail crime. Police departments, county sheriffs, and probation departments will receive funding to enforce theft-related laws.

Vertical Prosecution Grant

BSCC Budget Impact – New Competitive Grant Funds

- \$10 million General Fund annually through FY 2024-25
- This funding will be awarded to District Attorneys to create dedicated retail theft prosecution teams. It will support those employing vertical prosecution, whereby one prosecutor handles every part of the trial process, from arraignment to sentencing. Localities involved in retail task forces and that have dedicated task force attorneys will be prioritized.

County Operated Juvenile Facilities Grant

BSCC Budget Impact – New Competitive Grant Funds

- \$100 million one-time General Fund

- This funding will be used to support improvements to county-operated juvenile facilities to make locations more conducive to serving justice-involved youth with a wide range of needs, with a focus on supporting trauma-informed care, restorative justice, and rehabilitative programming.
- Active conversations with Legislative budget staff

Proposition 47/Second Chance Fund

Budget Impact – Increased Funds

- DOF estimated net General Fund savings of \$147.3 million, which is an increase of \$31.1 million over amount saved in FY 2021-22.
- 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 \$95.523 million, which is an increase of \$20.237 million from FY 2021-22. 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 \$68.974 million from the Cannabis Tax Fund.
- 5% of the appropriation is reserved for administration support = \$3.5 million.
- 95% of the appropriation is reserved for local assistance = \$65.5 million.
- This is a \$22.9 million decrease from FY 2021-22’s allocation.

Howard reported that the California State Auditor conducted an audit on the San Diego Sheriff’s Department. The BSCC provided a response. The full report and the BSCC’s response may be found here: <https://www.auditor.ca.gov/reports/2021-109/index.html>

Howard added that the BSCC is continuing to look for ESC members for the Proposition 64 and the Byrne JAG Executive Steer Committees (ESC) and encouraged any interested participants to visit www.bscc.ca.gov to apply.

Mr. Steinhart stated that public comment letter from the Public Comment from Pacific Juvenile Defender Center raises the issue of capacity and a dialogue with the authors and if the BSCC needs additional staffing.

Howard responded that the BSCC is in the process of adding additional staff to enhance the inspection process and will be meeting with the authors in the upcoming week.

3. Legal Update

General Counsel Aaron Maguire reminded Board Members to review the Agenda Items and recuse themselves of items that may have potential conflicts of interest pursuant to Government Code section 1091.

4. [Legislative Update](#)

Public Comment was Heard for Information Items

Avalon Edward: Requested that the BSCC take a more proactive approach on COVID-19 tracking in county jails and provide education to these facilities.

Brian Goldstein: COVID-19 remains a health crisis and encourages that the BSCC should collect vaccination rate of incarcerated people and staff.

Sue Burrell: Referenced the article [COVID-19 and California's Detained Youth: Vulnerable and Overlooked](#) and asked the BSCC to follow and take the recommendations in the article immediately and to apply it to future emergency situations.

End of Public Comment

IV. Action: Consent Items

- A. [Minutes from the November 16, 2021 Board Meeting: Requesting Approval](#)
- B. [Senate Bill 844 \(Adult Local Criminal Justice Facilities Construction - Contra Costa\) Scope Change: Requesting Approval](#)
- C. [Extension of Public Defense Pilot Program Application Deadline: Requesting Approval](#)

Mr. Growdon moved approval. Ms. Chavez seconded. The motion was approved by all other Board members to approve consent agenda items A-C.

D. [Edward Byrne Justice Assistance Grant \(JAG\) No- Cost Six-Month Extension: Requesting Approval](#)

Mr. Mills moved approval. Ms. Allison seconded. Mr. Growdon and Mr. Haynes recused pursuant to Government Code Section 1091. The motion was approved by all other Board members.

V. Action: Discussion Items

Chair Penner took the Agenda out of order and moved Agenda Item L as the first item of discussion.

L. [Indirect Costs Rate for the Board of State and Community Corrections Grant Programs: Requesting Approval](#)

Field Representative Helene Zentner presented this Agenda Item, which requested the Board's approval to increase the maximum indirect cost rate percentage allowed for state grant-funded projects to a grantee's federally approved indirect cost rate, not to exceed 20 percent. This change would apply prospectively to programs that currently do not have fully executed grant agreements.

Board members asked technical clarifying questions on salary, percentage, and the methodology of the indirect cost. Zentner explained the process.

Mr. Growdon moved approval. Mr. Budnick seconded. The motion was approved unanimously.

E. [Minimum Standards for Local Juvenile Detention Facilities, Title 15, and Title 24: Launch of the Regulation Revision Process, Solicitation of Community Input and Interest in Executive Steering Committee Membership: Requesting Approval](#)

Deputy Director Allison Ganter presented this Agenda item, which requested approval to launch the 2022 revision process for the juvenile Titles 15 and 24 Regulations, pursuant to the California Welfare and Institutions Code. The initial process will begin with a 90-day community input period, a community listening session, and a request on the BSCC website for statements of interest from people who are interested in serving on the Executive Steering Committee that will help inform the process, which is expected to last through early 2023.

OYCR Director Katherine Lucero has agreed to participate on the Executive Steering Committee.

Ms. Chavez requested the following five caveats to be added when requested members:

- One, staff to send out information relating to the process to BSCC members so that they can disseminate it to their bases and networks.
- Two, ESC members should send out information about the process to their bases as well.
- Three, ensure that the process is inclusive and accessible as it relates to language and access needs of the disability community. If needed, BSCC should contract with an expert to assist.
- Four, BSCC should hold virtual listening sessions in the evening per topic.
- Five, recommend for staff to look at how they can facilitate a 3rd party process to create a safe space for young people who are in detention facilities to participate in the process via surveys and the ESC should make a determination how to do that.

Public Comment was Heard for Agenda Item E

Nancy Juarez: Requested strong outreach and deadline, a system-impacted person should lead or co-lead and suggested the following: host a webinar a month before the applications is due; outreach to organizations outside of the current networks outside of the listserv; public comment should be accessible and inclusive; outreach and feedback from juveniles in the facilities through early surveys.

Miguel Garcia: Create an ESC with those with lived experience and at least half of the members should be community-based service providers.

Aditi Sherikar: Requested that the listening sessions be more accessible and contract with CBOs to solicit feedback from young people in the facilities for a balanced ESC.

Jason Piazza: Stated that those with a vaccine can contract COVID-19 and it is essential to isolate new intakes and thanked the BSCC the great work.

Ms. Chavez moved approval. Mr. Steinhart seconded. The motion was approved by all other Board members to approve Agenda Item E.

F. [Adult Reentry Grant Program, Cohort III Request for Proposal: Requesting Approval](#)

Field Representative Tanya Thompson presented this Agenda item, which requested Board's approval to release the Request for Proposals for the Cohort III Adult Reentry

Grant Warm Handoff grant program that makes available \$67 million for programs to support individuals as they are released from state prison.

Ms. Vernon thanked the staff who led this effort.

Mr. Haynes asked if the recipients could subcontract. Thompson responded that they are able to subcontract.

Mr. Steinhart moved approval. Mr. Haynes seconded. Mr. Budnick and Ms. Cumpian recused pursuant to Government Code Section 1091. The motion was approved by all other Board members.

G. [Proposition 47 Grant Program: Update on Demographics and Recidivism: Information Only](#)

Stacy Rilea, Research Data Specialist II presented a summary of the entire Proposition 47 Cohort I grant program as well as the first two years of the Proposition 47 Cohort II grant program administered by the Board of State and Community Corrections. Cohort I began in June 2017 and ended September 2021 following a one-year, no cost extension. During that time, more than 32,000 individuals received services, including mental health services, substance use disorder treatment, and diversion programs. For most grantees, the recidivism rates for participants were lower than the statewide average, suggesting that participants who completed the program requirements may be less likely to recidivate. Cohort II started in August 2019 and is expected to conclude in December 2022. During the first two years, more than 5,000 participants received services. Preliminary data indicate improvements in employment and housing rates for those participants.

Ms. Cumpian stated that the preliminary findings are exciting news.

Executive Director Howard expressed her appreciation for Rilea's work on this project and the Proposition 47 grantees.

This item did not require a vote.

H. [Proposition 47 Grant Program, Cohort III Request for Proposal: Requesting Approval](#)

Prior to the presentation on this Board item, Mr. Mills was not present, and Mr. Growdon, Ms. Chavez, Mr. Budnick, Mr. Haynes, and Ms. Cumpian recused themselves from the discussion citing potential remote interest (Gov. Code, § 1091) in the Proposition 47 Grant Program, Cohort III Request for Proposal. 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 Proposition 47 Grant Program. Through random drawing Ms. Cumpian was selected to return to the discussion to maintain a quorum.

Field Representative Dameion Renault presented this Agenda item, which requested that the Board approve for release the proposed Request for Proposals for the Proposition 47 Grant as recommended by its Executive Steering Committee. This updated RFP for the third round of Prop 47 funding represents the first significant changes in grant requirements since its inception in 2014. The Grant Agreement covers September 1, 2022 to June 1, 2026. Approximately \$143 million is projected to be available.

Ms. Gaard thanked the staff and the ESC for the hard work on this project.

Mr. Steinhart moved approval. Ms. Allison seconded. Mr. Mills was not present for the vote. Mr. Budnick and Ms. Chavez, Mr. Growdon, and Mr. Haynes had recused pursuant to Government Code Section 1091. The motion was approved by all other Board members.

I. [California Violence Intervention and Prevention Program \(CalVIP\) - Development of Service Contracts for Technical Assistance, Expanded Capacity, and Training for CalVIP Grants: Requesting Approval](#)

Field Representative Katrina Jackson presented this Agenda Item, which requested the Board’s approval to allocate \$1.8 million in funding to develop service contracts and supplemental grants for technical assistance, expanded capacity, and training for the California Violence Intervention and Prevention (CalVIP) program. The contracts would fund experts to build and expand capacity in the field of community-based violence intervention and prevention by providing training and certifications to community-based violence intervention and prevention professionals, provide mental health services to frontline workers, and convene grantee meetings to share best practices in violence

prevention strategies. Additional service contracts would fund experts that would provide technical assistance to grantees in fiscal structure and data collection.

Mr. Steinhart asked how the contractors would be selected. Jackson responded that the process would be competitive and will go through the state procurement process.

Ms. Chavez moved approval. Ms. Vernon seconded. Mr. Budnick abstained. Mr. Mills was not present for the vote. The motion was approved by all other Board members to approve Agenda Item I.

J. [Board of State and Community Corrections 2022 – 2026 Strategic Plan: Requesting Approval](#)

Field Representative John Prince presented this Agenda item, which requested the Board approval of the BSCC 2022-2026 Strategic Plan, which will be in effect for five years beginning January 1, 2022 and ending December 31, 2026. Following the Board's approval of the 2022-2026 BSCC Strategic Plan, the next step will be the development of strategies by BSCC staff. Staff plans to draft organizational strategies and performance indicators. For example, a strategy for Objective 1.1 may be to hold quarterly input sessions with the public.

Ms. Vernon moved approval. Mr. Growdon seconded. Mr. Mills was not present for the vote. The motion was approved by all other Board members to approve Agenda Item J.

K. [Local Detention Facilities Inspection Update: Requesting Approval](#)

Deputy Director Allison Ganter presented this Agenda Item, a regular update on the local detention facility inspections completed in the 2020/2022 Biennial Inspection Cycle, a summary of current outstanding items of noncompliance for biennial inspections, and a summary of current outstanding items of noncompliance for targeted inspections.

During their most recent inspections, Merced County's local detention facilities were found out of compliance with section 1027 of Title 15 of the California Code of Regulations, Staffing. The Merced County Sheriff's Department submitted a corrective action plan, indicating that additional funding from the Merced County Board of Supervisors will be requested to address staffing shortages. Because these staffing shortages directly relate to the safety of people housed in the facility, as well as staff, BSCC staff is recommending that the Board invite the Merced County Sheriff to appear

before the Board at the next scheduled meeting to discuss how the lack of compliance with section 1027 can be addressed.

Public Comment was Heard for This Item

Sarah Kahn: Reported that Orange County jail has been serving rotten, cold foods to incarcerated individuals. She has received news that those in the facility have not received adequate medical care as well. The inspection process should engage with incarcerated individuals.

End of Public Comment

Ms. Chavez asked clarification if the Board would need to request the Merced Board of Supervisors and the County Executive if the Board requested the Sheriff to appear.

Ms. Allison asked if the auditor could determine nutritional issues regarding the Orange County jails and if the Board has the authority to ask the public health department to ask to check the facility.

Ganter stated that the BSCC conducted a targeted inspection and found that the facility was serving hot food according to Title 15 regulations.

Ms. Cumpian asked if an unannounced inspection can be conducted.

Mr. Steinhart moved approval of staff's recommendation but to suspend approving Orange County Jail's recommendation until further investigation is conducted on the allegations of hot foods not being available for incarcerated individuals. Ms. Chavez seconded. Mr. Mills was not present for the vote. The motion was approved by all other Board members to approve Agenda Item K.

VI. Public Comment

Greg Minor: Request a reconsideration and support of their Proposition 64 budget modification. The request is within the scope of the grant.

Nancy Juarez: Referred to the State Auditor's San Diego Sheriff audit report. Asked the BSCC to adopt the recommendations made by the auditor's report.

VII. Adjourn

Counsel Maguire reminded the Board that the virtual meetings may expire on March 31, 2022 and the April 7, 2022 may be in-person. The option of participating remotely in the future requires the location to be posted online and in a public location that the public can access.

Meeting Adjourned at: 12:09 p.m.

Next Meeting: April 7, 2022

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. Growdon, Sheriff, Lassen County
4. Mr. Mills, Chief of Police, Santa Cruz
5. Ms. Gaard, Retired Judge, Yolo County
6. Mr. Haynes, Chief Probation Officer, Fresno County
7. Ms. Vernon, Chief Probation Officer, Kings County
8. Mr. Steinhart, Director, Commonwealth Juvenile Justice Program
9. Mr. Budnick, Founder, Anti-Recidivism Coalition
10. Ms. Chavez, Supervisor, Santa Clara County
11. Ms. Cumpian, Associate Director Anti-Recidivism Coalition Women's and Non-Binary Services

BSCC STAFF:

Kathleen T. Howard, Executive Director
Aaron Maguire, General Counsel
Tracie Cone, Communications Director
Allison Ganter, Deputy Director, Facility Standards and Operations
Adam Lwin, Board Secretary
Helene Zentner, Field Representative, Corrections Planning and Grants Program
Katrina Jackson, Field Representative, Corrections Planning and Grants Program
Stacy Riley, Research Data Specialist II, Research Unit
Dameion Renealt, Field Representative, Corrections Planning and Grants Program
John Prince, Field Representative, Corrections Planning and Grants
Tonya Thompson, Field Representative, Corrections Planning and Grants