

**MINUTES**  
**BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING**  
**Thursday, June 8, 2017**

Meeting Held At: BSCC Board Room  
2590 Venture Oaks Way Suite 100 Sacramento, CA 95833

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**I. Call to Order:**

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Chair Linda Penner called the meeting to order at: 10:01AM.

Chair Penner welcomed Board Members and the public to the meeting and announced that the agenda will be taken out of order. Chair Penner said members of the public who have public comments will have two minutes for each item.

Board Secretary Maria Rodriguez-Rieger called roll and announced there was a quorum.

The following members were in attendance:

Ms. Penner	Ms. Tournour	Mr. Ertola
Mr. Powers	Mr. Growdon	Mr. Budnick
Ms. Scray-Brown	Mr. Bejarano	Mr. Dean
Ms. Perez	Judge Garrett	

**ABSENT BOARD MEMBERS**

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Mr. Steinhart and Mr. Kernan.

**II. INFORMATION ITEMS:**

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**1. Chair's Report**

- Chair Penner acknowledged the attendance of General Counsel, Aaron Maguire.
- Chair Penner announced that the agenda item F would be taken out of order.

**2. Executive Director's Report**

Executive Director Kathleen Howard provided updates on the following:

- State budget negotiations are wrapping up and staff are keeping a close eye on the progress.
- The BSCC has been told that the JAG solicitation will be released in July, which will likely push out the RFP for Board approval to September and final award recommendations to February 2018.

- Howard said as part of its new three-year State Plan development, the State Advisory Committee on Juvenile Justice Delinquency Prevention (SACJJDP) will be hosting two public input meetings this summer to help identify priorities. One meeting will be on June 21 in Sacramento and a second in Los Angeles on September 20. The BSCC is adding an email inbox to its website as another way to receive input. The BSCC has released a flier publicizing the meetings, and is working to secure input from young people, including holding focus group discussions in juvenile halls. Juvenile Justice Standing Committee will be invited to the meetings.
- The 2017 Residential Substance Abuse Treatment (RSAT) solicitation was released on June 2, and the BSCC application is due July 5. States are advised that the FY 2017 allocation amounts might not be available until a later date. Once the FY 17 allocation amounts are available, states will be notified and will be required to revise applications accordingly.
- Staff is finalizing the annual Community Corrections Partnership annual Legislative Report and anticipate its release in July.
- The workgroups on juvenile regulations have begun as well. Howard thanked Board members Chief Michelle Brown and David Steinhart for their efforts in chairing the workgroups.

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

- The report on legislation potentially affecting the BSCC was included in the meeting material and posted on the BSCC's website.

**4. Legal update:**

- None.

Chair Penner introduced Deputy Director Mary Jolls to discuss Agenda Item F.

**F. Appointment of Chair to the State Advisory Committee on Juvenile Justice and Delinquency Prevention: **Requesting Approval****

This item requested that the Board appoint Rachel Rios, the Executive Director of La Familia Counseling Center, to Chair SACJJDP.

Chair Penner thanked Ms. Rios for her willingness to serve as Chair.

Ms. Rios thanked the Board and said that she is prepared and ready to go to work.

There were no public comments.

Ms. Brown moved approval of Ms. Rios' appointment as Chair of SACJJDP. Mr. Dean seconded. The motion carried.

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Chair Penner introduced Deputy Director John Prince to present Item H:

General Counsel Maguire said that Board member Growdon has a remote interest in this item. (Gov't Code, § 1091.) Mr. Growdon left the room during the discussion.

Judge Garrett said that she is the assigned judge in the affected counties and abstained from voting but remained in the room during the discussion.

**H. Senate Bill (SB) 844 (Adult Local Criminal Justice Facilities Construction Financing Program) Executive Steering Committee's Funding Recommendations, and \$20 million conditional award to Napa County: **Requesting Approval****

This agenda item requested approval of conditional award recommendations totaling \$250 million made by the SB 844 Executive Steering Committee. The recommendations for eight fully funded projects are:

- Large county applicant Contra Costa, \$70 Million
- Medium county applicant Placer, \$30 Million
- Small county applicants were awarded the following:
  - ❖ Plumas \$25 million
  - ❖ El Dorado \$25 million
  - ❖ Mendocino \$25 million
  - ❖ Lassen \$25 million
  - ❖ Mono \$25 million
  - ❖ Modoc \$24.52 million
  - ❖ Napa \$20 million
- \$484,000 in unawarded funds will remain in the Small County category for possible use in the event of a relinquishment.
- SB 844 set aside \$20 million for the replacement of the earthquake-damaged jail in Napa County. Napa County was not required to submit an application to be awarded these funds.

**Public Comments on Agenda Item H:**

The following public members and their organizations opposed the expansion of the Contra Costa Jail and asked the Board to vote against the proposal.

**Ankush Ganapathy** (Alliance of Californians for Community Empowerment)

**Kathleen Greene** (Resident/Contra Costa County Racial Justice Coalition)

**Tarnel Abbot** (Richmond Resident)

**Norie Clarke** (Unitarian Universalist Church of Kensington Social Justice Council)

**Susan Hybloom** (Richmond Progressive Alliance)

**LeDamien Flowers** (Safe Return Project)

**David Sharples** (Alliance of Californians for Community Empowerment)

**Rachel Tolmachoff** (Resident of Contra Costa County)

**Marilyn Lucey** (Resident of Contra Costa County)

**Michael E. Kerr** (Veterans for Peace, Diablo Greens, Our Revolution Contra Costa, Resist Pittsburg)

**Wendy Hershey** (Concord Resident)

**Larnel Wolfe** (Richmond Resident):

**Carole Johnson** (Contra Costa County Racial Justice Coalition)

**Melvin Willis** (Alliance of Californians for Community Empowerment)

**Edith Pastrano** (Alliance of Californians for Community Empowerment)

**Kathé Carins** (Resident of Walnut Creek)

**Suzanne Llewellyn** (Mt. Diablo Unitarian Universalist Church)

**Other Public Comments:**

**Erica Webster (Center on Juvenile and Criminal Justice):** Encouraged diversity in all future BSCC ESCs.

**Mabel Lam (Service Employees International Union SEIU Local 2015):** Said that the funding should be invested in the In-Home Support Services Providers (IHSS) programs rather than the expansion of the jail. Lam asked the Board to reject the proposal.

**Steve Moore (San Joaquin Sheriff):** Stated his belief that there may have been potential omission of preference points during the ESC's rating and awarding of SB 844 funds. Sheriff Moore said that he wrote a letter to the Chair and some of the Board members before the meeting and presented the letter to the Board.

The Board members discussed Agenda Item H:

The Board members agreed that the Board's role is to ensure that those who apply for this grant adhere to the regulations of the grant.

Board Chair and members thanked the audience in attendance from Contra Costa County and said the Board's hands are tied and that the Board would not be able to stop the expansion.

Mr. Dean made the motion to approve the ESC's funding recommendations. Mr. Ertola seconded. Mr Budnick, Judge Garrett, and Ms. Tournour abstained. Mr. Growdon recused and was not part of the discussion. The motion carried.

*Chair Penner called for break at 11:22 AM  
The Board meeting reconvened at 11:35 AM*

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Chair Penner introduced Field Representative Ricardo Goodridge to present Agenda Item K, which was the item to award the Prop 47 grants.

Chief Ertola, and Ms. Perez excused themselves and left the room during this discussion. (Gov't Code, § 1091.)

Sheriff Dean, Chief Brown, and Judge Garrett have non-interest under Government Code 1091.5, they were not required to recuse themselves during this vote.

Judge Garrett announced her intention to abstain from this vote.

**K. Proposition 47 Executive Steering Committee's Funding Recommendations: Requesting Approval**

This agenda item requested Board approval of the Proposition 47 grant awards as recommended by its Executive Steering Committee. The 38-month grant period will begin June 16, 2017 and end August 15, 2020. Specific funding is contingent upon annual deposits into the Second Chance Fund. The year-one total award amount of \$34,359,900 is known. The second and third year amounts are estimates that would bring the three-year award total to approximately \$103,000,000. The following recommendations were made:

- Fully award 14 large and eight small proposals for programs and initiatives to provide mental health services, substance-use disorder treatment, and/or diversion programs for people in the criminal justice system.
- Offer one partial award to the San Bernardino County Department of Public Health, which fell at the funding cut-off point in the large proposal ranked list.
- Direct staff to determine year-two and year-three funding up to the amount requested based on actual year-two and year-three deposits into the Second Chance Fund, and after accounting for the BSCC's costs to administer the Proposition 47 grant program, which shall not exceed five percent. (Pen. Code, § 6046.2, subd. (c).)
- Authorize staff to continue to make awards from the large proposal ranked-order list if additional deposits are made into the Second Chance Fund in FY

17-18, or if an applicant is unable to accept the award. Any remaining funds that are less than the full amount requested by the applicant next in line on the rank-ordered list shall be offered as a “partial” award. Any additional funds relinquished or deposited in the Second Chance Fund shall be offered first to partial awardees.

### **Public Comments For Agenda Item K:**

**Erica Webster (Center on Juvenile and Criminal Justice):** Supported the Prop 47 process and said that the ESC should be a model method for future grant programs.

**Israel Villa (Motivating Individual Leadership for Public Advancement):** Thanked the Board for its work and encouraged inclusion of system-impacted individuals in future conversations about ESCs.

**Dominique Nong (Children’s Defense Fund):** She encouraged the future collaboration of the ESC and the community involvement in the decision-making process. She said Prop 47 was a great step forward and encouraged the Title 15 workgroup to follow suit.

Mr. Dean praised Mr. Budnick and Ms. Perez for the ESC’s outstanding work. Chair Penner also thanked the Co-chairs.

Mr. Dean moved approval of the ESC’s recommendations. Mr. Powers seconded. The motion carried. Judge Garrett abstained. Ms. Perez and Mr. Ertola recused.

Supervisor Perez returned after the vote, praised the work of the ESC and thanked all those involved in the process.

### **III. CONSENT ITEMS:**

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General Counsel Maguire announced that Agenda Item E will be pulled from the Consent Agenda.

**E. Edward Byrne Memorial Justice Assistance Grant: 2014-2017 Local Assistance Grants No Cost One Year Extensions: **Requesting Approval****

This agenda item requested Board approval of a no-cost, one-year extension for current JAG grantees who have requested it and whose contracts otherwise end on December 31, 2017. This extension will allow one additional year for current grantees to operate their programs and spend down their grant awards that, based on staff projections, otherwise will revert to the Board for awarding to future grantees.

Board Members Sheriff Growdon and Sheriff Dean were excused from the discussion and left the room for Consent Item E as they have remote interest and are current grant recipients. (Gov’t Code, § 1091.)

There were no public comments for Agenda Item E.

Mr. Budnick moved approval of Consent Item E. Mr. Ertola seconded. The motion carried.

Mr. Powers asked that Consent Agenda Item C be pulled from the Agenda.

- C.** Senate Bill 81 Round 2 (Local Youthful Offender Rehabilitation Facilities Construction Program) San Diego County Relinquishment: **Requesting Approval**

San Diego County formally relinquished its \$4,500,000 Senate Bill 81 (SB 81) Round 2 Local Youthful Offender Rehabilitation Facilities (LYORF) Construction Program funding award. This agenda item requested that the BSCC acknowledge and accept this relinquishment.

Mr. Powers asked if there were other applicants for SB 81 and asked about reallocating the money to other projects.

General Counsel Maguire said that the funds cannot be reallocated.

Chair Penner directed the Board back to the remaining items on the Consent Agenda.

- A.** Minutes from the April 20, 2017 Board Meeting: **Requesting Approval.**
- B.** Senate Bill 1022 (Adult Local Criminal Justice Facilities Construction Financing Program) San Joaquin County Scope Change: **Requesting Approval.**

This agenda item requested that the Board of State and Community Corrections approve San Joaquin County's request for a scope change of its Senate Bill 1022 Adult Local Criminal Justice Facilities Construction Financing Program (SB 1022) facility.

- D.** Senate Bill 863 (Adult Local Criminal Justice Facilities Construction Financing Program) Napa County Scope Change: **Requesting Approval**

This agenda item requested that the BSCC approve Napa County's request for a scope change of its Senate Bill 863 Adult Local Criminal Justice Facilities (ALCJF) Construction Financing Program facility.

Mr. Budnick moved approval of consent item A, B, C, and D. Mr. Powers seconded. The motion carried to approve Consent Item A, B, C, and D.

There were no public comments for Consent Items A through E.

Chair Penner directed the Board to move forward to the remaining Discussion items G, I, and J.

**IV. DISCUSSION AGENDA ITEMS:**

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Chair Penner introduced Field Representative Helene Zentner to present Agenda Item G.

**G. Proud Parenting Appointment of Chair and Establishment of Executive Steering Committee: **Requesting Approval****

This agenda item requests approval to establish an Executive Steering Committee (ESC) to oversee the development of a Request for Proposals (RFP) for the Proud Parenting Grant Program. Staff is also requesting the following: that the Board approve the appointment of Board member Michael Ertola, Chief Probation Officer of Nevada County as Chair of the ESC to oversee the grant development process; to permit staff to work with the ESC Chair to develop ESC membership; and to delegate authority to the Chair to modify ESC membership if needed. This ESC activity is subject to a state budget appropriation.

**Public Comments For Agenda Item G:**

**Israel Villa (Motivating Individual Leadership for Public Advancement):** He encouraged inclusion of system-impacted individuals in future conversations.

**Erica Webster (Center on Juvenile and Criminal Justice):** Encouraged inclusion of system-impacted individuals when the ESC is formed.

Ms. Perez agreed with the public comments. Mr. Ertola requested that audience member Israel Villa join the ESC and thanked Helene Zentner for leading the grant efforts.

Ms. Brown motioned approval of the staff recommendation. Ms. Tournour seconded the motion. The motion carried.

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Chair Penner introduced Deputy Director Allison Ganter to present Agenda Item I.

**I. Working Group on Sexual Assault. Draft Regulations for Board Approval: **Requesting Approval****

The Board of State and Community Corrections is required to biennially review, and revise if necessary, the Minimum Standards for Local Detention Facilities which are conducted as Titles 15 and 24 of the California Code of Regulations. (Pen. Code, § 6030).

BSCC staff requested approval for proposed regulation revisions that would expand and enhance existing statewide minimum standards for local detention facilities in order to prevent, detect and respond to incidents of in-custody sexual assault and sexual harassment.

Board staff also sought approval to proceed with the Administrative Procedure Act process for regulation adoption.

Ms. Brown asked if these standards would apply to juvenile facilities as well. Ms. Ganter responded that the recommendations would only apply to adult correctional facilities, but the issues would be reviewed as part of the juvenile regulations revision process.

There was no public comment for this item.

Mr. Budnick motioned approval of staff recommendations. Mr. Bejarano seconded. The motion carried.

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Chair Penner introduced Deputy Director Allison Ganter to present Agenda Item J.

**J. Minimum Standards for Visiting in Local Detention Facilities, Approval of Final Rulemaking Package and Submittal to Office of Administrative Law: **Requesting Approval****

Pursuant to Penal Code Section 6030, the Board of State and Community Corrections (BSCC) is required to biennially review, and revise if necessary, the Minimum Standards for Local Detention Facilities. The BSCC Board approved draft regulations for visiting in local detention facilities at its February 2017 meeting.

BSCC staff requested approval of the final proposed regulations for visiting in local detention facilities and approval to proceed with the Administrative Procedure Act (APA) process for regulation adoption

Ms. Ganter thanked Ginger Wolfe for her efforts. The regulations will be effective in October 2017.

General Counsel Maguire said that just like with SB 844, there would be a requirement for in-person visitation written into the statute. He said that moving forward all facilities would require in-person visitation.

**Public Comment For Agenda Item J:**

**Jerry Gutierrez (Riverside County Sheriff's Office):** He said the language as it reads in current proposed regulation should stand. He suggested that the proposed language should remain as is and those facilities that are video visitation only should be exempt.

**Erica Webster (Center on Juvenile and Criminal Justice):** She said that in-person visitation is crucial. Webster also said that counties who are looking to expand their jails should be required to have in-person visitation.

Mr. Dean moved approval of staff recommendations. Mr. Growdon seconded. The motion carried. Mr. Budnick voted no.

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

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**Certification of Compliance With Special Condition (8 U.S.C. § 1373) for Receiving Federal DOJ Funding**

Chair Penner asked the public to vacate the room for a closed session.

Closed Session begin at 12:53 PM. The audience left the board room.

Closed Session ended at 1:04 PM

General Counsel Aaron Maguire announced in open session that the Board approved filing a validation with the federal Bureau of Justice Assistance certifying compliance with 8 U.S.C. § 1373.

**V. Public Comment**

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There were no public comments.

The meeting adjourned at: 1:04 PM

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**Next meeting:**

❖ BSCC Board Meeting: Thursday, September 14, 2017 (Los Angeles)

## **ROSTER OF PERSONS IN ATTENDANCE**

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### **BSCC Board Members**

Chair Penner, Chair, Board of State and Community Corrections  
Director Powers, Director, CDCR Division of Adult Parole Operations  
Sheriff Growdon, Sheriff, Lassen County Sheriff's Department  
Chief Ertola, Chief Probation Officer, Nevada County Probation  
Chief Bejarano, Retired Chief of Police, City of Chula Vista Police Department  
Director Tournour, Director, City of Sacramento, Office of Public Safety Accountability  
Sheriff Dean Sheriff, Venture County Sheriff's Department  
Supervisor Perez, County Supervisor, Kern County  
Chief Scray Brown, Chief Probation Officer, San Bernardino County  
Chief Ertola, Chief Probation Officer, Nevada County  
Judge Garrett, Retired Judge, Solano County  
Mr. Budnick, Film Producer and Founder of The Anti-Recidivism Coalition

### **BSCC Staff**

Kathleen Howard, Executive Director  
Tracie Cone, Communications Director  
Aaron Maguire, General Counsel  
Mary Jolls, Deputy Director, Corrections, Planning, Grants and Programs (CPGP)  
John W. Prince, Deputy Director, County Facilities Construction (CFC)  
Allison Ganter, Deputy Director, Facilities Standards and Operations (FSO)  
Ricardo Goodridge, Field Representative, Corrections, Planning, Grants and Programs  
Helene Zentner, Field Representative, Corrections, Planning, Grants and Programs  
Maria Rodriguez-Rieger, Executive Assistant