

**MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY SEPTEMBER 14, 2023 – 10:00 A.M.
BOARD MEETING**

Meeting Held In-Person, Zoom & Teleconference

**200 South Civic Drive
Palm Springs, California 92262
Police Training Center**

**County Government Center
70 W. Hedding Street
10th Floor, Office of Supervisor Chavez
San Jose, California 95110**

The full recording of the meeting can be viewed here:
<https://youtu.be/zkuy9nxBiek>

I. Call Meeting to Order

Chair Linda Penner called the meeting to order at 10:00 a.m.

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

Penner announced that the Governor appointed two new Board Members – Jason D. Johnson, Director of California Department of Corrections and Rehabilitations, Division of Adult Parole Operations, and Brian Richart, El Dorado County Chief Probation Officer. The Chair administered the Oath.

Penner also reported that Vice Chair Dean Growdon and Member Norma Cumpian were reappointed by the Governor to serve three-year terms on the Board.

Penner acknowledged that Member Angeles Zaragoza was recognized by the Pacific Juvenile Defender Center as the Juvenile Defender of the year.

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

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

The following members were in attendance:

Chair Penner	Mr. Growdon	Mr. Haynes	Ms. Zaragoza
Mr. Macomber	Mr. Dicus	Mr. Richart	Ms. Cumpian
Mr. Johnson	Ms. Chavez ¹	Mr. Mills	

Absent Board Members: Ms. Gaard and Mr. Budnick

¹ Board members participated remotely through Zoom.

II. Information Items

1. Chair's Report

Chair Penner reported on the following:

- Attended the Tri-County Juvenile Rehabilitation Facility which included Yuba, Colusa, and Sutter counties as a joint project funded by Senate Bill 81.
- Sheriff Withrow had his groundbreaking on a facility in San Joaquin County -- a Senate Bill 1022 project for a 256 bed for Career Technology Education programs, mental health programs, housing and other resources.
- The probation Chiefs have reported that the mobile probation grant funds are being put to good use for Californians.

2. Executive Director's Report

Executive Director Kathleen Howard reported the following:

- Congratulated Colleen Curtin on her appointment as the new Deputy Director of the Corrections Planning and Grants Programs Division.
- The BSCC is currently looking into collecting information about how local facilities are responding to opioid use in local detention facilities with input from Sheriffs Dicus and Growdon, staff has developed a plan to send a survey to both jails and juvenile facilities to ask how facilities respond to overdoses when they occur.

Chair Penner requested that the survey on opioids be shared with the Board before it is released to the field.

Grants:

- Howard referenced a letter from several grantees that described concerns about the timeframe for approvals of invoices and budget modifications. Howard acknowledged that there have been challenges regarding grants and reimbursement to grantees and the BSCC is working to hire staff as quickly as possible and to put process improvements in place to address these concerns. Howard also mentioned that the BSCC needs to ensure proper documentation is provided by grantees and that this is one of the primary reasons the reimbursement process can be delayed.

Senate Bill 519:

- Howard gave a summary of Senate Bill 519, which will create a position within the BSCC of the Director of in-custody death review. The Director will be responsible for reviewing investigations of deaths in custody and making recommendations to

the local sheriffs. The Sheriffs, within 90 days, will respond to the recommendations and the information will be posted on the BSCC's website.

- Howard said that the BSCC will develop a Legislative Budget Change Proposal if the bill is signed to request the necessary resources and staffing.
- Howard said there have been about 140 deaths in custody in the past year and it would be a heavy lift for the BSCC to carry out the duties outlined in the bill.

Juvenile Regulations Revision Executive Steering Committee:

- Howard said that at the last Juvenile Regulation Revision ESC meeting, which was led by Chief Kirk Haynes, the ESC decided that four working groups will be established on the following subjects: education, medical and mental health, environmental health, and nutritional health.
- Several subject matter experts have been identified to participate in the working groups.
- The draft revisions will be posted after the working groups have completed their work.

Ms. Zaragoza asked if Board members could join the working groups.

3. Legal Update

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

4. Legislative Update – [PDF](#)

Legislative Analyst Adam Lwin reported on the following:

- [Assembly Bill 268](#) by Assemblymember Dr. Akilah Weber would add two members to the Board, a licensed health care provider and a mental or behavioral health care provider appointed by the Governor and subject to Senate confirmation. The bill also required changes to Title 15 regulations and STC standards.
- [Senate Bill 519](#) by Seante President Pro Tem Toni Atkins was recently amended to require the BSCC to create a position of the Director of In-Custody Death Review appointed by the Governor leading a team of healthcare professionals to investigate in deaths in custody.
- [Senate Bill 544](#) By Senator Laird would allow flexibility for Board members and committee members to participate remotely in meetings subject to Bagley-Keene without noticing their locations to the public.

- [Assembly Bill 505](#) by Assemblymember Ting proposed to transfer all responsibilities related to juvenile justice from the BSCC to the Office of Youth and Community Restoration (OYCR). That has been amended and no longer includes any changes to the BSCC’s juvenile justice responsibilities and authority. The bill now addresses access to facilities by the OYCR ombudsperson and makes changes to local committee composition and the submission of county plans to OYCR.
- [Assembly Bill 280](#) on segregated confinement by Assemblymember Holden would require local detention facilities to develop written procedures on segregated confinement and periodically check on individuals by medical and mental health professionals and would require the BSCC to monitor for compliance.

Written Public Comment:

[Public Comment Letter from Starting Over, Inc. et al.](#)

Chair Penner called for public comment. Public comment was heard from 12 people; the full recording of the public comment and its transcription may be viewed by turning. closed captions on [here](https://www.youtube.com/watch?v=zkuY9nxBiek): (<https://www.youtube.com/watch?v=zkuY9nxBiek>). Public comment for Information Items Start: 00:40:33; End: 1:03:54.

III. Action: Consent Items

A. [Minutes from the June 15, 2022, Board Meeting: Requesting Approval](#)

B. Proposed 2024 Board of State and Community Corrections Meeting Schedule: **Requesting Approval** – [PDF](#)

The following meeting dates in 2024 were proposed:

DATE	LOCATION	TIME
THURSDAY, FEBRUARY 15, 2024	SACRAMENTO	10:00 AM
THURSDAY, APRIL 18, 2024	ORANGE COUNTY	10:00 AM
THURSDAY, JUNE 13, 2024	SACRAMENTO - TENTATIVE	10:00 AM
THURSDAY, JULY 11, 2024	SACRAMENTO	10:00 AM
THURSDAY, SEPTEMBER 12, 2024	SANTA CLARA	10:00 AM
THURSDAY, NOVEMBER 21, 2024	SACRAMENTO	10:00 AM

Mr. Dicus moved approval. Mr. Haynes seconded. The motion was approved by all other Board members.

IV. Action: Discussion Items

C. Title II Grant Program – Tribal Funding Recommendation: Requesting Approval – [PDF](#)

Deputy Director Colleen Curtin presented this agenda item which requested Board approval of the Title II Grant Program Tribal funding recommendation developed by the Title II Grant [Executive Steering Committee](#). Staff recommended that the Board approve the funding to the highest-ranked tribe, the Coyote Valley Band of Pomo Indians, for \$350,000 for the first year of the three-year cycle. Funding and amounts for the second and third years are contingent on future U.S. Office of Juvenile Justice and Delinquency Prevention Title II awards. The tribe applied under Program Purpose Area (4), Diversion. The [Office of Youth and Community Restoration](#) reviewed the proposed Title II Tribal award and concurs with the State Advisory Committee on Juvenile Justice and Delinquency Prevention recommendations.

Mr. Growdon moved approval. Mr. Richart seconded. The motion was approved by all other Board members.

D. Missing and Murdered Indigenous People Grant – Funding Recommendations: Requesting Approval – [PDF](#)

Deputy Director Colleen Curtin presented this agenda item which requested Board approval of the Missing and Murdered Indigenous People Grant Program awards as recommended by the [Executive Steering Committee](#) (ESC). The following three proposals met the scoring threshold and were recommended for funding:

Rank	Applicant	Amount Requested	Recommended Award
1	Yurok Tribe	\$1,000,000	\$1,000,000
2	Tolowa Dee-Ni Nation	\$440,000	\$440,000
3	Sherwood Valley Band of Pomo Indians	\$1,000,000	\$1,000,000
Recommended Funding:			\$2,440,000

\$8.96 million remains unallocated. In addition, the 2023 State Budget included a one-time augmentation for the MMIP Grant in the amount of \$12 million. That leaves approximately \$20.3 million available for a second round of funding. The BSCC plans to gather input from outreach efforts, revise the RFP, reconvene the ESC and issue a second RFP at the November Board meeting.

Mr. Growdon moved approval. Mr. Richart seconded. The motion was approved by all other Board members.

E. Organized Retail Theft Prevention – Funding Recommendations: Requesting Approval – [PDF](#)

Field Representative Helene Zentner presented this agenda item which requested Board approval of the Organized Retail Theft (ORT) Prevention grant awards as recommended by the [ORT Scoring Panel](#). Staff recommended the Board fully fund 11 Large Scope and 26 Medium Scope top ranked proposals totaling \$241,849,438 and one (1) partial award to the next ranked Medium Scope proposal for the purpose of preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft. Also, the Board authorized staff to continue to make awards from the rank-ordered list if staff determine during the follow-up award-making process that an applicant recommended for funding is ineligible, if a grantee becomes ineligible during the grant cycle, or if the grant award is relinquished during the grant cycle.

- [List of Funding Recommendations](#)
- [Proposal Summaries](#)

[Public Comment Letter from Mayor Bass LOS for LAPD Organized Retail Theft Prevention Program Application](#)

Mr. Growdon moved approval. Mr. Richart seconded. The motion was approved by all other Board members.

F. Organized Retail Theft: Vertical Prosecution – Funding Recommendations: Requesting Approval – [PDF](#)

Field Representative Helene Zentner presented this agenda item which requested Board approval of the Organized Retail Theft (ORT) Vertical Prosecution grant awards as recommended by the [ORT Scoring Panel](#). Staff recommend the Board fully fund 12 Large Scope proposals and one (1) Small Scope proposal totaling \$24,868,293 for the purpose of addressing increased levels of retail theft property crimes by using a vertical prosecution model.

[Funding Recommendations](#)
[Proposal Summaries](#)

Mr. Dicus moved approval. Mr. Richart seconded. Ms. Chavez recused pursuant to Government Code section 1091. The motion was approved unanimously.

G. Suitability and Corrective Action Plan Process – Welfare and Institutions Code Section 209 (d): Requesting Approval – [PDF](#)

Chief Deputy Director and General Counsel Aaron Maguire presented this agenda item. Maguire said that at the May 2023 board meeting, the BSCC Board directed staff to outline a process for receipt and approval of corrective action plans (CAPs) from affected probation departments, to include final review and approval by the Facilities Standards and Operations (FSO) Deputy Director. Maguire said that the BSCC has had discussions with the Youth Law Center on the inspections process.

Maguire referred to the [Welfare and Institutions Code section 209, subdivision \(d\) Corrective Action Plan Review and Approval Process](#).

Board members had a lengthy discussion on the timeline of the corrective action plan, verification by the Agency, and the determination of suitability. Staff will continue to work to refine the process and bring it back to the Board at the November meeting.

Chair Penner called for public comment. Public comment was heard from two people; the full recording of the public comment and its transcription may be viewed by turning closed captions on [here](https://www.youtube.com/watch?v=zkuY9nxBiek): (<https://www.youtube.com/watch?v=zkuY9nxBiek>). Public comment for Agenda Item G Start: 2:00:27; End: 2:04:49.

Written Public Comment:

[Public Comment Letter from Youth Law Center et al.](#)

End of public comment

The Board did not vote on this item.

H. Local Detention Facilities Inspection Update: Requesting Approval – [PDF](#)

Deputy Director Allison Ganter provided an update on the local detention facility inspections completed in the 2023/2024 Biennial Inspection Cycle.

Outstanding Items of noncompliance may be found [here](#)

Ganter said that many of the items of noncompliance in the adult detention facilities are ongoing issues related to lack of adequate staffing and BSCC staff are provide technical assistance as necessary.

Ganter said that Kings County Probation has several items of noncompliance and is reaching the end of its 90-day corrective action period on Sept. 24, 2023. The agency is working to remedy the issues of noncompliance below:

- §1329 Suicide Prevention Plan
- §1354 Separation
- §1354 Room Confinement
- §1371 Programs, Recreation, and Exercise

Ganter added that the recent inspections in LA county identified items of noncompliance at the Secure Youth Treatment Facility at the Barry J. Nidorf facility and in Los Padrinos Juvenile Hall.

Chair Penner called for public comment. Public comment was heard from eight people: the full recording of the public comment and its transcription may be viewed by turning closed captions on [here](https://www.youtube.com/watch?v=zkuY9nxBiek) (<https://www.youtube.com/watch?v=zkuY9nxBiek>). Public Comment for Agenda Item H Start: 2:22:00; End: 2:40:00.

Board members discussed the timeline for Kings County Probation and the communications between BSCC staff and the County on the timeline. The Board discussed the corrective action plan and whether an emergency meeting is necessary.

The Board did not vote on this item.

V. Public Comments

Sheryl: Said that mentally ill individuals need more assistance and thanked the Board for accepting a Board member with mental health background.

Gina: Said that more mental health advocates are needed.

Yusef: Said more mental health programs are needed and supports SB 519 and AB 268.

Erin: Said that the timelines for the Counties to come into compliance is not reasonable and requested the Board should adhere to statute.

Iphone: Said that Los Padrinos is not following rules and is unorganized and is not providing a role model to incarcerated children.

Luis: Said that deaths in jails remains an issue and the BSCC should investigate facilities are following Title 15 regulations.

Free Darik: Said deaths in jails should be investigated.

Shaun: Said Kings County is not following its deadline or plan and counties are receiving difference over the youth and protecting government agencies.

Avalon: Said community-based organizations are experiencing financial issues due to grant failures from the BSCC.

Abbey: Asked for assistance on the Adult Reentry Grant invoicing issue.

Board members echoed their appreciation to the members of the public who participated in the meeting in person and virtually.

VI. Adjourn

The Board adjourned at 1:38 p.m.

Next Board Meeting: November 16, 2023

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Mr. Macomber, Secretary, California Department of Corrections & Rehabilitations (CDCR)
3. Mr. Johnson, Director, CDCR- Division of Adult Parole
4. Mr. Growdon, Sheriff, Lassen County
5. Mr. Dicus, Sheriff, San Bernardino County
6. Ms. Chavez, Supervisor, Santa Clara County*
7. Mr. Haynes, Chief Probation Officer, Fresno County
8. Mr. Richart, Chief Probation Officer, El Dorado County
9. Mr. Mills, Chief of Police, City of Palm Springs
10. Ms. Zaragoza, Los Angeles County Alternate Public Defender's Office
11. Ms. Cumpian, Director, Women's Department, Anti-Recidivism Coalition

BSCC STAFF:

Kathleen T. Howard, Executive Director
Aaron Maguire, Chief Deputy Director & General Counsel
Tracie Cone, Communications Director
Adam Lwin, Board Secretary
Allison Ganter, Deputy Director, Facility Standards and Operations
Collen Curtin, Deputy Director, Corrections Planning and Grant Programs
Ian Silva, Field Representative, Corrections Planning and Grant Programs
Helene Zentner, Corrections Planning and Grant Programs