

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY FEBRUARY 9, 2023 – 10:00 A.M.
BOARD MEETING

Meeting Held In-Person, Zoom & Teleconference

Board Room
2590 Venture Oaks Way
Sacramento, California, 95833

The full recording of the meeting can be viewed here:
<https://www.youtube.com/watch?v=UEKo0vvXqbY&t=7991s>

I. Call Meeting to Order

Chair Linda Penner called the meeting to order at 10:05 a.m.

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

Chair Penner announced that Jeffrey Macomber has been appointed by the Governor as Secretary of the California Department of Corrections and Rehabilitation also as an ex-officio member of the Board and administered the Oath of Office.

Penner also announced that Angeles D. Zaragoza has been appointed by the Senate Rules Committee to the Board and that she will participate at the April 13 Board meeting.

Board Secretary Adam Lwin provided instructions to the Board members and the public for participating 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	Mr. Mills
Mr. Macomber	Mr. Dicus	Ms. Vernon	Mr. Budnick
Mr. Viera Rosa	Ms. Chavez	Ms. Gaard*	Ms. Cumpian

*Attended remotely

Absent Members:

Ms. Zaragoza

II. Information Items

1. Chair's Report

None to report

2. Executive Director's Report

Executive Director Kathleen Howard reported on the following:

Grant Updates:

- ❖ Howard reported that at the June 2022 meeting, the Board approved four grants and the establishment of Executive Steering Committees (ESCs):

1. Organized Retail Theft Prevention and Vertical Prosecution Grant Programs
2. Local Law Enforcement Gun Buyback Grant Program
3. Missing and Murdered Indigenous People Grant Program
4. Mobile Probation Service Centers Grant Program

- The application period for Mobile Probation Service Centers Grant Program closed on January 6, 2023. Twenty-eight proposals will be considered for funding. \$20 million is available competitively to county probation departments. Staff anticipates the Board will hear funding recommendations at the April 13 meeting.
- An ESC for The Missing and Murdered Indigenous People Grant Program will meet the first week of March. Howard thanked Board member Cumpian for serving as the committee Chair. Approximately \$11.4 million will be available competitively to federally recognized Indian tribes in California.
- Staff continues to encounter challenges seating the Organized Retail Theft and Local Law Enforcement Gun Buyback Grant Program ESC. To implement the programs in a timely manner, staff has been hosting one-on-ones with subject-matter experts in Organized Retail Theft and on Vertical Prosecution. Staff anticipates an Organized Retail Theft Request for Proposal will be presented at the April 13 Board meeting.
- Staff will provide an update on Local Law Enforcement Gun Buyback Grant Program at the June 15 Board meeting.

Mr. Growdon asked the status of the Officer Wellness Grant. Howard responded that staff has distributed the majority of the payments and is collecting contact information from local agencies. More information on FAQs will be sent out to the field.

Juvenile Regulations Revisions Updates:

Howard reported that that juvenile regulation revision ESC will meet on March 23, 2023. A subcommittee on Secure Youth Treatment Facility (SYTF) regulations has been selected and will be chaired by Katherine Lucero, Director of the Office of Youth and Community Restoration (OYCR).

Governor's Budget Summary – FY 2023-24 Updates:

Howard briefed the Board on the following budget items:

Public Defender Pilot Program

BSCC Budget Impact – Decreased Funds

- \$50 million one-time General Fund reduction in 2023-24, due to declining General Fund revenues.
- Removes the third and final year of the grant program funding.

Proposition 47/Second Chance Fund

Budget Impact – Decreased Funds

- Estimated net General Fund savings of \$101 million, which is a decrease of \$46.3 million over the estimated savings in FY 2022-23.
- The current estimated transfer to the BSCC is \$73.105 million, which is a decrease of \$22.418 million from FY 2022-23. This amount represents the initiative-mandated 65 percent 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 \$83.922 million from the Cannabis Tax Fund. Five percent of the appropriation is reserved for administration support, or \$4.196 million.
- 95 percent of the appropriation is reserved for local assistance, or \$79.726 million.
- This is a \$14.948 million increase from FY 2022-23's allocation.

a. COVID-19 Update – [PDF](#)

Howard reported that COVID data were collected from local detention facilities through winter and did not show a surge. The remaining California Public Health Emergency orders are scheduled to end as of February 28, 2023. The most current guidance from state and federal agencies indicate that the COVID-19 pandemic has entered the

endemic phase. Howard reported that COVID data collection by the BSCC will end in February.

Howard reported the following COVID-19 data:

- The statewide Average Daily Population of detained people has stayed relatively steady at just over 61,000.
- Total Number of Detained People Tested has decreased in recent weeks across facilities. The number of confirmed positive cases has decreased throughout 2022 from a peak in January 2022.
- In the last six weeks, there has been a slight decline in confirmed cases.
- After the increase in January 2022, Positivity Rates returned to pre-January spike levels. Rates are currently lower than what they were this time last year.
- After the increase of hospitalizations in January 2022, hospitalization(s) have also decreased. There were no hospitalizations reported from the week of October 29, 2022 to the week of November 19, 2022. In the last five weeks, there have been four <11 hospitalizations reported.
- Total Number of Juveniles Tests is lower than this same time last year. The number of confirmed positive cases is lower compared to this time last year. The absolute numbers for confirmed positive youths have decreased.
- Positivity Rates have increased from the last board reporting week.
- Positivity Rates are heavily influenced by testing data. Even with a similar number of tests administered in January 2023 compared to October 2022, October 2022's number of confirmed positives is lower than January 2023's.
- Only one hospitalization has been reported during data tracking (reporting period of 11/29/20 - 12/05/20) and zero deaths have been reported.

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.

Ms. Chavez asked if the Levine Act would have an impact to members on the Board. Counsel will review.

4. Legislative Update – [PDF](#)

Legislative Analyst Adam Lwin provided an update on the following bills that impact the BSCC:

[Assembly Bill 268](#) by Akilah Weber. The Board of State and Community Corrections would add two additional members to the existing 13-member Board: a licensed medical health care provider and a licensed mental health care provider. The bill also adds updates to training regulations as well as modifications to Title 15 regarding safety checks, which were addressed in last year's regulations revisions.

[Senate Bill 63](#) (Homeless and Mental Health Court and Transitioning Home Grant Programs) by Senator Ochoa Bogh. It would require the Board to administer the transition home grant targeted for Sheriffs and Jail Administrators.

[Assembly Bill 280](#) (Segregated confinement) by Assembly Member Holden. It would limit the use of segregated confinement requirements and impose additional requirements for its use. The BSCC would be required to assess compliance with the law for each local correctional facility.

Lwin deferred to all other bills of note in the reading materials for further details.

Public comment was heard:

Lisa Matus: Referred to the conditions of the Riverside County Jail and the death of her son. Asked the Board what policy changes can be done at the Board level.

Paula Hawthorn: Asked about the Gun Buyback Grant and when the public will receive more information about the program.

Paloma Serna: Said her daughter died in San Diego jail and to have the Board consider having a medical professional as a Board member.

Avalon Edwards: Raised concerns about the deaths in Riverside County Jail and listed the poor conditions of the medical and mental health care experienced in the facility. Asked the Board to have better oversight of inspections and have stricter regulations.

Luis Nolasco: Listed the names of 18 deaths in Riverside County Jail and asked the Board to intervene.

Nancy Juarez: Said that there is a lack of medical and mental health care in Riverside County Jail and listed several conditions that incarcerated people have experienced. Asked the Board to inspect the conditions and restructure the standards.

Colin Ford: Referred to the Riverside County Jail and asked that the inspection process be reassessed, that safety checks should be reviewed and that there should be more accountability by the BSCC for the 18 deaths.

Yusef Miller: Said that San Diego County Jail has the highest number of deaths due to lack of medical and mental health attention and it needs to be addressed. Asked the BSCC to have more oversight and asked for two additional seats on the Board for a medical and mental health professional.

Sonja Cury: Said that the Board needs a change in direction and decision making and all the comments heard today should be taken into consideration.

End of public comment

III. Action: Consent Items

A. Minutes from the November 17, 2022 Board Meeting: Requesting Approval – [PDF](#)

B. Senate Bill 863 (Adult Local Criminal Justice Facilities Construction Financing Program): Merced County Scope Change: Requesting Approval – [PDF](#)

This agenda item requested the Board approve Merced County's scope change to build additional treatment and programming space as part of the Senate Bill 863 project.

C. Adult Reentry Grant – Rehabilitation of Existing Property, ~~Twenty-Four~~ (Amended during meeting) Thirty-Six Month No-Cost Extension: Requesting Approval – [PDF](#)

This agenda item was amended by Counsel Maguire during the board meeting and requested the Board's approval of a 36-month rather than 24-month liquidation extension for Epidaurus, DBA Amity Foundation, to continue invoicing the Rehabilitation of Existing Property Grant. Amity Foundation experienced implementation delays and service interruptions due to COVID-19 and was unable to deliver services as planned. A 36-month liquidation period extension would allow additional time to implement the rehabilitation of existing grant as originally intended and to spend down funds in accordance with the grant agreement.

D. Indigent Defense Grant Program, Twelve-Month No-Cost Extensions: Requesting Approval – [PDF](#)

This agenda item requested Board approval of a 12-month liquidation extension for the Indigent Defense Grant program. Grant-funded projects experienced implementation

delays and service interruptions due to COVID-19, and grantees were unable to deliver services as planned. A 12-month liquidation period extension would allow additional time for grantees to implement programming and to spend down funds as originally intended.

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

IV. Action: Discussion Items

E. Establishment of Byrne State Crisis Intervention Program Advisory Board: [Requesting Approval](#) – [PDF](#)

Field Representative Ian Silva presented this agenda item, which requested Board approval to establish the Byrne State Crisis Intervention Program (SCIP) Advisory Board to inform and guide the implementation of the federal Byrne SCIP grant program, which will provide federal funding for California to implement additional gun-violence reduction programs. Staff also recommended that the Board members serve on the Advisory Board with additional members meeting required subject-matter expertise appointed by the Chair.

Staff recommended the Board establish the Byrne State Crisis Intervention Program Advisory Board and appoint Linda Penner as Chair, and delegate authority to the Chair to appoint additional members as needed, consistent with the requirements of the Byrne SCIP federal grant program.

Sheriff Dicus asked how the Department of Justice (DOJ) played a role in the firearms program. Counsel Maguire responded that they have consulted with DOJ and they might be involved with the program.

Mr. Viera Rosa moved approval. Mr. Budnick seconded. The motion was approved by all other Board members.

The Board recessed at 11:02 a.m.

The Board returned from recess at 12:08 p.m.

F. Adult Title 15 Regulations: Final Approval of Proposed Regulations for Submission to Office of Administrative Law: [Requesting Approval – PDF](#)

This agenda item was presented by Deputy Director Allison Ganter and requested Board approval of modified text for sections 1030 (suicide prevention program) and 1065 (exercise and recreation) of the Title 15 Regulations for Adult Local Detention Facilities (Cal. Code Regs., tit. 15, §§ 1000-1280). BSCC staff initiated the required 15-day public comment period on December 23, 2022, after the Office of Administrative Law requested clarifying language in the two regulations. BSCC staff will resubmit those sections for adoption with an estimated effective date of April 1, 2023.

The full text of modifications may be found here: [Modified Text of the Proposed Regulations](#)

Ms. Gaard asked about § 1030: *“Suicide Prevention Program (e) Housing recommendations for people at risk of suicide that balance safety and environment. The least restrictive environment **should** be considered.”* She asked why the word “*should*” is used and not “*shall*” and the word “*considered*” and not the word “*required*.” Ganter responded that the language use was based on best practices and what is available to facilities and would give facilities flexibility.

Ms. Gaard suggested that the sentence should be amended to “shall.” Counsel Maguire recommended that the Board adopt the current language so that the regulations may be submitted timely to be effective April 1, 2023. Counsel suggested that the regulations can be considered for revision in the next cycle.

Mr. Dicus and Mr. Viera Rosa concurred that the proposed language gives locals flexibility.

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

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

Outstanding Items of noncompliance may be found here: [ADULT](#) | [JUVENILE](#)

This agenda item was presented by Deputy Director Allison Ganter and provided 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.

Forty-one unannounced inspections were conducted in the last cycle. The 2022 Los Angeles inspections were conducted in November and their corrective action plans will be due March 2023. The County is currently in the WIC timeline. Staff recommended that the Board invite the Chief of Los Angeles County Probation to appear before the Board at the April 2023 meeting.

Chair Penner said that the Los Angeles County Probation Department is again out of compliance with the Board's regulations and is in the process of corrective action. She suggested a motion to invite the Chief of Probation to appear in person before the Board at the April meeting.

Board Members had a discussion on inviting Chief Adolfo Gonzales from Los Angeles County Probation as well as extending an invitation to the LA County Chief Administrative Officer, and all the members of the Los Angeles County Board of Supervisors.

Counsel recounted the timeline of Los Angeles Juvenile Halls as follows: Los Angeles County was found with items of noncompliance on January 13, 2023 and the department has 60 days to submit a corrective action plan by March 14, 2023. The County will have 90 days to remedy the issues. At the next meeting in June, the Board must find the juvenile facilities suitable or unsuitable.

Public comment was heard:

Aditi Sherikar: Asked the Board to limit the number of chances given to Los Angeles County as it is not safe to house young people.

Brian Goldstein: Expressed concerns about the inspection process by the BSCC. Requested more immediate action from the BSCC.

Nancy Juarez: Requested that the BSCC be more accountable for inspections.

End of public comment

Chair Penner made a motion to request Chief Gonzales appear in person before the Board at the April 13, 2023 meeting to address the issues of noncompliance and also to extend an invitation to County Executive Officers and Board of Supervisors. Mr. Growdon seconded. Ms. Gaard abstained. The motion was approved by all other Board members.

V. Public Comments

Public comment about any agenda items may be heard at this time.

Written public comments may be read below:

- [Public Comment From Bonafide Sisterhood Inc.](#)
- [Public Comment From Starting Over Inc.](#)

Paloma Serna: Said that her daughter experienced horrible medical conditions in San Diego County and jail staff should be held accountable.

Tonyia Carter Jr.: Requested clarification on the California Violence and Intervention Grant program and why her agency was dropped as the subgrantee and what they can do.

Tonyia Carter Sr.: Referred to the CalVIP Grant and asked the Board to reconsider reviewing their application for funding.

Brian Goldstein: Expressed concern about the deaths in Riverside County Jail. Asked BSCC to complete a thorough inspection of the facility.

Ashly Rojas: Asked about the Missing and Murdered Indigenous People Grant and if applications are being accepted. (Director Howard responded that a meeting will be held in March).

Denise Settles: Referred to the deaths in San Diego Jail and said it is due to lack of access to mental health care, oversight, transparency, and communication at the state and county levels. Suggested that mental health needs to be better addressed.

Charlie Brown: Said there should be health professionals on the Board.

Saxon's Older Sister: Referred to a family death in San Diego Jail and described accounts of what happened at the facility and that drugs are entering the facility. They asked the Board to investigate the facility.

Paloma Serna: Said that a family member died in San Diego Jail and detailed that drugs were involved, and staff did not provide aide. Asked the Board to assist the families who have experienced the same situation.

Lisa Matus: Detailed accounts of the Riverside Jail deaths and requested unannounced inspections be conducted by the BSCC.

Kathy: Described the conditions at the Riverside County Jail and that they are not following the protocols for those who overdose. Asked for proper procedures and staff duties for caring for individuals suffering from an overdose.

Israel Villa: Spoke in support of adding two additional seats for a mental health and medical health care provider.

Gilbert Gils Daughter: Referred to a family member who died in San Diego County Jail and accounted details.

Avalon Edwards: Requested a change in the public comment system. Addressed the Riverside County Jail and that the minimum standards are not accomplishing any positive changes that the Board has not done anything as an oversight body.

Tina Curiel-Allen: Asked the Board to freeze the funding for the City of Antioch and conduct an investigation.

End of public comment

Mr. Budnick asked whether the BSCC is conducting unannounced inspections in Los Angeles and Riverside County jails. Director Howard said she will provide a detailed list of the unannounced inspections that have been conducted since July 2021.

Mr. Mills and Mr. Dicus said that keeping drugs out of facilities is a struggle, especially with gangs and flash incarceration. In addition, Board Members added that each facility takes staff misconduct seriously and there are very strict protocols, investigations including internal.

VI. Adjourn

The Board adjourned at 1:10 p.m.

Next Board Meeting: April 13, 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. Viera Rosa, Director Division of Adult Parole (CDCR)
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. Ms. Vernon, Chief Probation Officer, Kings County
9. Ms. Gaard*, Retired Judge, Yolo County
10. Mr. Mills, Chief of Police, City of Palm Springs
11. Mr. Budnick, Founder, Anti-Recidivism Coalition
12. Ms. Zaragoza, Attorney, Los Angeles County Alternate Public Defender (*in attendance, did not participate*)
13. Ms. Cumpian, Associate Director Anti-Recidivism Coalition Women's, and Non-Binary Services

*Attended Remotely

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
Ricardo Goodridge, Deputy Director, Corrections Planning and Grants Program
Ian Silva, Field Representative, Corrections Planning and Grants Program
Eloisa Tuitama, Legal Counsel, Board of State and Community Corrections

AUXILIARY STAFF REPRESENTATIVES:

Francine Byrne, Director, Judicial Council of California