

**MINUTES**  
**BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING**  
**THURSDAY, SEPTEMBER 17, 2019**

Meeting Held At:  
Bahia Hotel Resort  
Shell Room  
998 West Mission Bay Drive  
San Diego, CA 92109

**I. Call to Order**

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

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

Chair Penner announced the appointment of Lee Seale, Chief Probation Officer of Sacramento County, to the Board. Penner administered the Oath.

Mr. Seale thanked the Board.

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

The following members were in attendance:

Chair Penner	Mr. Green	Mr. Seale	Mr. Steinhart
Mr. Budnick	Mr. Growdon	Ms. Tournour	
Mr. Baranco	Mr. Mills	Mr. Gore	

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**ABSENT BOARD MEMBERS**

Mr. Diaz and Mr. Ertola

**II. Information Items**

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**1. Chair's Report**

Chair Penner announced the appointment of Ricardo Goodridge as the Deputy Director of the Corrections Planning and Grants Program Division.

**2. Executive Director Report**

Executive Director Kathleen Howard reported on the following:

- AB 1603 authored by Asmblymember Buffy Wicks on the California Violence Intervention and Prevention Grant Program (CalVIP). This bill would make

changes to the purpose areas of the grant. At the time of the meeting the bill has made it to the Governor's desk.

- AB 1454 authored by Assemblymember Reginal Jones-Sawyer is on Trauma-informed diversion programs for youth. This bill would implement round two of the Youth Reinvestment Grant.

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

The Legislative Board Report is in Board binders.

**4. Legal Update:**

General Counsel Aaron Maguire reported on the following:

- The Feminine Hygiene regulations will become effective October 1, 2019.
- Oral argument in the 9<sup>th</sup> Circuit for the Byrne/JAG litigation has made its way to the Attorney General's office for scheduling by January 2020. The JAG funding, if approved today, will be sent out to the field as planned.

**5. Presentation by Los Angeles Sheriff's Department Mental Evaluation Team (MET)**

Lieutenant John Gannon and Sergeant Richard Bojorquez of the Los Angeles Sheriff's Department presented the Mental Evaluation Team (MET) program for Los Angeles county:

The Los Angeles County Sheriff's Department Mental Evaluation Team, in collaboration with the Department of Mental Health (DMH), provided crisis assessment, intervention and targeted case-management services to diffuse potentially violent situations, prepare appropriate documentation to assist in the placement of persons with mental illness in acute inpatient psychiatric facilities, and/or to link these individuals to outpatient mental health services or appropriate community resources.

Each team consists of a deputy sheriff and a DMH licensed mental health clinician who is Lanterman-Petris-Short Act (LPS) designated to initiate involuntary acute psychiatric hospitalization, in accordance with the Welfare and Institutions Code (WIC) sections 5150 or 5585. The MET provides mental health support, field crisis intervention, and appropriate psychiatric placement in situations involving patrol deputy contacts with citizens suffering from mental illness. The goal of this co-response model is to reduce use-of-force incidents, reduce hospitalizations, and avoid unnecessary incarcerations of severely mentally ill citizens.

In 2015, the MET unit was comprised of five mental health mobile co-response teams partnering a Department of Mental Health (DMH) clinician with a deputy sheriff. With the support of today's Board of Supervisors, MET has experienced the initial and

secondary stages of needed expansion to scale up MET to the minimum need of 60-units Countywide.

The frequency and reoccurrence of mental health crises are increasing exponentially with an even greater need for Crisis Intervention training (CIT) training and MET co-responders than ever before. Skipping even one year of growth or settling for current coverage levels would equate to going backwards, as mental health crises in LA County have increased by 72% in the past two calendar years.

MET expansion has resulted in many positive results, featured as return on investments (ROI) in this report and attributed to the past two years of incremental additions:

- 4 “*attempted suicides-by-cop*” never occurred in FY 2018-19, due to MET interventions.
- Patrol deputies would have likely used at least “Level-1” force to subdue patients during 672 incidents in FY 2018-19 were it not for MET personnel arriving on scene in time to de-escalate the patient.
- Administrative downtime (soft savings) based on those 672 uses-of-force incidents that never happened in FY 2018-19, estimated in \$4,122,539 in saved expenditures. The estimated costs savings does not account for the multiple deputy injuries that never occurred during those 672 incidents.
- On average in FY 2018-19, MET units relieved 2.3 patrol deputies and 1 patrol sergeant at *each incident* after arriving on scene and the situation was rendered safe. Patrol deputies were then able to return to proactive patrol duties and available for 911 call handling once MET assumed care of the patient.
- MET responded to 158 requests (one call every 2.3 days) for help in FY 2018-19 from station jail and court lock-up facilities (Type-I jails) to address inmates barricaded in cells. 35 of the incidents could have qualified for activation of an extraction team response but those incidents were resolved peacefully because MET personnel successfully talked the inmate out of the cell (2-hrs avg. handling time).
- 98% of the responses to Type-I jail crises by MET units yielded favorable results. Of the 158 requests for MET help in FY 2018-19 at Type-I jails, all but four (4) were de-escalated and exited their cell after MET arrived on scene to help.
- All LASD mental health training programs are now handled by MET, including the Crisis Intervention Training (CIT) program, taught to 1,244 patrol personnel so far (23%).

- Callers to 911 or the station desks who reported a subject was mentally ill proved to be inaccurate nearly 30% of the time (often, drug use is mistaken for mental illness).
- Despite popular misconceptions about encounters with law enforcement, deputy contact with a mentally ill person resulted in arrest in just 3% of all engagements with patrol deputies. That number drops to 2% of encounters when all non-patrol Bureaus are factored.

Sergeant Bojorquez is currently working with specialists from the Department of Veterans Affairs, the DMH Veteran's and Loved Ones Recovery (VALOR) Program, 17 and Secure Measures, LLC., a subject matter expert, to help develop new training for patrol deputies and MET units Countywide with regard to military culture and unique approaches to handling crises involving veterans Countywide.

The Board members congratulated the team for the positive trends of the MET program in Los Angeles County.

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### **III. Action: Consent Items**

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#### **A. Minutes from the July 11, 2018 Board Meeting: Requesting Approval**

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

**IV. Discussion Items**

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Chair Penner announced that Agenda Item F will be taken out of order from the agenda. The discussion items were reviewed in the following order:

- Agenda Item B
- Agenda Item C
- Agenda Item F
- Agenda Item D
- Agenda Item E
- Agenda Item G
- Agenda Item H

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**B. Proposed 2020 Board of State and Community Corrections Meeting Schedule:  
Requesting Approval**

This item requested the adoption of the 2020 Board of State and Community Corrections meeting schedule, approval for specific dates and planned locations as shown below:

Day	Date	Location	Time
Thursday	January 23, 2020	Teleconference Various Locations	10:00 a.m.
Thursday	February 13, 2020	Sacramento County	10:00 a.m.
Thursday	April 9, 2020	TBD	10:00 a.m.
Thursday	June 11, 2020	Sacramento County	10:00 a.m.
Thursday	July 9, 2020	Sacramento County – If Needed	10:00 a.m.
Thursday	September 10, 2020	Orange County	10:00 a.m.
Thursday	November 19, 2020	Sacramento County	10:00 a.m.

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

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**C. Process for Reviewing and Approving Collocation of Juvenile and Adult Detention Facilities: Requesting Approval**

General Counsel Aaron Maguire presented this agenda item, which requested the Board's approval to adopt the proposed framework in compliance with the Juvenile Justice and Delinquency Prevention Act (JJJPA) as part of a county's request to repurpose juvenile facilities.

The Board established a process to approve transitional age youth pilot programs in county juvenile halls as allowed by Senate Bill 1004. This program allowed counties to provide access to juvenile facilities for age appropriate rehabilitative services for over 18, transitional-age youth.

Because of the significant population reductions in juvenile halls, BSCC staff anticipates that more counties might consider consolidating county functions and the collocation of juvenile detention and adult facilities. To address local requests in a consistent manner, BSCC recommends adopting a review process similar to the SB 1004 review process to ensure collocated facilities comply with the JJJPA.

The Proposed JJJPA Review Process includes the following:

1. The local agency or county would submit a proposal in writing, stating its intent to classify a new or existing juvenile detention facility as a collocated facility.
2. BSCC staff would:
  - a. Review funding source and potential implications for changing facility use;
  - b. Review operational program statement for compliance with Title 15;
  - c. Review design or architectural drawings for compliance with Title 24; and
  - d. Conduct site visit
3. Provide tentative determination that collocation will comply with JJJPA.
4. Following construction (if applicable) and implementation of operational plan, BSCC staff would conduct a final inspection and approve reclassification, provided that the facility complies with all requirements of Titles 15 and 24 and requirements of the JJJPA.

Throughout the process the BSCC staff would continue to provide technical assistance regarding requirements of the JJJPA, as well as California minimum standards for local detention facilities.

The Board discussed the closure and repurposing of juvenile halls and focusing on rehabilitative services for youth.

*Public comment was heard for agenda item C:*

**Dominique Nong – Children’s Defense Fund of California:** Requested that Board approval be required when a county requests repurposing a facility.

**Renee Minart – Center on Juvenile and Criminal Justice:** Requested that Board approval be required for county proposals.

*End of Public Comment*

Mr. Steinhart asked that the Board approve the current language but also bring to the Board county proposals as information items rather than having to approve each request.

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

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Item F was moved out of order from the agenda.

**F. Adult Reentry Grant Program Rehabilitation of Existing Property Project, Request for Proposals: **Requesting Approval****

Deputy Director Ricardo Goodridge presented this agenda item, which requested Board approval to release the proposed RFP for the Adult Reentry Grant Program Rehabilitation of Existing Property Project.

The Budget Act of 2018 (Senate Bill 840, Chapter 29, Statute of 2018) established the Adult Reentry Grant Program and appropriated \$50 million in funding. Pursuant to SB 840, the BSCC is required to award competitive grants to community-based organizations (CBOs) to support offenders formerly incarcerated in state prison. Funding is to be awarded to CBOs for the three following project components:

- \$25,000,000 for rental assistance;
- \$9,350,000 to support the “warm hand-off” and reentry of offenders transitioning from prison to communities; and
- \$15,000,000 for the rehabilitation of existing property or buildings for housing offenders released from prison.

This RFP is for the rehabilitation of existing property. Staff drafted an RFP and released it for a 30-day public comment period on August 5, 2019. Several comments and suggestions were received, and changes were incorporated into the RFP. In addition, a few public comments were received after the final draft was sent to the Board, including a letter from Senator Nancy Skinner’s Office. Staff recommended the three following additional proposed changes to the RFP:

- Page 3 paragraph 7 of RFP currently reads:  
*“Applicant must have provided housing services to homeless or persons at risk of homelessness for a minimum of three years. It is presumed that individuals formerly incarcerated in state prison are at risk of homelessness.”*

Proposed change:

*“Applicants must have a minimum of three years’ of experience in providing housing services to individuals formerly incarcerated in state prison.”*

- Page 4 paragraph 6 of the RFP currently reads:  
*“Should the proposed project be supported by other funding sources, those funding sources must be identified at the time of application.”*

Proposed change:

*“Should the proposed project be supported by other funding sources, those funding sources should be identified at the time of application.”*

- Page 5 paragraph 2 (number 1) of the RFP currently reads:  
*“Administrative costs for CBO personnel (not to exceed 5% percent of grant award)”*

Proposed change:

*“Administrative costs for CBO personnel (not to exceed 10% percent of grant award)”*

The Board discussed and agreed to the changes in the RFP and include the following:

- Changing the term of the grant from 15 years to 10 years, and increasing the Administrative costs to 10%
- Reducing the funding minimum to \$2 million
- Adding subfactor 2.8 that reads *“Describe how the project will provide a supportive and therapeutic community.”*

*Public comment was heard for agenda item F:*

**Renee Minart – Center on Juvenile and Criminal Justice:** Agreed with the changes the Board made to the RFP.

*End of Public Comment*

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

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**D. Edward Byrne Memorial Justice Assistance Grant (JAG) State Strategy Update: Requesting Approval**

Field Representative Daryle McDaniel presented this agenda item, which requested approval of the strategic planning and state plan development for the Edward Byrne Memorial Justice Assistance Grant JAG cycle beginning in 2022.

To ensure California has an updated strategic plan and state strategy in place before 2022, the BSCC will collaborate with the National Criminal Justice Association (NCJA) to assist in conducting statewide stakeholder surveys and listening sessions. BSCC staff is developing a project timeline in consultation with NCJA. These sessions will gather data from stakeholders to help determine the priorities for the state. Staff will bring the findings from these sessions to the Board for approval and authorization to start the grant development for the subsequent five-year cycle.

In addition, the FBI has made nationwide implementation of National Incident-Based Reporting System (NIBRS) a priority because NIBRS can provide useful statistics to promote constructive discussion, measured planning, and informed policing. Each state is required to complete the conversion by January 1, 2021. The California Department of Justice (Cal-DOJ) will implement this change and will be funded \$247,704 in 2018 and \$244,688 in 2019.

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

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**E. Edward Byrne Memorial Justice Assistance Grant (JAG) Executive Steering Committee's Funding Recommendations: Requesting Approval**

This agenda item requested Board approval of the JAG Program for fiscal year 2019, as recommended by the JAG ESC. With approval by the Board, the grants will be effective October 1, 2019 and will expire on September 30, 2022.

As a part of this state strategy, the ESC agreed that JAG funding should be allocated competitively to small, medium, and large counties according to the following formula: 20 percent to small; 30 percent to medium; and 50 percent to large counties. The financial breakdown for each category is:

- Small counties: \$2,420,000
- Medium counties: \$5,005,000
- Large counties (other than Los Angeles): \$8,365,001

- Los Angeles county: \$2,000,000

Staff recommended that the Board:

- Approve the proposed list of counties to receive \$16,285,176 in Fiscal Year 2017 JAG funding, as recommended by the JAG Executive Steering Committee for the first of the three-year grant period.
- Allocate an additional \$219,821 from the federal trust account to Placer County Sheriff's Department to fully fund Placer County Sheriff's Department's request.
- Fund these counties at the same levels for years 2 and 3, subject to the grantee performance, reapplication and the availability of federal funds.
- Give staff permission in the event of a relinquishment to move down the rank-order lists compiled by the ESC to continue funding proposals that meet the scoring threshold.

Mr. Budnick moved approval. Mr. Mills seconded. Prior to the discussion Mr. Growdon and Mr. Seale recused themselves and left the room pursuant to Government Code section 1091. The motion carried.

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Chair Penner and Mr. Steinhart left the meeting at 11:58 AM.

Vice Chair Growdon presided over the meeting.

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**G.** Senate Bill 1022 (Adult Local Criminal Justice Facilities Construction Financing Program) San Joaquin County Scope Change:

**Requesting Approval**

This agenda item requested Board approval of San Joaquin County's request to receive reverted SB 1022 funds and approve a project scope change to its Adult Local Criminal Justice Facilities (ALCJF) project.

The primary purpose of the scope change would be to add a new 12-bed mental health wing to the existing project.

Mr. Gore moved approval. Mr. Budnick seconded. Chair Penner and Mr. Steinhart were not present for the vote. The motion carried.

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**H.** SB 863 (Adult Local Criminal Justice Facilities Construction Financing Program) Napa County Scope Change: **Requesting Approval**

This agenda item requested Board approval of Napa County's request for a scope change of its Senate Bill 863 ALCJF Construction Financing Program facility.

This proposed scope change is to include the previously planned County "self-financed" project in the SB 863 project scope for operational and cost efficiencies and will increase in the total number of beds from 96 to 256.

Mr. Baranco moved approval. Ms. Tournour seconded. Chair Penner and Mr. Steinhart were not present during the vote. The motion carried.

*Public Comment was Heard for Agenda Item H:*

**Renee Minart – Center on Juvenile and Criminal Justice:** Asked for clarification about the number of beds increase and clarification of the location of the additional beds.

*End of Public Comment*

## **V. Public Comments**

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There were no public comments

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

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The Board did not go into closed session.

- State of California v. Barr II, Case No. 18-cv-5169 (FY 2018 Byrne/JAG Litigation). (Gov. Code, § 11126, subd. (e)(2)(B) & (C).)

## **VII. Adjourn**

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The meeting adjourned at: 12:11 PM

### **Next Meeting:**

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- ❖ BSCC Board Meeting: November 14, 2019

## **ROSTER OF PERSONS IN ATTENDANCE**

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### **BSCC BOARD MEMBERS:**

Chair Penner, Chair, Board of State and Community Corrections  
Mr. Green (A), Director, Adult Parole Operations, CDCR  
Mr. Growdon, Sheriff, Nevada County  
Mr. Gore, Sheriff, San Diego County  
Mr. Seale, Chief Probation Officer, Sacramento County  
Mr. Baranco, Retired Judge, Alameda County  
Mr. Mills, Chief of Police, City of Santa Cruz  
Mr. Budnick, Founder of Anti-Recidivism Coalition (ARC)  
Mr. Steinhart, Director, Commonweal Juvenile Justice Program  
Ms. Tournour, Director, City of Sacramento, Office of Public Safety Accountability

### **BSCC STAFF:**

Kathleen T. Howard, Executive Director  
Aaron Maguire, General Counsel  
Tracie Cone, Communications Director  
Evonne Garner, Deputy Director, Standards and Training for Corrections  
Ricardo Goodridge, Deputy Director, Corrections Planning and Grant Programs  
John W. Prince, Deputy Director, County Facilities Construction  
Adam Lwin, Board Secretary  
Daryle McDaniel, Field Representative, Standards and Training for Corrections