

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, JUNE 11, 2020

Meeting Held Via Zoom & Teleconference
Pursuant to Governor's [Executive Order N-29-20](#)
BSCC Board Meeting June 11, 2020, <https://youtu.be/Am5GtP6N99A>

I. Call to Order

Chair Linda Penner called the meeting to order at 10:03 AM.

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

Board Secretary Adam Lwin provided instructions to the Board members and the public for participation in the Zoom meeting.

Lwin called roll and announced that there was a quorum.

The following members were in attendance via Zoom or Teleconference:

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

ABSENT BOARD MEMBERS:

Mr. Diaz

Chair's Opening Comments

Chair Penner made her opening remarks and acknowledged the events of George Floyd's unfortunate death and the global demonstrations in response. In addition, she said that Governor Newsom has announced his support for new policing and criminal justice reforms. Penner stated that the BSCC will examine its policies and make changes as necessary. Penner reported that the Governor ordered Peace Officer Standards and Training (POST) to suspend training on carotid holds. The BSCC immediately reviewed training standards and announced the immediate suspension of STC certification of carotid control hold training.

Penner reported that a memo was sent to the sheriffs and probation chiefs suspending the certification of training for courses related to carotid holds for correctional officers and probation officers.

II. Information Items

1. COVID-19 Updates

- A. Adult Facilities
- B. Juvenile Facilities
- C. BSCC inspections, training compliance, and grants

Executive Director Kathleen Howard reported on the following:

COVID-19 Updates:

Howard referenced a public comment letter from Assembly Members Shirley Weber, Mark Stone, and Reginald Jones-Sawyer on the spending of the Coronavirus Emergency Supplemental Funding (CESF).

Standards for Training for Corrections (STC):

- The STC Division will begin its annual training compliance reviews on July 1, 2020. Due to COVID-19, STC will be conducting virtual reviews this year. STC will be working with each agency on developing a process that is compatible with technological capabilities and limitations, which includes electronic records or, for agencies still working with hard copies, Zoom calls with a visual inspection of the record.
- The deadline for expending funds available for the mental health training grant provided through the JAG program has been extended to September 30, 2021. This gives agencies one additional year to deliver training or find online training alternatives for mental health training for their correctional staff.

Facility Standards and Operations (FSO):

- FSO team has been in contact with facilities remotely and in communication with facilities on suspensions. Chair Penner is reviewing each suspension and approving as necessary. The suspensions are renewed every 15 days. Howard reported that some suspensions of regulations are ending in several counties and in-person visitation and programming is starting up.
- Policy and practice on intake in juvenile facility data have been collected and providing regular updates on changes in populations in both adult and juvenile detention facilities.

Corrections Planning and Grant Programs (CPGP)

- CPGP is using emergency site visit procedures to support remote monitoring. At the April Board meeting, the Board authorized staff to modify grantee applications as budget, curricula, etc.

Coronavirus Emergency Supplemental Funding (CESF):

Deputy Director Ricardo Goodridge presented an update on the CESF Funding.

- As the State Administering Agency (SAA), the BSCC will administer \$58.5 million, which can go to states, local units of government, and tribes to assist in preventing, preparing for, and responding to the coronavirus. The BSCC is reporting weekly to DOF on the progress of this federal funding. Allowable projects and purchases include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses (particularly related to the distribution of resources to the most impacted areas), and addressing the medical needs of people being held in state, local, and tribal prisons, jails, and detention centers.
- On May 13 the BSCC applied for the funding, and it was approved on May 16, 2020.
- Goodridge reported that there have been numerous inquiries, and to facilitate the comments and recommendations, Goodridge asked the public to email cesfinput@bscc.ca.gov.

Howard mentioned that staff will bring the results of the public comment on funding suggestions to the September Board meeting.

Public Comment was heard:

Elizabeth Gladstone (National Center for Youth Law): Asked the Board to conduct in-person inspections to address COVID-19 concerns in juvenile facilities.

Renee Menart (Center on Juvenile and Criminal Justice): Suggested that BSCC should be a clearinghouse and public reporting system of COVID-19 cases.

Miguel Garcia (Anti-Recidivism Coalition): Suggested that BSCC should be a clearinghouse for COVID-19 cases.

Avalon Edwards (Starting Over Inc.): Stated that there should be transparency at the Riverside County jail on COVID-19. Edwards read a statement from Ms. Taylor, whose family member contracted COVID-19, on the current conditions of the jail.

Jordanna Wong-Omshehe (Starting Over Inc.): Asked for transparency and data of jails on COVID-19.

Desiree Mendez: Reported on the current conditions of Riverside County jail. Asked the BSCC be a centralized clearinghouse for tracking COVID-19 data.

Dominique Nong (Children's Defense Fund): Suggested that the CESF should be allotted to community-based organizations and for the BSCC act as a clearinghouse for COVID-19 data.

Brian Goldstein (Center on Juvenile and Criminal Justice): Asked for testing data and information on COVID-19.

Terrence Stewart, (Californians for Safety and Justice): Suggested that the Board should allocate the CESF funding to local communities.

Edward Little: Suggested that the CESF funding should focus on communities of color that are disproportionately affected by COVID-19.

David Guizar, (Crime Survivors for Safety and Justice): Suggested that the Board should allocate the CESF funding to local communities.

Luis Morales, (The Reverence Project): Suggested that the Board should allocate the CESF funding to local communities.

Tina Rodriguez: Suggested that the Board should allocate the CESF funding to local communities impacted by social injustice.

End of Public Comment

2. Chair's Report

Penner reported that Jeff Green will step down as the acting Director CDCR Division of Adult Parole and Guillermo Viera Rosa will return as the Director of the DAPO and become an ex-officio member of the Board. He will be sworn in at the July Board meeting.

Mr. Green thanked the Board and staff for the great work.

3. Executive Director Report & Legislative Report:

Executive Director Kathleen Howard reported on the following:

- Collecting in the Jail Profile Survey, late-night release data. There will be a public comment period in July and we will provide status information at future Board meetings.

Collocating adult and juvenile facilities:

- Yolo County implemented Phase I, which converted the existing booking unit into an adult booking unit.
- Juvenile bookings were transferred elsewhere in the facility; out of sight and sound contact of adult inmates.
- In January 2020, the Yolo County Probation Office requested that an additional unit in the juvenile hall be used for adult inmates.
- Phase II would repurpose Unit A in the facility as an adult housing unit.
- Youth are housed in a separate unit, sight and sound separated from adults.
- BSCC staff determined that with the implementation of Phase II, the facility continues to comply with all federal and state standards.

Budget:

CURRENT FISCAL YEAR (July 1, 2019-June 30, 2020)

- Proposed reversion of \$18M of unspent funding in the following grant programs:
 - CalVIP - \$3M proposed for reversion
 - Youth Reinvestment Grant - \$15M proposed for reversion
 - \$5M from the Youth Reinvestment Fund grant program
 - 10M from the Tribal Youth Diversion grant program

UPCOMING FISCAL YEAR (July 1, 2020-June 30, 2021)

BSCC-specific changes proposed in the May Revise:

- Elimination of \$37M ongoing General Fund for the Adult Reentry Grant
- In support of DJJ realignment, the addition of \$2.4M General Fund in FY 2020-21 and increasing to \$9.6M ongoing, for a competitive grant program to county probation departments.
- Proposition 47 savings estimate = \$102.9M
 - Decrease of \$19.6M from the Governor’s January budget proposal
- Cannabis Tax Fund and Proposition 64 revenue estimates = \$296.9M
 - Decrease of \$35.9M from the Governor’s January budget proposal
 - BSCC’s allocation in FY 2020-21 was reduced by \$5M, from \$44.8M at GB to \$39.7M at MR. BSCC’s FY 2019-20 allocation remains unchanged.
- Withdrawal of \$10M General Fund for the Indigent Defense Program as proposed in Governor’s January budget
 - This was intended for a pilot program, in consultation with the Office of the State Public Defender, to supplement local funding for indigent criminal defense.

Realignment of DJJ:

Mr. Steinhart reported on the following:

Funding:

- The Governor proposed closing DJJ in his May Budget revision and realigning the DJJ population to counties. The Governor's proposal would provide counties and probation with about \$220 million per year to serve the shifted caseload. Many questions remain on guidelines and accountability for the proposed funds. The Legislature has deferred DJJ funding from June 15th for further review in trailer bills later in the session. The Governor's proposal would also include grant funds for regional facilities supported by BSCC grants, but this component remains unresolved.

Adult Court Impact:

- About 350 juveniles are committed each year to DJJ based on having serious or violent offenses. Almost all of these juveniles are eligible for transfer to the adult criminal system. Under realignment, counties must have viable alternatives to DJJ in place, or else we can expect a significant increase in transfers to the adult system. The Governor is working with advocates and legislative committees to develop safeguards against increased transfers to the adult system under realignment.

Oversight:

- There are multiple proposals to coordinate and oversee the aspects of funding and facility management of state and local relationships. An oversight plan is still in discussion.

Mr. Seale and Mr. Ertola expressed that probation chiefs would be able to take on this new population so long as they are provided with adequate resources within the given timeline to implement best practices, including providing treatment and partnering with community providers.

5. Legal Update:

General Counsel Aaron Maguire reported on the following:

For Board members who may have remote interest on the grant items during the funding discussions to recuse themselves pursuant to Government Code section 1091.

III. Action: Consent Items

A. Minutes from the April 9, 2020 Board Meeting: Requesting Approval

B. California Violence, Intervention and Prevention (CalVIP) No-Cost, One-Year Extensions: Requesting Approval

This agenda item requested Board approval of a no-cost, one-year extension for Cohort 2 CalVIP grantees. These grantees experienced delays at the beginning of their grants and further delays due to COVID-19. The extension would provide additional time for grantees to operate their programs and spend down the grant funds in accordance with their Grant Agreements.

Mr. Gore moved approval. Mr. Ertola seconded. The motion carried for agenda items A and B.

Discussion Items

C. Facilities Standards and Operations: 2018/2020 Biennial Inspection Cycle COVID-19 Modifications: Requesting Approval

Deputy Director Allison Ganter presented this agenda item which requested that an additional six months be added to the 2020/2022 Biennial Inspection Cycle to provide on-site inspections for all local adult and juvenile detention facilities, giving priority to those that did not receive on-site inspections in the 2018/2020 Biennial Inspection Cycle, implement the enhanced inspection process, and complete the biennial review and revision of the Adult Titles 15 and 24 Regulations.

The cycle will begin as planned on July 1, 2020 and will end on December 31, 2022. Beginning in the 2023/2024 Biennial Inspection Cycle, local adult and juvenile detention facility inspections will be on a calendar year.

When the new inspection cycle begins in July 2020, staff is recommending that FSO conduct a special review of all detention facilities' current policies and procedures on the Management of Communicable Diseases (CCR 15 § 1410). To the extent any issues of noncompliance are identified, BSCC Field Representatives will be able to provide technical assistance to the field.

Mr. Steinhart asked how the status of the suspension of standards are being addressed. Ms. Ganter and Chair Penner responded that the BSCC is monitoring the suspensions and communicating with the locals regularly and providing technical assistance and have noticed that the locals are starting to lift previous suspensions.

Board members discussed the number of inspections that have been completed and the impact of COVID. Ms. Ganter explained that about 30% of facilities will not be inspected

in-person in this cycle. In person inspections are hindered by different variables such as statewide travel restrictions, shelter in place, and the lack of personal protective equipment for field representatives. BSCC has an urgency to start the inspections and we will report back on inspection status at subsequent board meeting.

Public Comment was heard:

Renee Menart (Center on Juvenile and Criminal Justice): Suggested that the inspections should be done in-person to address concerns of COVID-19.

Dominique Nong (Children's Defense Fund): Asked for in-person inspections of facilities to address the concerns of COVID-19.

Edward Little: Suggested that in-person inspections should be done as this is an essential task.

Elizabeth Gladstone (National Center for Youth Law): Stated that inspections are essential and should be done in-person.

Kent Mendoza (Anti-Recidivism Coalition): Suggested that in-person inspections and collection of COVID-19 data should be completed by the BSCC.

End of Public Comment

Mr. Baranco moved approval. Mr. Gore seconded. The motion carried. Mr. Budnick was not present during the vote.

D. Youth Reinvestment Grant Funding Recommendations: Requesting Approval (Pending 2020-2021 Budget Act)

This agenda item was presented by Field Representative Kimberly Bushard, who requested Board approval, contingent upon continued appropriation in the 2020 Budget Act, of the Youth Reinvestment Grant (YRG) Program funding awards as recommended by the Executive Steering Committee (ESC). The ESC held a virtual meeting on April 16, 2020 for rater training and then commenced the process of proposal rating. If the proposed list of grantees is approved, the grant period will begin July 1, 2020. Proposals recommended for funding include 15 Community Based Organizations. In the alternative, if 2019 YRG funding is not available, it is recommended that 11 Community Based Organizations are funded with unspent and relinquished 2018 YRG funds.

Staff recommended the Board take the following actions to the extent funding is available following final approval of the 2020 Budget Act:

1. Approve the inclusion of \$1,734,217 available due to award relinquishments as part of today's funding recommendation.
2. Fully fund 12 proposals (Attachment D-2) totaling \$11,273,681 for projects providing youth diversion services. This includes:
 - 6 projects with a small request amount;
 - 4 projects with a medium request amount; and
 - 2 projects with a large request amount.

Partially fund the following proposals, which fell at the funding cut-off point for their respective categories on the rank-ordered list.

The AMAAD Institute to receive \$343,277 in the small category;
Flintridge Center to receive \$703,193 in the medium category; and
Centinela Youth Services, Inc to receive \$1,222,884 in the large category.

3. In the alternative, if 2019 YRG funding is unavailable, fully fund 8 proposals (Attachment D-2) totaling \$7,156,254. This includes:
 - 4 projects with a small request amount;
 - 3 projects with a medium request amount; and
 - 1 project with a large request amount.

Partially fund the following proposals, which fell at the funding cut-off point for their respective categories on the rank-ordered list.

Sharefest to receive \$96,704 in the small category;
Community Action Board of Santa Cruz County to receive \$60,193 in the medium category; and
Sierra Health Foundation: Center for Health Program Management to receive \$1,379,884 in the large category.

4. Authorize staff to continue to make awards from the rank-ordered list if any applicant is unable to accept the award or relinquishes an award, first by offering to any partial awardee and then to the next highest-ranked application(s).
5. Authorize staff to continue to make awards from the rank-ordered list should staff determine during the follow-up award-making process that an applicant recommended for award is ineligible or should a grantee become ineligible during the grant cycle.

Mr. Steinhart supported the staff's recommendation and thanked staff and ESC members for the work on this.

Public Comment was heard:

Salim Allen: Supported the funding of the Youth Reinvestment Grant.

Elizabeth Gladstone: Asked for funding for this grant and the CESF to be allotted to community-based organizations.

End of Public Comment

Mr. Steinhart moved approval. Mr. Ertola seconded. The motion carried. Mr. Gore, Mr. Budnick, and Ms. Cumpian recused from this vote and left the meeting pursuant to Government Code section 1091.

E. Tribal Youth Diversion Grant Funding Recommendations: Requesting Approval

This agenda item was presented by Field Representative Kimberly Bushard, who requested Board approval, contingent upon continued appropriation in the 2020 Budget Act, of the Tribal Youth Diversion Grant funding awards as recommended by the ESC. The ESC met via Skype on March 24, 2020 for rater training and then began the process of proposal rating. To the extent funding is available following final approval for the 2020 Budget Act, if the proposed list of grantees is approved, the grant period will begin July 1, 2020. Proposals recommended for funding include one urban tribe and eight rural tribes for a total of nine new Tribal Youth Diversion grantees.

Staff recommended the Board take the following actions:

1. To the extent funding is available following final approval for the 2020 Budget Act, fully fund eight applications totaling \$8,901,949 for projects providing diversion services to Indian children. This includes:
 - a. One urban tribe; and
 - b. Seven rural tribes.
2. Partially fund in the amount of \$798,051 the Yurok Tribe (rural), which fell at the funding cut-off point on the rank-ordered list. (\$57,942 less than requested).
3. Authorize staff to continue to make awards from the rank-ordered list if any applicant is unable to accept the award or relinquishes an award, first by offering to any partial awardee and then to the next highest-ranked application(s).

Authorize staff to continue to make awards from the rank-ordered list should staff determine during the follow-up award-making process that an applicant recommended for award is ineligible or should a grantee become ineligible during the grant cycle

Mr. Ertola thanked Ms. Bushard and Ms. Kasey Warmuth for the hard work and supporting staff's recommendation.

Public Comments was heard:

Salim Allen (Anti-Recidivism Coalition): Supported the funding of the Tribal Youth Reinvestment Grant.

Mr. Ertola move approval. Mr. Mills seconded. The motion carried. Mr. Budnick was not present during the vote.

F. Senate Bill 81 (Local Youthful Offender Rehabilitative Facilities Construction Financing Program Round One) Monterey County Scope Change: **Requesting Approval**

Field Representative Michael Shores presented this agenda item which requested the Board approve Monterey County's request for a change in project scope for its local youthful offender rehabilitative facility (LYORF). The proposed scope change consists of reducing the original proposal by reducing the number of detention beds from 120 to 80, eliminating 30 high security beds, the new kitchen, laundry and storage. The County will maintain and complete construction of two new 30-bed housing units, new classrooms and gymnasium, administration space and renovate an old housing unit. Demolition of old buildings will also be included in the completion of the project, while the County will complete outdoor recreational space and additional enhancements with county funding after the SB 81 project is complete.

Ms. Cumpian asked if the laundry facility, cafeteria can be reinstated, and if the reduction of beds to 60 would be possible.

Deputy Director John Prince that the Department of Finance requested this scope change. In order to comply with Federal Bond Tax Law which requires the project be complete within 3 years. The county will need approval of the scope change to meet these obligations and allow the State Public Works Board to sell bonds on the project.

Public Comment was heard:

Cesar Lara (MILPA): Asked for the reduction of beds from 80 to 60.

Juan Gomez (MILPA): Asked to lower number of beds and reinstatement of laundry and cafeteria facilities.

End of Public Comment

Mr. Growdon moved approval. Mr. Gore seconded. (8 Ayes; 1 No; 1 Abstained). The motion carried. Mr. Budnick was not present during the vote.

IV. Public Comments

Salim Allen (Anti-Recidivism Coalition): Explained the negative conditions and poor treatment of jails which should be addressed by the BSCC.

Lanaisha Edward: Asked that the CESF funding should be allotted to Community Based Organizations.

Jaime Gurrero (Crimes for Violation of Safety & Justice): Support of funding for community-based organizations is very much needed.

Miguel Garcia (Anti-Recidivism Coalition): Asked that funding for community-based organizations should be prioritized.

Desiren McHenry: Shared her family member's personal story about her family member who contracted COVID-19 in a Michigan facility and the effects of COVID on her family and the community.

Edward Little: Opposed the Monterey County scope change.

Kent Mendoza (Anti-Recidivism Coalition): Opposed the Monterey County scope change.

Brian Goldstein (Center on Juvenile and Criminal Justice): Opposed the Monterey County scope change.

Tony Heins (Crimes for Violation of Safety & Justice): Supported funding for community-based organizations.

V. Adjourn

The meeting adjourned at: 01:35 pm.

Next Meeting:

- ❖ BSCC Board Meeting: July 9, 2020 (Via Zoom)
- ❖ BSCC Board Meeting: September 10, 2020 (Sacramento)

ROSTER OF PERSONS IN ATTENDANCE

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. Ertola, Chief Probation Officer, Nevada County
Mr. Baranco, Retired Judge, Alameda County
Mr. Mills, Chief of Police, Santa Cruz County
Mr. Budnick, Founder, Anti-Recidivism Coalition
Mr. Steinhart, Director, Commonweal Juvenile Justice Program
Ms. Cumpian, Women's and Non-Binary Services Manager Anti-Recidivism Coalition

BSCC STAFF:

Kathleen T. Howard, Executive Director
Aaron Maguire, General Counsel
Tracie Cone, Communications Director
Ricardo Goodridge, Deputy Director, Corrections Planning and Grant Programs
Allison Ganter, Deputy Director, Facilities Standards & Operations
John W. Prince, Deputy Director, County Facilities Construction
Adam Lwin, Board Secretary
Kimberly Bushard, Field Representative, Corrections Planning and Grants Program
Michael Shores, Field Representative, County Facilities Construction