

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, APRIL 7, 2022
BOARD MEETING

Meeting Held In-Person, Zoom & Teleconference

In-Person Locations:

Board Room
2590 Venture Oaks Way
Sacramento, California, 95833

Palm Springs Police Department
200 S Civic Drive Training Room A
Palm Springs, California, 92262

Anti-Recidivism Coalition
1320 East 7th Street Suite 260
Los Angeles, California, 90021

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

I. Call to Order

I. Call Meeting to Order

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

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

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

Chair Penner welcomed and introduced newly appointed Board member Miguel Garcia and administered the Oath of Office.

Mr. Garcia thanked the Board.

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

The following members were in attendance on Zoom or Teleconference:

Chair Penner	Mr. Growdon	Ms. Gaard	Mr. Garcia
Ms. Allison	Mr. Haynes	Mr. Mills	
Ms. Cumpian	Mr. Viera Rosa	Mr. Budnick	

ABSENT BOARD MEMBERS:

Ms. Chavez and Ms. Vernon

II. Information Items

1. Chair's Report
 - None to Report
 2. Executive Director's Report
- [COVID-19 Update](#)

Executive Director Kathleen Howard reported on the following:

- Since December 2020, the jail ADP has ranged from 59,000 to 61,000. In recent weeks, the Average Daily Population (ADP) has been around 59,000
- The total number of detained people tested for Covid-19 has slowed in recent weeks across the majority of facilities and jurisdictions, along with the total number of detained people confirmed positive, after the spike in January 2022
- Deaths: Fifteen <11 figures have been reported during the data collection (7/19/20 – 10/30/21). All fifteen <11 figures have been confirmed to be one death per <11 reported. 1 death in Fresno, 6 deaths in Los Angeles, 1 death in Marin, 1 death in Mariposa, 1 death in Mendocino, 2 deaths in Orange, 1 death in Santa Barbara, and 2 deaths in San Diego. The most recent death reported is from reporting period ending on 2/12/22, the first reported death since 9/18/21
- Since COVID-19, there's been a significant drop-off in ADP.
- Juveniles Confirmed Positive cases have slowed since the spike in January 2022. From July 19, 2020 through 12/18/21, there was one report over the <11 figure. From 12/19/21 to 1/29/22, there were eight facilities reporting a weekly total over the <11 figure. Since 1/29/22, there has been only one facility reporting a weekly total over the <11 figure.
- Total number of juveniles tested has also returned to typical figures after significantly increasing in three weeks in January 2022.

- Positivity rates have decreased significantly since the January 2022 spike. In the last three weeks, positivity rates are at some of the lowest since data collection started.
 - Positivity rates are heavily influenced by testing data. Even with the spike in positive confirmed cases, January 2022's positivity rate is just slightly more than the January 2021 rates.
 - Only one hospitalization has been reported (reporting period of 11/29/20 - 12/05/20) and zero deaths have been reported.
- Briefing on the San Diego Sheriff's Department Audit Report: [February 2022](#)

Executive Director Howard reported on the following:

- The audit recommendations connected to BSCC responsibilities have to do with mental health screenings, safety checks and training.
- Mental health screenings in County detention facilities are vitally important, they must be done timely, thoroughly and by people who have been sufficiently trained.
- The recommendation in the audit report is that the BSCC's regulations should explicitly require that mental health professionals should perform mental health screenings.
- People are booked into county jails at all hours of the day and night, an initial intake screening might be conducted by someone who is trained to do that but may not be a health professional.
- Mental health screenings are addressed in BSCC's regulations and are consistent with national standards.
- The BSCC is concerned about the feasibility of the recommendation for mental health screening at intake and how it could be carried out across the state.
- Regarding safety checks Howard stated that a very important and central part of jail operations is making sure that the staff inside the facility are aware of what's happening with the people who are housed there and that the purpose of the safety check is to determine the safety and wellbeing of the people in the facility.
During the most recent revisions to the adult regulations, a phrase was added to explicitly require that safety checks determine the safety and wellbeing of individuals. The purpose of the safety checks is now well outlined in the regulation as it's been updated.
- The third issue is training standards, the BSCC did significant updates and modifications and enhancements to the statewide training standards and addressed a variety of job classifications in local detention facilities

Mr. Growdon pointed out some of the issues he has experienced in the field in regard to all three recommendations made by the Auditor and the difficulties that the counties face.

Ms. Allison asked if a registered nurse could assess suicide prevention screening at intake.

Deputy Director Allison Ganter responded that there is a trained person at the facility who uses a tool to conduct the mental health assessment at intake.

Mr. Haynes stated that when medical staff are not available, correctional staff are trained to provide mental health services and evaluations.

Ms. Cumpian referenced her visit to the San Diego Women's facility and noticed the suicide rate. The women at the facility organized and met new women coming into the facility and mentored them and created a program to help each other. The program reduced the suicide rate. Suggested that the facility should invest in people with similar programs she mentioned.

Mr. Garcia said that large counties are lacking in mental health screening and the recommendation by the Auditor is critical and the BSCC should focus on mental health.

Ms. Gaard ask for clarification on how many large counties would need mental health professional services and would it be a burden for the counties.

Mr. Viera Rosa asked for clarification on the timing for intake screening.

Executive Director Howard and General Counsel Maguire clarified that it would be at the time of intake screening by a mental health professional on site.

Chair Penner reported that San Diego is in the process of hiring a mental health professional to complete the assessment. Penner stated that the BSCC will take this opportunity to investigate from large counties how they are handling mental health screenings and to bring what the agency finds back to the Board.

Ms. Allison asked if the large counties have an on-call psychologist available.

Mr. Viera Rosa asked what the best practices are and should take that into consideration.

Mr. Mills stated that the current solution is to incarcerate out of the mental health crisis being experienced in the state and as more people are being booked in these facilities these issues would persist. Mills added that if the Auditor's report is accepted that Legislator need to be informed that there is very little that can be done at the intake level as not every case is similar. Mills stated that a more holistic approach would be best suited and cautioned developing solutions that would cost agencies additional funds and extra resources before understanding the context of the problem. Mills added the Auditor's report was short sighted and lacked information on the analysis of the in-

custody deaths and hesitated promulgating new rules and regulations on the sheriffs' offices.

Chair Penner stated that the Auditor's report highlighted issues but did not provide solutions, but the Board can take a harder look at these issues.

Public Comment was heard for the Information Items:

Nancy Juarez: Urge the BSCC to make amendments to the adult title 15 and 24 regulations to ensure county sheriff departments have mental health professionals perform evaluations at intake and that safety checks be sufficiently detailed as the details are the matter of life or death

Helena De Oliveira Laub: Expressed concerned that the Auditor's findings specifically lacking mental and medical attention and inadequate safety checks in LA County and said that safety checks as described in the regulation is not sufficient to ensure it's carried out correctly.

Malcolm Morgan: Explained his personal experience in the facility. Urged the BSCC to adopt the auditor's recommendations.

End of Public Comment

Executive Director Howard closed this discussion and stated that she will work with the BSCC team to gather information through a survey of county detention facilities. Staff will request information about how detention facilities that have rated capacities greater than 1,000 are handling mental health screenings and bring it back to the Board at the June meeting.

3. Legal Update

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

- [Attorney General Opinion No. 18-103 – Grand jury authority under Penal Code section 919, subdivision \(b\), applies to county jails](#)

Maguire referred to the Attorney General Opinion dealing with the grand jury's authority to investigate conditions in the county jails and referred to the attachment above.

4. [Legislative Update](#)

Legislative Analyst Adam Lwin provided and update on the following:

SB 1137: Authored by the Pro Tem, Senator Toni Atkins would expand the Board's mission to include the promotion of legal and safe conditions for youth, inmates, and staff in local detention facilities. The bill would be heard in Senate Public Safety.

AB 2343: Authored by Assemblymember Akilah Weber in response to the San Diego Sheriff's Audit report, would add two members to the current 13-member Board: one a licensed health care provider and the other a licensed mental health care provider.

AB 2321: Authored by Assemblymember Jones-Sawyer. Juveniles: room confinement, would limit the period of room confinement of youth in detention facilities to one hour and would require that youth have access to toilets at all hours. This bill would impact Title 15 regulations.

Lwin reported that there are currently eight bills in both houses that target Proposition 47 addressing issues such as increased penalties for prior crimes and reducing the threshold for petty theft to \$400.

AB 2062: Authored by Assemblymember Salas – Local Law enforcement hiring grants, Upon appropriation of \$50 million would provide grants to incentivize peace officers to work and live-in underserved communities.

AB 2253: Authored by Assemblymember Bonta – Gun violence: public health crisis Would require adding a public health approach to the gun violence prevention related programs. This bill may affect our current CalVIP program.

Public Comment was heard for the Information Items:

Avalon Edwards: Expressed concerns on the lack of accurate COVID data from Riverside County.

Brian Goldstein: Expressed concerns about weak safety protections and limited availability for vaccines in these facilities. BSCC must provide stronger oversight, to ensure counties aren't hurting people in the name of public health. BSCC must ensure that counties are making vaccines widely available. BSCC must collect data on how counties are making vaccines available.

End of Public Comment

III. Action: Consent Items

- A. [Minutes from the February 10, 2022 Board Meeting: Requesting Approval](#)
- B. [Adult Regulation Revision: Approve Updated Revisions: Requesting Approval](#)
- C. [Tribal Youth Diversion Grant - Cohort I, Six-Month No-Cost Extension: Requesting Approval](#)
- E. [Establishing Rules for Members of Executive Steering Committees to Participate in Rater Training Remotely: Requesting Approval](#)

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

- D. [California Violence Intervention and Prevention Grant \(CalVIP\) Request for Proposals - Service Contract to Strengthen the Data Collection and Management Capacity of Grantees: Requesting Approval](#)

Mr. Haynes moved approval. Ms. Allison seconded. Mr. Budnick, Mr. Garcia, and Ms. Cumpian recused pursuant to Government Code Section 1091. The motion was approved by all other Board members.

IV. Action: Discussion Items

- F. [Local Inspection Update: Requesting Approval](#)
 - Requested Appearance - Merced County Sheriff: Update on Regulation Section 1027 (staffing) of Title 15 of the California Code of Regulations

This report is 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. Staff requested the Board approve not bringing any Sheriff before the Board at the June meeting.

List of recommendations for adults:

<https://app.smartsheet.com/b/publish?EQBCT=721da257110c4f80bd92d8215c165fe1>

List of recommendations for juveniles:

<https://app.smartsheet.com/b/publish?EQBCT=aafefb79b5d446b984d16a013d541c0d>

Ganter said that Merced County was found out of compliance with Title 15 Section 1027 Staffing and introduced Merced County Sheriff Verne Warnke to present to the Board the reasons for remaining out of compliance following submittal of a corrective action plan.

Merced County Sheriff's Office Corrective Action Plan Response 2020-2022 Update

Sheriff Warnke thanked the Board for the accurate report pertaining to the Merced correctional facility and the cooperation from the Merced Board of Supervisors. Sheriff Warnke stated that the Board of Supervisors funded the Department's budget to hire 20 staff for the Department and he is actively recruiting additional staff.

Chair Penner asked about Merced County's COVID-19 reporting data.

Sheriff Warnke stated that the incarcerated persons and their families have been vaccinated and about 52% of the population have been vaccinated on the County's Well Path medical provider program and a total of 1,400 have been vaccinated since the pandemic started. The current population is 503. There are currently no positive cases in custody.

Mr. Mills asked how long it would take for new staff to be deployed in the field.

Sheriff Warnke stated he is hopeful within a year due to the challenges of hiring law enforcement personnel.

Mr. Garcia asked what measures are being put in place in the interim while hiring new staff to avoid further compliance issues.

Sheriff Warnke stated that there will be an overtime program for current staff and will not lower standards for qualifications of new staff.

Public Comment was heard for Agenda Item F:

Ezekiel Nishiyama: Explained his experience in juvenile facilities. Thanked the BSCC for putting pressure on Los Angeles County to remedy the noncompliance issues.

Claudia Gonzalez: Spoke on the Merced County jails and its bad conditions and asked the BSCC to reallocate the funds by the Board of Supervisors to advocates rather than correctional officers and conduct unannounced visits.

End of Public Comment

Mr. Growdon moved approval. Mr. Viera Rosa seconded. Ms. Allison was not present during the vote. Ms. Garcia Abstained. The motion was approved by all other Board members.

Ganter added that the Orange County Jail had past issues of noncompliance related to food services, specifically not providing hot food options. Recently the BSCC received an inquiry from the ACLU regarding meals. The facility allegedly was not providing religious and medical diets. On March 17, BSCC staff conducted an unannounced inspection of the Orange County Jail to determine continued compliance with food service-related regulations.

While onsite, BSCC staff were able to verify through visual observation and interviews with the Sheriff's office staff, food service staff and warehouses, the facility hot meal components are being included in meal service and medical and religious diets have not been interrupted. The kitchen facilities were clean and well stocked consistent with grocery store standards and appeared edible without mold or rotten appearance from consumer perspective.

BSCC will continue to monitor Orange County Sheriff's departments service items.

G. [Minimum Standards for Local Juvenile Detention Facilities, Title 15, and Title 24 Begin Regulation Revision Process, Appoint Co-Chairs: Requesting Approval](#)

Deputy Director Allison Ganter presented this agenda item, which requested the BSCC Board appoint co-chairs to the Juvenile Titles 15 and 24 Regulations Revision Executive Steering Committee. In addition, BSCC staff will provide an update on the Juvenile Regulations Revision initial planning process, which will include launch of a community input period, additional opportunities for community listening sessions and participation, and selection of ESC members who bring a variety of experience and subject-matter expertise.

This item requests the Board approve the appointment of Board Members Kirk Haynes and Miguel Garcia as co-chairs of the Juvenile Regulations Revision ESC and launch the public input process as described above.

Mr. Haynes thanked the Board and stated that he looks forward to working with Mr. Garcia and the community to get this work done. Mr. Garcia echoed his thanks and his commitment to the ESC.

Public Comment was heard for Agenda Item G:

Nancy Juarez: Thanked the Board for making this process inclusive and accessible and she said she looks forward to finding ways to create a subgroup that will be detailed the treatment of secure youth track facilities.

End of Public Comment

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

H. Reinspection of Los Angeles County Juvenile Hall – Determination of Suitability – (Welf. & Inst. Code, § 209, subd. (a)(4) & (d))

- Barry J. Nidorf Juvenile Hall, Los Angeles County

Requesting Approval [PDF](#)

This report provided information regarding the ongoing monitoring of the Los Angeles County Juvenile Halls and requested the Board make a determination of suitability within the meaning of Welfare and Institutions Code section 209, subdivision (d) for the Barry J. Nidorf Juvenile Hall in the County of Los Angeles with respect to the status of its corrective action plan involving noncompliance with section 1354.5 of Title 15, Room Confinement.

Ganter briefed the Board on the Corrective Action Plans and correspondence between LA County and BSCC below:

[Attachment H-1: BSCC Corrective Action Plan: December 2021](#)

[Attachment H-2: Corrective Action Plan March 10 2022](#)

[Attachment H-3: Response to Los Angeles County 3-11-2022](#)

[Attachment H-4: Memo – BSCC Section 1354.5 Room Compliance Guide](#)

[Attachment H-5 Notice of Determination of Suitability Letter to Los Angeles 3-29-2022](#)

[Response from Los Angeles County Probation – April 5, 2022](#)

Staff recommended that the Board:

- Continue the determination of suitability within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4), for the Barry J. Nidorf Juvenile Hall to the June 9, 2022 board meeting.
- Direct staff to conduct a reinspection within 30 days to determine compliance with the December 10, 2022 corrective action plan and Title 15 § 1354.5, Room Confinement.

Mr. Haynes asked about the leadership changes in Los Angeles and what the timeframe is to start seeing some of the changes that the County is working on.

Chief Deputy Karen Fletcher of Los Angeles County responded with the following:

- The Department was reactive rather than proactive and riddled with systemic issues and with Chief Gonzales the Department seeks to reform. The County has been providing extensive training, internal audits, and collaborating with various agencies.
- There are dedicated, intelligent staff but there are still members of the team who are resistant to change.
- On March 10, 2022 Chief Gonzales ordered the temporary suspension of operations at Central Juvenile Hall and moved 135 youth to Barry J. Nidorf Juvenile Hall to focus on maintenance at the facility as well as transitioning and training new leadership. Two superintendents have been appointed to oversee both juvenile halls and six new leadership team members have received in-person training from Field Representative Lisa Southwell.
- All previously reviewed videos that resulted in findings of inappropriate room confinement have been referred to internal affairs for possible progressive discipline of the staff involved.
- Additionally, the County is actively pursuing technology that will assist in maintaining compliance in the areas of room confinement and room safety checks
- The County has also reached out to other probation departments to determine what systems have helped them to track room confinement and safety checks.

Ms. Allison commended Los Angeles County for their leadership change and continued commitment.

Chair Penner stated that she will support the continuance as staff recommended. She expressed frustration that Los Angeles has been slow to act.

Mr. Haynes agreed with the staff recommendation, but LA County probation issue needs to be resolved and changes need to happen.

Mr. Garcia said that programs and services should be continued in Los Angeles County and feels conflicted about allowing the facility to be determined suitable.

Mr. Growdon asked if Central Juvenile Hall can be repopulated.

Fletcher responded that the facility has made significant improvements and is anticipating moving youth back into the facility.

Mr. Viera Rosa asked if the Central Juvenile Hall should be inspected prior to the youth returning to the facility.

Deputy Director Ganter stated that inspection would not be done as youth are not at the facility.

Mr. Haynes asked if there will be an automated system to monitor safety checks

Fletcher stated that the County is committed to having the technology in place and will have to go through a procurement process.

Mr. Budnick stated that he has faith in the new leadership and probation, but he is concerned that they can't figure out how to just do minimum standards.

Mr. Mills added that he agrees to wait one more meeting to make a determination of suitability.

The Board recessed at: 1:10 p.m.

The Board returned at: 1:15 p.m.

Public Comment was heard for Agenda Item H:

Sue Burrell: Referred to the Los Angeles probation department violations and asked that the youth be moved out of both facilities and into safer conditions.

Gloria Gonzales: Stated that there should be robust shifts and changes at the juvenile facilities for the safety for the youth.

Melinda Kakani: Urged the BSCC to conduct more inspections to meet the well being of young people housed in the LA County facilities and asked that funding be allocated to community-based organizations that will help the young people.

Yesica: Said that more life skills and rehabilitative services should be available for youth in the facilities.

Damon Ayala LA County is still being considered for suitability. Asked that the BSCC demand more from LA County.

Frank Paredes: Asked to be included in conversations in the rehabilitate services for youth in Los Angeles County.

Nicole Koch: Asked how abusive officers would be held accountable.

Clinton Drummer: Expressed his concerns about the conditions in the juvenile halls and encouraged rehabilitative services for youth.

Ryondell Bourne: Asked YJR to be funded so they can work with the youth and for those youth released to receive rehabilitative services immediately.

Kent Mendoza: Said that the BSCC should have better communication with youth in the facilities and that there should be better rehabilitative services for successful reintegration.

End of Public Comment

Ms. Cumpian stated that she was excited about the changes in staff in Los Angeles County and thanked the community members who provided comment.

Mr. Growdon moved approval. Mr. Haynes seconded. Ms. Gaard and Mr. Garcia Abstained. The motion was approved by all other Board members.

E. [Presentation on Tribal Youth Diversion Grant by Sherwood Valley Band of Pomo Indians: Information Only](#)

Field Representative Eddie Escobar introduced Gabriel Ochoa, Tribal Youth Program Director to present Agenda item E.

Mr. Ochoa presented on the following:

With the Tribal Youth Diversion (TYD) grant, the Sherwood Valley community:

- Created new supportive programs to serve Native youth mentally, physically, emotionally, and spiritually
- Has healthy activities that deter juvenile arrests
- Teaches traditional gatherings, native language
- Offers tutoring, homework support, transportation, and family/community events
- Has created safe place for youth, build stronger relationship with schools, adults, and positive healing caused by historical trauma
- Has served 20 families and a total of 50 participants between two cohorts with issues like drugs, alcohol, high risk for domestic violence, child abuse
- Has experienced some challenges including the impact of COVID-19 and the drop in in-person attendance. But the program was able to conform to virtual programming. School outreach and inclusion has also proven to be a challenge due to COVID-19. With virtual programming, some families experience the lack of internet access or access to technology in their homes
- Created goals such as to increase their geographical region, increase peer-led and culture-based programming, and provide community-based and historical trauma training to a wider northern region.

The full presentation may be viewed here:

<https://www.youtube.com/watch?v=zvBHVWRjz4Q>

Board members thanked Mr. Ochoa for the presentation and for a positive ending to the Board meeting.

V. Public Comments

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

Miguel Casar: Referred to Los Angeles County Probation and asked the Board to commit to accountability and to consider removing young people out of the juvenile halls.

Victoria Rodriguez: Officer representing the Los Angeles juvenile hall and stated most of the officers are coming to work wholeheartedly and officers have work with the youth on a one-on-one basis to help them.

Nancy Juarez: Shared examples of the conditions of Los Angeles juvenile halls and the institution should not be given any more chances.

VI. Adjourn

The meeting ended at: 1:58 p.m.

Next Meeting: June 9, 2022

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Ms. Allison, 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. Mills, Chief of Police, Santa Cruz
6. Ms. Gaard, Retired Judge, Yolo County
7. Mr. Haynes, Chief Probation Officer, Fresno County
8. Mr. Garcia, Director, Commonweal Juvenile Justice Program
9. Mr. Budnick, Founder, Anti-Recidivism Coalition
10. Ms. Cumpian, Associate Director Anti-Recidivism Coalition Women's and Non-Binary Services

BSCC STAFF:

Kathleen T. Howard, Executive Director
Aaron Maguire, General Counsel
Tracie Cone, Communications Director
Allison Ganter, Deputy Director, Facility Standards and Operations
Adam Lwin, Board Secretary
Eddie Escobar, Field Representative, Corrections Planning and Grants Program