

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, JUNE 9, 2022
BOARD MEETING

Meeting Held In-Person, Zoom & Teleconference

In-Person Locations:

Board Room
2590 Venture Oaks Way
Sacramento, California, 95833

County of Santa Clara
70 West Hedding Street
1st Floor, Room 157
San Jose, CA 95110

The full recording of the meeting can be viewed here:

<https://www.youtube.com/watch?v=gkbn7Hw--s>

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 San Bernardino County Sheriff Shannon Dicus and administered the Oath of Office.

Mr. Dicus thanked the Board.

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

The following members were in attendance on Zoom or Teleconference:

Chair Penner	Mr. Dicus	Ms. Vernon	Mr. Garcia
Ms. Allison	Ms. Chavez	Ms. Gaard	Ms. Cumpian
Mr. Growdon	Mr. Haynes	Mr. Mills	

ABSENT BOARD MEMBERS:

Mr. Viera Rosa and Mr. Budnick

II. Information Items

1. Chair's Report

Chair Penner reported that the Senate has confirmed Board Members Haynes, Mills, and Chavez to the Board.

2. Executive Director's Report

Executive Director Kathleen Howard reported on the following:

- General Counsel Aaron Maguire has been promoted to Chief Deputy Director and General Counsel of the BSCC. Anita Butler has been promoted to Deputy Director of the Administrative Services Division. and Colleen Curtin has been promoted to Deputy Director of the Standards and Training for Corrections (STC) Division.

2022-2023 State Budget:

Howard reported that the final State Budget negotiations are in process and significant new grant responsibilities are outlined for the BSCC which include:

- \$100 million in County Juvenile Facilities as part of the DJJ realignment
- \$85 million for Organized Retail Theft per year for the next three years
- \$40 million one-time grant to address Officer Wellness
- \$20 million Gun Buyback program which addresses crimes in the state
- \$4 million per year for Missing and Murdered Indigenous People for the next three years
- \$3 million one-time grant to address Transitional Housing for young people leaving DJJ
- \$20 million one-time increase to the Adult Reentry Grant

INFORMATION ITEM 5 (*Taken out of order by Executive Director Howard*):

[Update on Survey Regarding Mental Health Screen at Intake in Local Detention Facilities](#)

Executive Director Kathleen Howard, Deputy Director Allison Ganter, and Chief of Research Kasey Warmuth presented this information item.

Howard and Warmuth reported:

- That there are 26 facilities in 14 counties with a rated capacity greater than 1,000. 24 facilities, in 13 counties = response rate of 93%
- Of these 24 facilities, 8 facilities do not do intake/booking and therefore the initial mental health (MH) screening done at intake/booking, which is done at these facilities.

- For the remaining 16 facilities, intake/booking is done at the facilities. Therefore, these 16 facilities are the focus of the survey.
- The 10 facilities (out of the 16 that do intake), in 7 counties have licensed professionals available 24/7 to conduct the initial MH screenings.
- The survey asked for the point at which the initial mental health screening is conducted and by whom. Multiple response options could be and were selected.

For the point at which the initial mental health screening is conducted:

- All 10 facilities (100%) conduct the initial mental health screening during the intake/booking process
- One facility (10%) also does it before the individual is accepted for intake/booking
- Two facilities (20%), also do it before the individual is accepted for intake/booking *and* during secondary medical screening.

For the question regarding who conducts the initial mental health screening:

- All 10 facilities indicated it is done by a licensed professional
- Seven facilities (70%) by licensed mental/behavioral health professionals.
- Five facilities (50%) by licensed medical professionals (e.g., RN). Two of these facilities are also indicated by licensed mental/behavioral health professionals (selected both options).
- Three facilities (30%) by trained sworn/correctional staff. In each instance, the licensed professional option was also selected.
- The survey asked for the number of hours per day (on average) licensed mental/behavior health professionals are available on-site, the point at which the initial mental health screening is conducted, and by whom. For some questions, multiple response options could be and were selected.
- Monterey has 8 hours/day that mental/behavioral health professionals are available on site. The hours per day for these five counties ranged from 8 to 20.

For the point at which the initial mental health screening is conducted:

- Five facilities conduct during the intake/booking process (n = 5; 83%)
- Two facilities (n = 2; 33%) conduct it before the individual is accepted for intake/booking. One of these facilities also indicated the screening is done during the intake/booking process (selected both options).

For who conducts the initial mental health screening:

- All six facilities indicated it is done by licensed professionals.
- Three facilities (50%) by mental/behavioral health professionals.
- Four facilities (66%) by medical professionals (e.g., RN). One of these facilities also selected mental/behavioral health professionals (selected both options).
- The survey also asked what happens when there is not a mental/behavioral health professional on-site, what alternatives are available? Multiple response options could be and were selected.
- Three facilities (50%) have mental/behavioral health professionals available on-call.
- One facility (16%) has a licensed medical professional available for the initial mental health screening during the intake/booking process.

- Four facilities (66%) have telehealth access to mental/behavioral health professionals. Two of these facilities also selected on-call access to mental/behavioral health professionals.

Ms. Gaard asked if the Board can require all facilities have a mental health professional complete the screenings at intake.

Deputy Director Ganter responded that the Board can only enforce what is outlined in Title 15 regulations and facilities are following the minimum standards.

Ms. Chavez asked what kinds of issues are being evaluated at the facilities.

Ganter explained that each county has a different tool for mental health evaluation and the regulations are not inclusive of all issues to screen for.

Chair Penner stated that the Board will continue to promote the best practices.

Juvenile Regulations Revision Process:

Howard thanked Board Members Haynes and Garcia for their involvement in selecting the executive steering committee for the juvenile regulation revision process, which includes a diverse group of subject-matter experts, lived experienced professionals, and people of differing races, genders, and sexual orientations.

Howard said that the listening sessions for the regulation revisions are in their third week with the final one scheduled in the upcoming week. BSCC staff will also collect input from probation chiefs and facility managers.

The ESC will meet in the fall of 2022 to discuss and consider all the public comments. Howard thanked Deputy Director Ganter, Ginger Wolf, Lindsay Tu, and Amanda Ferreira for their work.

Board members Haynes and Garcia thanked staff and the community for their input and work to prepare the ESC to get the work started.

COVID-19 Update

Executive Director Howard reported:

- Total Number of Detained People Tested has slowed in recent weeks across the majority of facilities and jurisdictions. The total number of detained people was confirmed positive, after the spike in January 2022.
- In the last three weeks, there was an increase in positive cases.

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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.

4. [Legislative Update](#)

Legislative Analyst Adam Lwin reported on the following:

- Reported on AB 2343 by Assemblymember Akilah Weber, which would add two additional Board Members to the current 13-member board, a licensed mental health care provider and a licensed health care provider. In addition, the bill, by July 1, 2023, would require that the BSCC adopt standards of care for people with mental health issues. The bill is pending action in the Senate Public Safety Committee.
- SB 1137 by Senate President pro Tem Toni Atkins would expand the Board's mission to include the promotion of legal and safe conditions for staff and people housed in local detention facilities. This bill has passed the Senate and is currently pending action in Assembly Appropriations.
- Lwin reported that two policy bills would establish new grant programs at the BSCC. AB 1836 by Assemblymember Maienschein would require the BSCC to administer the peace officer mental health wellness grant. AB 2294 by Assemblymember Jones-Sawyer would establish a grant for diversion of repeat retail theft to probation departments and superior courts. AB 2321 also by Jones-Sawyer would amend existing law regarding the use of room confinement in juvenile facilities. The bill, among other things, would require that youth are

provided reasonable access to toilets at all hours, including during normal sleeping hours.

- Lwin will provide the outcomes of the Legislative session at the November Board meeting.

Public Comment was heard for the Information Items

Nancy Juarez: Asked if the survey requested information about the facilities' process for suicide prevention screening.

Howard responded that the survey focused on how large detention facilities conduct mental health screening at intake. It did not specifically ask about suicide prevention screening. However, when BSCC Field Representatives inspect a facility they would determine compliance with all regulations, including the one on suicide prevention policies.

End of Public Comment

III. Action: Consent Items

- A. [Minutes from the April 7, 2022 Board Meeting: Requesting Approval](#)
- B. [California Violence Intervention and Prevention Grant Program \(CalVIP\) Service Contract to Convene Cohort IV Grantees: Requesting Approval](#)

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

IV. Action: Discussion Items

- C. [California Violence Intervention and Prevention Grant Program \(CalVIP\) Cohort IV Funding Recommendations: Requesting Approval](#)

Field Representative Katrina Jackson presented this Agenda item, which requested the Board's approval of the California Violence Intervention and Prevention (CalVIP) grant awards as recommended by the Executive Steering Committee. In this round 79 cities and community-based organizations are eligible to receive \$156 million for violence reduction efforts from July 1, 2022 - December 31, 2025.

Staff recommended that the Board approve the following:

- Fully fund 50 community-based organizations proposals totaling \$101,259,358; 14 community-based organizations proposals in the Small Scope Category totaling \$5,263,775; and 15 city proposals totaling \$49,686,038 for a combined total of \$156,209,171 with funding from the FY 2021-22, 2022-23, and 2023-24 State Budget Acts.
- Fully fund the City of Los Angeles for a \$6,000,000 non-competitive award as prescribed by statute with funding from the FY 2021-22, 2022-23, and 2023-24 State Budget Acts.

Mr. Mills thanked Ms. Jackson and the members of the ESC for the great work for this grant.

Public Comment was heard:

Gabriel Garcia: Thanked the Board for the funding to Youth Alive and requested an 8.3 percent cost-of-living adjustment to the funding.

CJ Babb: Thanked the Board for the recommended funding and shared how the funding will benefit the clients in their organization.

Alicia Berridge: Thanked the Board for the recommended funding to their organization.

Cornelius Johnson: Thanked the Board for the recommended funding to the City of Antioch.

Tasha Johnson: Thanked the Board for the recommended funding to the City of Antioch and the young adults in the community.

End of Public Comment

Mr. Growdon moved approval. Mr. Dicus seconded. Ms. Cumpian recused pursuant to Government Code Section 1091. The motion was approved by all other Board members.

D. [California Violence Intervention and Prevention Grant Program \(CalVIP\) Reallocation of Remaining Cohort IV Funds and Re-Release of Request for Proposals: Requesting Approval](#)

Field Representative Katrina Jackson presented this Agenda item, which requested the Board approval to re-release the Cohort IV California Violence Intervention and Prevention Request for Proposals (RFP) with approximately \$53 million in remaining funding as part of the \$209 million one-time budget allocation for anti-violence programs. As part of this re-release, BSCC staff will host an additional bidders'

conference to answer questions about the application process, allow applicants disqualified in the initial round of funding to amend their applications and resubmit, and encourage others to apply for this remaining funding as well.

Staff recommended that the Board appoint Board Member Andrew Mills as Chair of the CalVIP Scoring Committee and delegate authority to the Chair and BSCC staff to establish a Scoring Committee with relevant subject-matter expertise and to modify membership as needed; and approve the use of a Scoring Committee for the limited purpose of reading and rating proposals.

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

E. [Extension of the Existing Title II Grant Agreements covering December 1, 2019 to November 30, 2022, and Approval of a new Request for Proposals for January 1, 2023 to March 31, 2026: Requesting Approval](#)

Field Representative Timothy Polasik presented this Agenda item, which requested the Board's approval to:

1. Modify the current Title II Grant Agreements with a no-cost, grant-term extension necessitated by the pandemic: and
2. Release a new Request for Proposals for the next cohort as recommended by State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) and the Title II Executive Steering Committee.

Staff recommended that the Board:

- Approve and release the Title II RFP as recommended by the ESC.
- Approve a no-cost, four-month grant-term extension for current grantees not funded in next funding cycle.
- Approve a no-cost, one-month grant-term extension for current grantees funded in next funding cycle.
- Approve that any remaining funds at the completion of the no-cost extensions will be added to the next grant cycle.

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

F. [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](#)
- [Central Juvenile Hall, Los Angeles County](#)

Requesting Approval

Deputy Director Allison Ganter, Field Representative Lisa Southwell and General Counsel Maguire presented this Agenda item, which provided an update on the ongoing monitoring of the Los Angeles County Juvenile Halls. It asks the Board to make a determination of suitability within the meaning of Welfare and Institutions Code section 209, subdivision (d) for the Barry J. Nidorf Juvenile Hall and the Central Juvenile Hall in the County of Los Angeles with respect to the status of corrective action plans involving noncompliance with Title 15, California Code of Regulations.

Staff recommended that the Board:

1. Find the Barry J. Nidorf Juvenile Hall suitable within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4).
2. Find the Central Juvenile Hall compliant with § 1354.5, Room Confinement and § 1371, Programs, Recreation, and Exercise.
3. Find the Central Juvenile Hall noncompliant with § 1328, Safety Checks and make a determination of the suitability of the Central Juvenile Hall within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4).
 - Welfare and Institutions Code section 209, subdivision (a)(4), provides: “If... the board, after inspection of a jail, juvenile hall, special purpose juvenile hall, or lockup, finds that it is not being operated and maintained as a suitable place for the confinement of minors, the... board shall give notice of its finding to all persons having authority to confine minors pursuant to this chapter and commencing 60 days thereafter the facility shall not be used for confinement of minors until the... board, as the case may be, finds, after reinspection of the facility that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of minors.”
 - if the Board determines Central Juvenile Hall is not suitable for the confinement of youth, they may wish to consider whether to establish a timeline to give Los Angeles County the opportunity to be reinspected prior

to the expiration on the 60-day time limit. If so, staff would recommend scheduling a board meeting on July 28, 2022 to make a further determination of suitability.

Board members had a discussion on this agenda item.

Ms. Allison and Mr. Haynes suggested that the facility invest in electronic solutions to conduct safety checks in the facility.

Los Angeles County Probation Chief Adolfo Gonzales and his team participated over teleconference.

Chief Gonzales stated that his team has worked to achieve full compliance with the Barry J. Nidorf facility and will continue to remain in compliance. They had ordered 90 days of temporary suspension of the Central Juvenile Hall to complete necessary repairs and make significant changes. Chief Gonzales stated that they selected new leadership in April 2022 and those supervisors have started their new roles. There are \$5.5 million in repairs and renovations at the Central Juvenile Hall. Chief Gonzales said that the County will continue to work with community-based organizations to return to the facility, which will involve programming, cognitive behavior intervention, self-care assessments, behavior intervention, religious services, and recreation for youth and their families. Chief Gonzales said that they are taking immediate action and addressing every concern. The County is working with San Bernardino to review electronic monitoring devices for room checks and safety checks, but the procurement process proves to be a challenge for the county. Chief Gonzales stated that the facility is large, and improvements and progress take time.

Chief Mills asked the percentage of absent staff and the reasons why and what actions are being taken.

Chief Gonzales responded that about 47 percent of staff are chronically absent, and they are working with employee organizations to work with the staff to assist staff to return to work.

Ms. Allison how the absences are impacting room confinement and safety checks.

Chief Gonzales stated that they are working with the unions to negotiate returns of staff at the facilities.

Mr. Haynes asked how long it would take for the electronic equipment to be procured.

Chief Gonzales and the team responded that it would take about three to four months for the implementation of electronic equipment.

Chair Penner asked if the move from Central to Barry J. Nidorf caused the reduction of staff.

Chief Gonzales stated that there was not a shortage at Barry J. Nidorf.

Chair Penner stated that the room checks system should be electronic but while the county waits for the system to be fully operational it needs to be completed manually and on a regular basis this regulation cannot be relaxed and needs to remedy the issue within 60 days.

Mr. Haynes echoed Chair Penner's statements and asked what the Board can do to move this process along.

Chief Gonzales stated that they will continue the paper-based system and the supervisory staff will monitor the safety checks thoroughly and regularly.

Mr. Dicus asked if moving back to the facility would impact staffing.

Chief Gonzales stated that the location of facility was the main cause of the staffing shortage as staff did not want to drive a longer distance to Barry J. Nidorf.

Ms. Chavez asked for a strategy to bring employees back to the facility.

Chief Gonzales responded that they are working with their personnel offices to identify which employees can fully return to work and is also working with human resources of the County to make sure that every issue is addressed. The county is also looking into monetary incentives for new and current employees.

Chief Haynes asked about the current population and the rated capacity at the facility.

Chief Gonzales responded there are 111 youths, which include 97 males and 14 females at Central Juvenile Hall with a rated capacity of 519, and 193 totals with one female at Barry J. Nidorf Juvenile Hall, with a rated capacity of 556.

Mr. Growdon asked staff about the timeline for the reinspection of the facility and reconvening of the Board.

General Counsel Maguire responded that the Board should decide on an appropriate date for the Board to reconvene for the County to come into compliance with the regulations and be suitable for the confinement of youths.

Chief Mills added his concern about the lack of staffing and encouraged Chief Gonzales to look at the Camden, New Jersey Model where its police department was dissolved and started over. The Chief should take drastic measures as both children and staff are at risk and should take systemic measures.

Public Comment was heard for this agenda item:

Victoria Rodriguez: called on behalf of officers who are not coming to work. Stated that there is a lack of support from supervisors in the facility and lack of morale and guidance in the facility.

End of Public Comment

Board Members voted as follows for Agenda Item F:

Item 1: Found the Barry J. Nidorf Juvenile Hall suitable within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4).

Item 2: Found the Central Juvenile Hall compliant with § 1354.5, Room Confinement and § 1371, Programs, Recreation, and Exercise.

Ms. Vernon moved approval. Mr. Growdon seconded. Mr. Garcia recused, and Ms. Gaard abstained. The motion was approved by all other Board members.

Item 3 Part A: Found the Central Juvenile Hall noncompliant with § 1328, Safety Checks and made a determination the Central Juvenile Hall is unsuitable within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4).

Mr. Growdon moved approval. Mr. Dicus seconded. Mr. Garcia recused, and Ms. Gaard abstained. The motion was approved by all other Board members.

Item 3 Part B: Moved to reconvene the Board during the week of July 25, 2022 or upon call of the Chair.

Mr. Haynes moved approval. Ms. Allison seconded. Mr. Garcia recused and was not present during the discussion of this agenda item, and Ms. Gaard abstained. The motion was approved by all other Board members.

G. [Local Inspection Update: Information Only](#)

Deputy Director Allison Ganter presented this Agenda item which 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. Staff did not recommend any other formal action be taken at the meeting. Staff remains in continuous contact with agency administrators to provide technical assistance.

The list of outstanding items of noncompliance, and their statuses is here:
<https://app.smartsheet.com/b/publish?EQBCT=721da257110c4f80bd92d8215c165fe1>

The list for items of noncompliance for juvenile detention facilities that are outstanding and those that have been corrected is located here:

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

This Agenda item did not require a vote.

V. Public Comments

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

Colin Ford: Thanked the Board for the recommended funding for the CalVIP grant. Asked the Board for consideration for an increased funding due to the current inflation crisis.

Nancy Juarez: Asked the BSCC to review the DOJ violations for Los Angeles juvenile facilities and address them.

VI. Adjourn

The meeting ended at: 12:48 p.m.

Next Meeting: Week of July 25, 2022 or upon call of the Chair.

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. Growdon, Sheriff, Lassen County
4. Mr. Dicus, Sheriff, San Bernardino County
5. Ms. Chavez, Supervisor, Santa Clara County
6. Mr. Haynes, Chief Probation Officer, Fresno County
7. Ms. Vernon, Chief Probation Officer, Kings County
8. Ms. Gaard, Retired Judge, Yolo County
9. Mr. Mills, Chief of Police, Santa Cruz
10. Mr. Garcia, State Youth Justice Specialist, Anti-Recidivism Coalition
11. Ms. Cumpian, Associate Director Anti-Recidivism Coalition Women's and Non-Binary Services

BSCC STAFF:

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