

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY APRIL 11, 2024
10:00 A.M.
BOARD MEETING

Meeting Held In-Person, Zoom & Teleconference

2590 Venture Oaks Way
BSCC Board Meeting Room
Sacramento, California 95833

The full recording of the meeting can be viewed here:
https://www.bscc.ca.gov/s_boardmeetingscheduleagendasminutes/

I. Call Meeting to Order

Chair Linda Penner called the meeting to order at 10:00 a.m. and welcomed the Board Members and the public to the meeting.

Chair Penner announced that the Governor appointed San Benito Sheriff Eric Taylor to the Board and administered the Oath.

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

The following members were in attendance:

Chair Penner	Mr. Budnick*	Ms. Chavez*	Ms. Cumpian
Mr. Dicus*	Ms. Gaard	Mr. Haynes	Mr. Johnson
Mr. Macomber	Mr. Mills*	Mr. Richart	Mr. Taylor
Ms. Zaragoza*			

* Board members participated remotely through Zoom.

II. Information Items

- 1. Chair's Report**
- 2. Executive Director's Report**

Executive Director Kathleen Howard reported on the following:

- Howard said that the BSCC, in collaboration with Sacramento State University, has released the Youth Reinvestment Grant Round 1 (2019-2023) and Round 2 (2020-2023) statewide evaluation reports to the Legislature and the Governor. The reports can be found at the links below:
 - [Youth Reinvestment Grant: Final Evaluation Report Round 2 - 2020-2023](#)
 - [Youth Reinvestment Grant: Final Evaluation Report Round 1 - 2019-2023](#)
- In addition, Howard said that she has participated in several Legislative budget hearings and discussed several programs administered by the BSCC including the Public Defense Pilot Project, the transfer of Juvenile Grants, and the Proposition 47 Evaluation Report.
- Finally, Howard said the BSCC received a Notable Achievement Award at the 24th annual State Agency Recognition Awards. This nomination is a testament to the BSCC's collective hard work, dedication, and exceptional leadership to advance the state's small business and Disabled Veteran Business Enterprise programs.

3. Legal Update

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

4. Legislative Update

Executive Director Howard referred the Board to their reading materials.

III. Action: Consent Items

- A. Minutes from the February 15, 2024, Board Meeting: **Requesting Approval** – [PDF](#)
- B. Senate Bill 823: Youth Programs and Facilities Grant Program, six-month, no-cost extension: **Requesting Approval** - [PDF](#)

This agenda item requested the Board’s approval of a six-month, no-cost grant-term extension for the Youth Programs and Facilities Grant Program (YPFG) portion of Senate Bill 823 through December 1, 2024. Grantees experienced implementation delays and supply chain issues obtaining requested purchases. The extensions would allow for additional time to operate programs and spend down grant funds in accordance with grant agreements.

- C. Section 1046 (Death in Custody) of Title 15 of California Code of Regulations Final Approval of Proposed Regulations for Submission to Office of Administrative Law: **Requesting Approval** - [PDF](#)

This agenda item requested the Board’s approval of the final regulation revisions to Title 15, Section 1046, requiring facility administrators to provide reports of deaths in custody to the BSCC pursuant to specified time frames; and to direct staff to complete the rulemaking activities for adoption of the regulation revisions, pursuant to the Administrative Procedures Act.

The statement of reasons and the proposed revisions to Title 15, Section 1046 is listed below:

- [Proposed Revisions to Title 15, Section 1046, Death in Custody](#)
- [Final Statement of Reasons](#)

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7ml. Public comment for consent items Start: 16:31; End: 18:40.

Ms. Cumpian moved approval. Mr. Johnson seconded. Mr. Taylor recused for Agenda item A. The motion was approved by all other Board members for Agenda item A (except for Mr. Richart and Mr. Haynes who had recused pursuant to Section 1091 due to Item B.).

Action: Discussion Items

D. Proposition 47 Grant, Cohort 2: Statewide Evaluation Findings 2019 - 2023: Information Only

- Statewide Evaluation Findings 2019-2023 PowerPoint presentation
- Statewide Evaluation Report

Research Specialist Stacy Riley presented this agenda item and said the following:

- Grantees were awarded \$92.8 million
- 95 % of grantees provided mental health services
- 91% provided substance use disorder treatment
- 62% provided diversion programs
- 21,706 participants received services of which 72% were male with a median age of 38.
- 40% of participants exited prior to completing the requirements.
- 19.2 % completed program requirements.
- Out of 33.9% of unhoused population, 13.4% completed the required programs
- Out of 70.5 % unemployed 34.1% completed the required programs
- Overall recidivism rate was 15.3%
- The benefits through the Proposition 47 grant reflected lower recidivism rates and increased positive outcomes in housing and employment.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7ml. Public comment for Agenda D Start: 40:06; End: 57:20.

This item did not require a vote.

E. Proposition 47 Grant, Cohort 4, Release of Requests for Proposals: Requesting Approval

Field Representative Dameion Renault presented this agenda item which requested Board approval of the release of the [Request for Proposals \(RFP\)](#) for the Proposition 47 Cohort 4 grant in the amount of \$143 million. Eligible applicants are California public agencies. Staff also requested the Board to delegate authority to staff to establish a scoring panel.

Ms. Gaard moved approval. Mr. Taylor seconded. Mr. Richart, Mr. Mills, Mr. Budnick, and Ms. Cumpian recused pursuant to Government Code section 1091. The motion was approved by all other Board members for Agenda Item E.

F. Medication-Assisted Treatment Grant Program, Funding Recommendations: Requesting Approval

This agenda item was presented by Field Representative Timothy Polasik which requested Board's approval of the Medication-Assisted Treatment Grant program awards to applicants recommended by the scoring panel.

Staff recommended fully fund the top seven ranked proposals full amount of \$1,250,000 and partially fund one proposal \$44,348 for a total of \$10 million. Staff also requested the Board to authorize staff to make awards from the rank-ordered list if an applicant relinquished, is unable to accept, or becomes ineligible to be funded. Project summaries for each ranked proposal can be found here.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7mI. Public comment for Agenda F Start: 1:08:30; End: 1:20:40.

Mr. Haynes moved approval. Mr. Dicus seconded. Ms. Gaard recused pursuant to Government Code section 1091. The motion was approved by all other Board members for Agenda Item F.

G. Residential Substance Abuse Treatment Grant, Funding Recommendations: Requesting Approval

This agenda item was presented by Field Representative Timothy Polasik which requested Board's approval to fully fund five (5) applicant proposals of the federally funded Residential Substance Abuse Treatment (RSAT) grant for a total amount of \$6,997,277. This is a three-year grant starting July 1, 2024 through June 30, 2027.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7mI. Public comment for Agenda G Start: 1:25:35; End: 1:32:20.

Mr. Dicus moved approval. Mr. Budnick seconded. Ms. Gaard abstained. The motion was approved by all other Board members for Agenda Item G.

H. Opioids in Local Detention Facilities - Review of Survey: Requesting Approval

- Draft Survey of Opioid Antagonists in Local Adult Detention Facilities
- Draft Survey of Opioid Antagonists in Local Juvenile Detention Facilities
- Survey Overview: Opioid Antagonists in Local Detention Facilities

This agenda item was presented by Executive Director Kathleen Howard which requested approval of the Survey of Opioid Antagonists in Local Detention Facilities and direct staff to begin collecting information in May 2024 and another collection in July 2024. The survey was in response to the Board members' discussion of the increasing incidence of overdoses in both adult and juvenile local detention facilities at the June 2023 meeting.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7mI. Public comment for Agenda H Start: 1:44:00; End: 1:58:07.

Mr. Budnick moved approval. Mr. Dicus seconded. The motion was approved by all other Board members for Agenda Item H.

I. Local Detention Facilities Inspection Update: Requesting Approval

This agenda item was presented by Deputy Director Allison Ganter who presented on the current findings of adult and juvenile detention facilities. Ganter stated that there are no other items of noncompliance that require immediate attention, and staff did not recommend a formal action at this time. Items of noncompliance may be found respectively here. [Adult and Juvenile Facilities \(Updated 4/10/24\)](#)

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7mI. Public comment for Agenda I Start: 2:03:21; End: 2:09:20.

This item did not require a vote.

The Board recessed at: 12:10 p.m.

The Board returned at: 12:28 p.m.

J. Determination of Suitability – Los Angeles County Juvenile Detention Facilities – (Welf. & Inst. Code, § 209, subds. (a)(4) & (d).): **Requesting Approval**

1. Barry J. Nidorf Secure Youth Treatment Facility
2. Los Padrinos Juvenile Hall

Chair Penner said inspectors have been consistently visiting the facility every week since February. The FSO team spent a total of 13 days at the facility, conducting reviews, providing training, and offering technical assistance. Ongoing briefings to the executive body and continuous review of documents have been part of the process.

New evidence emerged on Monday, Tuesday, and Wednesday of the current week.

There have been extensive discussions on the ongoing issues, which are complex and difficult. Based on the information and reinspection reports, a staff recommendation is presented. It is believed that LA has addressed the outstanding items of noncompliance.

Penner said despite the recommendation, it's essential to acknowledge the longstanding and serious problems in LA. The recommendation wasn't easy to formulate and shouldn't be considered as a mission accomplished. The focus now shifts to sustainability and durability. Continued compliance is crucial, aiming not just for minimum standards but surpassing them.

Penner continued to say that doubts exist about LA's ability to sustain compliance, which is a grave concern. The duration taken by LA to meet minimum requirements is noted, and a comprehensive inspection is scheduled for 2024. Comprehensive and unannounced inspections will continue at least once a month. The Board emphasizes the seriousness of the issue and the need for durability.

J- 1 Los Padrinos Juvenile Hall:

- [April 10, 2024 Inspection Report of the Lost Padrinos Juvenile Hall](#)

Deputy Director Allison Ganter presented this item and said she will discuss Los Padrinos juvenile hall first. Ganter said for Los Padrinos Juvenile Hall, several sections of Title 15 regulations were found to be out of compliance during previous inspections. However, during the recent reinspection, it was found that several of these issues have been addressed. Summary of the findings:

1. Staffing (Section 1321): A staffing plan has been implemented, and staffing ratios are being met. The facility is currently meeting the minimum standards for staffing, but efforts must continue to ensure sustained compliance.
2. Fire Safety Plan (Section 1325): The emergency housing plan now contains enough beds to safely house all evacuees in the event of an emergency.
3. Safety Checks (Section 1328): Safety checks have improved, with documentation confirming compliance with Title 15 standards.
4. Room Confinement (Section 1354): Efforts have been made to address issues related to room confinement, including reviewing video feeds and ensuring compliance with statutory requirements.
5. Use of Force (Section 1357): Training on the use of force is being conducted as required, and staff are following debriefing procedures and notifying parents or guardians after use of force incidents.
6. Searches (Section 1360): Department policy has been updated, and searches are being conducted according to policy.
7. Education Program (Section 1370): Collaboration with the Los Angeles County Office of Education has improved school attendance, and documentation indicates that youth are attending school on time.
8. Recreation and Exercise Programs (Section 1371): Programs have been impacted by staffing but have improved. Efforts are ongoing to ensure programs meet youth interests and needs.
9. Discipline (Section 1390): A new behavior modification process has been implemented, providing incentives for positive behavior.

Based on the findings, staff recommended that the Board support the findings of compliance and determine the Los Patrinos Juvenile Hall suitable for the confinement of youth, directing staff to begin regular targeted and unannounced inspections to ensure sustained compliance.

Representative Kimberly Epps, Chief Deputy Probation Officer and Nichole Williams Deputy Director answered questions from the Board.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on

here: https://www.youtube.com/watch?v=emX1v8J_7ml. Public comment for Los Padrinos Juvenile Hall Start: 3:47:11; End: 4:39:15.

The Board determined that Los Padrinos Juvenile Hall had remedied the items of noncompliance as stated under staff's recommendation and is suitable to house youth within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4).

The Board directed staff to continue with targeted and unannounced inspections on at least a monthly basis until a comprehensive inspection is complete as part of ongoing review and accountability.

Ms. Haynes moved approval. Ms. Cumpian seconded. Mr. Dicus, Ms. Chavez, and Mr. Richart voted no. Mr. Johnson abstained. Mr. Budnick, Ms. Zaragoza, and Ms. Gaard recused. The motion was approved by all other Board members for Barry J. Nidorf Secure Youth Treatment Facility.

J-1: Barry J. Nidorf Secure Youth Treatment Facility

- [April 10, 2024 Inspection Report of the Barry J. Nidorf Secure Youth Treatment Facility](#)

Deputy Director Allison Ganter presented the inspection findings of Barry J. Nidorf SYTF highlighting areas of non-compliance and progress made towards remedying them. Ganter said the facility was found to be out of compliance with sections of Title 15, including staffing, orientation, use of force, programs, recreation and exercise, and discipline. During the inspection period from March 29th to April 9th, 2024, the board reviewed documentation, observed operations, and engaged with both youth and staff to assess compliance.

Ganter said the following:

1. Staffing (1321): A staffing plan effective from April 2nd, 2024, was received, and staffing numbers were reviewed through April 9th, indicating improvement.
2. Orientation (1353): Updated information was added to the Youth Handbook, and reorientation was provided to all housed youth.
3. Use of Force (1357): The facility was on track for completing required training by June 30th, 2024.
4. Programs, Recreation, and Exercise (1371): A new activity tracking form was implemented, ensuring youth receive required activities. However, efforts are ongoing to offer more varied activities.

5. Discipline (1390): The new developmental stage system is being implemented, and staff have been trained. The incentive program has been updated, and canteen point sheets have been revised.

Based on the evidence presented, staff recommended that the board support findings of compliance and determine the facility suitable for the confinement of youth. Regular targeted inspections were also recommended to ensure sustained compliance.

Representatives Kimberly Epps, Chief Deputy Probation Officer and Nichole Williams Deputy Director answered the Board's questions on behalf of Los Angeles County probation. Epps and Williams said Chief Viera Rosa is committed to ensuring compliance.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: <https://www.youtube.com/watch?v=pz3H3viAl2M>. Public comment for Barry J. Nidorf SYTF Start: 24:22; End: 36:32.

The Board determined that Barry J. Nidorf SYTF had remedied the items of noncompliance as stated under the staff's recommendation and is suitable to house youth within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4).

The Board directed staff to continue with targeted and unannounced inspections on at least a monthly basis until a comprehensive inspection is complete as part of ongoing review and accountability.

Mr. Macomber moved approval. Mr. Mills seconded. Mr. Dicus, Ms. Chavez, and Mr. Richart voted no. Mr. Johnson abstained. Mr. Budnick, Ms. Zaragoza, and Ms. Gaard recused. The motion was approved by all other Board members for Barry J. Nidorf Secure Youth Treatment Facility.

~~K. Corrective Action Plan Process – Welfare and Institutions Code Section 209 (d):
Requesting Approval~~

Agenda item K was removed for further development and discussion.

IV. Closed Session – Consultation with Legal Counsel Regarding Pending Litigation (Gov. Code, § 11126, subds. (e)(1), (e)(2)(B), & (e)(2)(C).)

Counsel Maguire said that the Board did not need to meet in Closed Session.

V. Public Comments

Chair Penner called for general public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed here by turning closed captions on here: <https://www.youtube.com/watch?v=pz3H3viAl2M>. Start: 59:55; End: 1:23:10.

VI. Adjourn

The meeting adjourned at: 4:36 p.m.

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Ms. Cumpian, Director, Women's Department, Anti-Recidivism Coalition
3. Ms. Gaard, Retired Judge, Yolo County
4. Mr. Haynes, Chief Probation Officer, Fresno County
5. Mr. Johnson, Director, California Department of Corrections & Rehabilitations - Division of Adult Parole
6. Mr. Macomber, Secretary, California Department of Corrections & Rehabilitations
7. Mr. Richart, Chief Probation Officer, El Dorado County
8. Mr. Taylor, Sheriff, San Benito County

Participated Remotely:

9. Mr. Budnick, Founder of Anti-Recidivism Coalition
10. Ms. Chavez, Santa Clara County Supervisor
11. Mr. Dicus, Sheriff, San Bernardino County
12. Mr. Mills, Chief of Police, City of Palm Springs
13. Ms. Zaragoza, Attorney, Los Angeles County Alternate Public Defender's Office

BSCC STAFF:

Kathleen T. Howard, Executive Director
Aaron Maguire, Chief Deputy Director & General Counsel
Adam Lwin, Board Secretary
Stacy Riley, Research Data Specialist III, Research
Damieon Renault, Field Representative, Corrections Planning and Grant Programs
Timothy Polasik, Field Representative, Corrections Planning and Grant Programs
Collen Curtin, Deputy Director, Corrections Planning and Grant Programs
Allison Ganter, Deputy Director, Facility Standards and Operations
Lisa Southwell, Field Representative, Facility Standards and Operations

ADDITIONAL GUESTS & PARTICIPANTS

Kimberly Epps, Chief Deputy, Los Angeles County Probation Department
Sheila Williams, Deputy Director, Los Angeles County Probation Department