

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, APRIL 9, 2020

Meeting Held Via Zoom & Teleconference
Pursuant to Governor's [Executive Order N-29-20](#)

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

ABSENT BOARD MEMBERS:

None

Chair Penner made her opening remarks to notify the public of the adjustments due to COVID-19. The BSCC continues to provide guidance and updates to the field, collect and post public information, and respond to many questions and requests. Penner stated that the BSCC understands that information, leadership and guidance are the goals of BSCC, and the agency has met these challenges.

Chair mentioned the following:

- Some Corrections Planning and Grants Program grantees are not able to provide services.
- Some county facility construction projects have been delayed.
- Some training has been delayed
- And some compliance inspections also have been delayed.

- On March 6, 2020 the BSCC sent a memo to the field reminding local facilities of the steps necessary to suspend regulations in the event of an emergency and that any lengthy suspensions would require approval from the Chair of the Board.
- On March 12, based on consultation with the Governor's Office and the Department of Public Health, the BSCC sent a memo to the field recommending the suspension of all in-person visitation in jails.
- On March 13, the BSCC sent further guidance to juvenile halls regarding suspension of regulations, suggesting alternatives to incarceration may be appropriate.
- On March 27, the BSCC reviewed all requests for suspension of regulations and approved the suspensions.
- On April 3, the BSCC advised local detention facilities on the regulations regarding communicable diseases and provided guidance to work with local health departments, provided links to resources such as the CDC and California Department of Public Health, and also notified counties that there was an expectation that counties would continue to mitigate suspensions of regulations (e.g., providing video visitation in lieu of in-person visitation, providing alternatives for programming and education).
- On April 8, the BSCC sent out memo on supplemental reporting for jails and juvenile halls, asking for counties to report weekly on total bookings, total releases, and releases related to COVID.
- The BSCC will be reviewing emergency suspensions of regulations every two weeks and the BSCC Field Representatives are in regular contact with the counties and to assist with mitigation strategies.
- Before the COVID crisis took hold, the BSCC was in the process of updating adult facility regulations and will continue that process, and to the extent that is needed to revise the regulations addressing communicable diseases.

Penner stated that this is going to be a long and ongoing process and the BSCC is going to continue to work with the county partners, the Governor's Office, CDCR, Department of Public Health, and the Department of Finance during this unprecedented emergency.

Penner said that the Board might need to meet again in late April or early May to discuss further responses and plans during the COVID-19 emergency.

II. Information Items

1. COVID-19 Updates

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

2. Chair's Report

Updates were provided during the Chairs' opening remarks.

3. Executive Director Report

Executive Director Kathleen Howard reported on the following:

CPGP:

- The BSCC will review and consider requests for budget modifications to programs and services that might not otherwise fulfill the purpose of the grant program. Deputy Director Ricardo Goodridge will be presenting an item today about additional authority regarding grant changes being delegated to the Chair during the COVID-19 emergency.
 - This may include, but not be limited to, providing services through remote means (e.g., video conferencing or electronic means). Project scope changes and project extensions will also be considered provided that the proposed scope change is in line with eligible activities of the grant program. Each instance will be handled on a case-by-case basis.
 - She said that the BSCC can only reimburse grantees for actual expenditures claimed with grant funds. To the extent reimbursable expenses are no longer occurring, the BSCC will be unable to reimburse the grant program for those expenses.
- On April 8, 2020 the BSCC distributed a survey to the 69 Adult Reentry Grant recipients. The BSCC is requesting information from the field on current capacity to provide reentry services in view of the heightened need for services during the COVID-19 emergency, including the approximately 3,500 additional releases from CDCR. The BSCC will collect information about current capacity to provide services such as transportation, housing, food, clothing, and health services. The surveys are due back to the BSCC on April 13 and will be posted on the BSCC's website.

- On Wednesday April 1, 2020, the BSCC released to the field the request for reporting for Juvenile Justice Crime Prevention Act & Youthful Offender Block Grant (JJCPA-YOBG) Annual Plans. Because of the Governor's executive order granting a 30-day extension, the plans are due back to the BSCC by May 31, 2020 and will be posted on the BSCC's website.

STC PROGRAM

- To the extent that training cannot be completed due to COVID-19 due to cancellation and travel restrictions, the BSCC will consider COVID-19 as a mitigating circumstance so that agencies are not found out of compliance with training standards and can have additional time to complete the training requirements.
- Many agencies have been unable to administer in-person selection exams. BSCC has an online selection exam option for agencies so they can continue to recruit and hire.
- The deadlines for agencies to file required annual training plan (ATP) for next year and modify their current plan for this year have been extended by 30 days. The ATP is now due May 15 and modifications now due May 30.

FSO INSPECTIONS

- Inspections are currently on hold. The BSCC has cancelled all scheduled inspections through the end of May. Field Representatives are conducting extensive work from home on desk reviews, reviewing the written policies and procedures for compliance reviews. Field reps will get back out into the field ASAP.
- Howard thanked the BSCC staff, in particular, the Field Representatives in FSO who are in touch with local facilities every day.
- Field Representatives are providing technical assistance, responding to requests, and updating information. The BSCC is aware there are concerns about what is happening in the local facilities. The BSCC will do everything we can to protect the health and safety of all in those facilities.
- The BSCC anticipates sending a request out to all Probation Chiefs to ask what their current policies are around admissions and releases during this emergency. There has been significant interest and concern about how individual youth are being reviewed or evaluated to see if early release is an option. The BSCC will

ask the Probation Chiefs to share information about how they are doing this important work.

\$58.5 MILLION IN CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF)

- On March 30, the federal Bureau of Justice Assistance released the solicitation for the Coronavirus Emergency Supplemental Fund (CESF), which includes \$58.5 million for which the BSCC, as California's State Administering Agency, is eligible to apply.
- The CESF Program will provide funding to assist eligible states, local units of government, and tribes in preventing, preparing for, and responding to the coronavirus.
- Funds awarded under the CESF Program must be used to prevent, prepare for, and respond to the coronavirus. 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 inmates in state, local, and tribal prisons, jails, and detention centers.
- This application is open until May 29, 2020.
- This is a separate pot of funding, and Congress specifically crafted it in a way to leave out the immigration-related grant requirements that have been in the Byrne JAG program and have been the subject of extensive litigation involving CA and other states over the last three years. Those provisions are not in the CESF Coronavirus Emergency Supplemental Fund.

Mr. Steinhart thanked the BSCC staff for the hard work handling the COVID-19 crisis.

Public Comment was heard:

Dominique Nong (Children's Defense Fund): Requested notifications from the facilities on suspension of regulations. Asked for guidance for testing of COVID-19 testing of those who are being released. Asked for distinctions on releases due to COVID-19.

Sue Burrell (Pacific Juvenile Defender Center): Asked BSCC to strengthen guidance to facilities on release. Asked the Board to be clearinghouse for COVID-19 issues from the public and incarcerated individuals.

Shannan Wilber (National Center for Lesbian Rights): Requested an expedited process for release and reduction of populations of juveniles in facilities and the need for BSCC to triage calls regarding the COVID-19.

Miguel Garcia (Anti-Recidivism Coalition): Asked BSCC to act as a public database and collect transparent COVID-19 data.

Renee Menart (Center on Juvenile and Criminal Justice): Asked that guidance on COVID-19 be strengthened. Suggested that BSCC should be a centralized public reporting system.

Israel Villa (California Alliance for Youth and Community Justice): Asked for increased mental health and counseling services in juvenile halls and that facilities continue to provide ample programming.

Rebecca Gonzales (National Association of Social Workers): Suggested that guidance on COVID-19 should be stronger.

Brian Goldstein (Center on Juvenile and Criminal Justice): Asked for centralized database for COVID-19 information by the BSCC.

Mr. Steinhart asked if the BSCC has the capacity to be a COVID-19 clearinghouse.

Chair Penner and Executive Director Howard responded with the concerns that the BSCC has on this pandemic and are working with various agencies to resolve and help the many issues as fast as possible.

End of Public Comment

4. Legal Update:

General Counsel Aaron Maguire reported on the following:

Byrne/JAG litigation: There were two recent appellate court decisions, one in favor and one against the position of the State of California with respect to the ongoing Byrne/JAG litigation. Increases the likelihood that the Supreme Court of the United States will have to resolve the issue.

\$58.5 million CESF – The immigration conditions are not part of this funding.

5. Debrief of Hearings on Jail Inspections, Regulation Revisions

Executive Director Howard reported on the following:

Thanked Board members Chair Penner, Chief Seale, and Judge Baranco for their attendance at the listening session in Sacramento.

Comments focused on the BSCC conducting surprise inspections without advance notice. Other emerging concerns were on COVID-19 medical treatment and policies inside of jails.

The Bakersfield meeting on Wednesday March 11, 2020 was not attended by members of the public.

The San Diego listening session was canceled due to COVID-19.

III. Action: Consent Items

A. Minutes from the February 13, 2020 Board Meeting: Requesting Approval

B. Standards and Training for Corrections, Notice of Proposed Action: Requesting Approval

Pursuant to Penal Code Section 6035, the Board of State and Community Corrections is required to adopt and amend, as necessary, minimum standards for the selection and training of corrections personnel employed by Sheriff's Offices, Police Departments, and Probation Departments. At its January 17, 2019 meeting, the Board approved draft regulations for changes to core training for those personnel, including the addition of six transfer academies, and directed the initiation of the regulation revision process. The public comment period has concluded without additional input, and this agenda item requested final approval of the regulation revisions.

C. California Violence Intervention and Prevention (CalVIP), Request for Proposals Due Date Extension: Requesting Approval

Mr. Baranco, Ms. Cumpian, and Mr. Budnick recused themselves from Agenda Item C pursuant to Government Code section 1091.

This agenda item requested Board approval of an eight-week extension to the CalVIP proposal submission due date reflected in the CalVIP Request for Proposals (RFP) and corresponding adjustments to all RFP dates.

D. Proposition 64 Public Health & Safety Grant Program, Request for Proposals Due Date Extension: Requesting Approval

This agenda item requested Board approval for a proposed 60-day extension on the RFP amended version submittal due date for the Proposition 64 Public Health & Safety Grant Program and adjustments of all RFP dates.

Mr. Growdon, Ms. Cumpian, Mr. Mills and Mr. Budnick recused themselves from Agenda Item D pursuant to Government Code section 1091.

Mr. Ertola moved approval. Mr. Gore seconded. The motion carried for agenda items A-D.

Discussion Items

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

Field Representative Colleen Curtin presented this agenda item, which requested Board approval of a no-cost, one-year extension for two CalVIP grantees, the City of Pasadena and Young Visionaries Youth Leadership Academy (YVYLA). These grantees experienced time-consuming budget negotiations at the start of the grant that delayed the initiation of service delivery. The extensions would allow for additional time to run their programs and spend down the grant funds in accordance with their Grant Agreements.

Mr. Growdon moved approval. Mr. Gore seconded. The motion carried. Prior to the discussion Mr. Baranco, Mr. Budnick and Ms. Cumpian recused themselves pursuant to Government Code section 1091.

F. Temporary Staff Authority to Approve BSCC Grant Project Scope Changes, Modifications of Program Purpose Areas, and No Cost Extensions in Consultation with the Board Chair: **Requesting Approval**

This agenda item was presented by Deputy Director Ricardo Goodridge, who requested Board approval to temporarily approve project scope changes, modifications of program purpose areas, and no-cost extensions to state and federal grant programs impacted by coronavirus (COVID-19), in consultation with the Board Chair.

Mr. Diaz moved approval. Mr. Mills seconded. The motion carried.

Mr. Budnick was not present during the vote.

G. Jail Profile Survey: Status Update on the Addition of Late-night Release Information and Plans for a Future Comprehensive Update: **Information Only**

Chief of Research Kasey Warmuth presented this informational agenda item.

This agenda item provides:

- a status update regarding the collection of late-night release information through the Jail Profile Survey (JPS),
- an overview of the AB 109 Jail Profile Survey,
- a status update on JPS system improvements, and
- a brief description of plans for a future comprehensive JPS update.

This agenda item did not require a Board vote.

Public Comment Was Heard:

Sue Burrell (Pacific Juvenile Defender Center): Asked for information on the number of youths that are aging out of juvenile hall.

Ms. Warmuth stated that the comprehensive update on the JPS data will review this information.

IV. Public Comments

Dominique Nong (Children's Defense Fund): Commented on the debrief of the listening sessions. Suggested that more advance notice and stronger collaboration of the locations selected for the listening sessions.

Randal Broadhurst (Gang Awareness Prevention): Asked for names and residents of released juveniles so CBOs can contact them for additional resources upon release and allow contact with those in the facilities.

Renee Menart (Center on Juvenile and Criminal Justice): Asked for expansion of participants of the Zoom meeting. Asked for advance notice of public listening sessions.

V. Adjourn

The meeting adjourned at: 11:50 am.

Next Meeting:

❖ BSCC Board Meeting:

June 12, 2020

ROSTER OF PERSONS IN ATTENDANCE

BSCC BOARD MEMBERS:

Chair Penner, Chair, Board of State and Community Corrections
Mr. Diaz, Secretary, California Department of Corrections and Rehabilitation (CDCR)
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
Evonne Garner, Deputy Director, Standards and Training for Corrections
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
Colleen Curtin, Field Representative, Corrections Planning and Grants Program
Helene Zentner, Field Representative, Corrections Planning and Grants Program
Kasey Warmuth, Chief of Research, Facilities Standards & Operations