

**MINUTES**  
**BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING**  
**Thursday, November 9, 2017**

Meeting Held At: BSCC Headquarters  
BSCC Board Room  
2590 Venture Oaks Way Suite 101  
Sacramento, CA 95833

**I. Call to Order:**

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Chair Linda Penner called the meeting to order at: 10:02AM.

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

Board Secretary Maria Rodriguez-Rieger called roll and announced there was a quorum.

The following members were in attendance:

Ms. Penner	Mr. Growdon	Mr. Budnick
Mr. Steinhart	Mr. Bejarano	Ms. Tournour
Judge Garrett	Mr. Dean	Mr. Ertola

**ABSENT BOARD MEMBERS**

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Ms. Perez, Mr. Powers, Ms. Scray-Brown and Mr. Kernan

**II. INFORMATION ITEMS:**

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**1. Chair's Report**

Chair Penner reported on her attendance at Chief Probation Officers of California (CPOC) Decade of Progress Conference on October 18. The Conference highlighted the progress the counties have made on juvenile realignment. She thanked Board Member Budnick for convening a panel of ex-juvenile offenders and members of Anti Recidivism Coalition.

**2. Executive Director's Report**

Executive Director Kathleen Howard provided updates on the following:

Howard noted the efforts of several BSCC committees' work that are currently underway. She acknowledged the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) and the great work led by Chair, Rachel Rios.

Reported that the Racial Ethnic and Disparity (R.E.D) Subcommittee met on October 31. The group is working on the next grant cycle. Howard acknowledged Field Representative Kimberly Bushard, and Analyst Aleks Djurasovic for their work on both committees.

Announced that she attended the Mortgage Burning event at La Familia Counseling center in Sacramento. Mentioned that the bond funding that supported the community center in 1988 was partially administered by the BSCC, formerly CSA. The BSCC and Director Chuck Supple, of CDCR Department of Juvenile Justice, were recognized by the organization.

Howard mentioned that she and Chair Penner attended the PEW-CSAC Results First Conference in Santa Barbara. She noted that there are several counties participating in this event and three additional counties joined, which included Ventura and Nevada. The work that PEW and CSAC are doing is important and provides fantastic models on services to use in their counties.

Mentioned that the BSCC recently received an update from the Public Policy Institute of California about the Multi County Study. Howard said that it started as an 11 county study and now there are 12. There will be more updates coming on the ongoing work. Howard acknowledged Kasey Warmuth as the new research manager at the BSCC.

Howard stated that the JAG, Proud Parenting, and RSAT ESCs are in various stages of their work. Because of the uncertainty of the JAG funding the JAG ESC meeting set for November 15 has been canceled. Proud Parenting held a meeting on Nov 2. RSAT ESC will be held on December 6, 2017.

Lastly Howard noted the Board that the Juvenile Regulation Revision ESC will be held on November 15, 2017 and will be wrapping up the ESC work.

**3. Legislative Update Report** (presented by Executive Director Howard):

Presented the final rulings of the 2017 bills in the Legislative Report.

**4. Legal update:**

General Counsel Aaron Maguire said that there will be a legal update during the closed session of the meeting. Maguire reminded the Board that there would be items on the Discussion Agenda that may affect counties or organizations in which Board Members hold positions. Those affected were directed to recuse themselves from voting and step out of the room.

Maguire informed the Board about a new practice the Board will follow with respect to federally debarred CBOs and grantees. Moving forward applicants for state-

funded grants will not be eligible if they have been federally debarred or convicted of crimes related to grant administration.

### **III. CONSENT ITEMS:**

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#### **A. Minutes from the September 14, 2017 Board Meeting: Requesting Approval**

Mr. Dean moved approval. Mr. Bejarano seconded. Ms. Tournor abstained. The motion carried.

### **IV. DISCUSSION ITEMS:**

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#### **B. Standards and Training For Corrections Compliance Report and Annual Update: Information Only**

Deputy Director Evonne Garner presented this agenda item: Garner said that each year the Standards and Training for Corrections Division submits an annual report to the Board on its activities. This report included compliance findings for Fiscal Year 2016-17, as well as updates on the ongoing project to revise core training for Probation Officers, Juvenile Corrections Officers and Adult Corrections Officer.

Garner reported that 161 agencies employing 34,000 people participated in the STC program. Out of the 161 agencies 157 are in compliance and four were out of compliance, making FY 2016-17 the highest rate of compliance in 15 years.

Garner said that there was a spike of Juvenile Corrections Officers (JCOs) examinations in FY 2016-2017.

#### **Public Comment was heard for Agenda Item B:**

**Brian Goldstein (Center on Juvenile Justice and Criminal Justice):** Requested a list of the number of JCOs employed by each county.

*~ End of Public Comment For Agenda Item B ~*

Chair Penner thanked Deputy Director Garner for the excellent work that the STC Division is doing and asked Garner to elaborate on the upcoming work.

Garner said that the STC has conducted job analysis in the field, and Behavioral Health was a concern by the agencies throughout the state. STC is now focusing on providing training for Behavioral Health and will embed the training into STC's core trainings. Garner said that there has been a reduction of \$4 million in funding to STC and will be mitigating with cost savings measures.

**C. California Violence Intervention and Prevention (CalVIP) Grant Request for Proposals: Requesting Approval**

Field Representative Colleen Curtin presented this agenda item. This agenda item requested Board approval to release the proposed Request for Proposals (RFP) for the California Violence Intervention and Prevention Grant as recommended by its Executive Steering Committee.

The 2017 Budget Act appropriated \$9.215 million for the California Violence Intervention and Prevention Grant – also known as the CalVIP Grant, to be administered by the BSCC. This grant replaces the California Gang Reduction, Intervention and Prevention Grant, which was known as CalGRIP. The City of Los Angeles is eligible to receive \$1 million in a non-competitive grant. The remaining \$8.215 million must still be distributed through a competitive RFP process, and the maximum funding amount is set at \$500,000 per grant.

Ms. Curtin thanked Board Member Brown for the yearlong progress to complete the RFP.

Mr. Steinhart acknowledged the excellent work by the ESC and asked about the local collaboration requirement.

Ms. Curtin responded that the city councils must collaborate with CBOs and will have an insurance to sign on to the collaboration.

Mr. Budnick recused himself from voting and left the room during the discussion. Mr. Dean moved approval. Mr. Steinhart seconded. The motion carried.

**D. Adult Title 15 Section 1062, Visiting — Amendments to Conform with Assembly Bill 103 (Chapter 17, Statutes of 2017) Final Approval for Filing with Office of Administrative Law: Requesting Approval**

Deputy Director Allison Ganter presented this item: Pursuant to Penal Code Section 6030, the Board of State and Community Corrections is required to biennially review, and revise if necessary, the Minimum Standards for Local Detention Facilities. At the February 2017 meeting, the Board approved draft regulations for visiting in local detention facilities. At the June 2017 meeting, the Board approved submittal of those regulations to the Office of Administrative Law. On June 27, the Governor signed Assembly Bill 103 (Chapter 17, Statutes of 2017), which created new requirements for facility visitation.

BSCC staff have incorporated those changes into the proposed draft regulations and have conducted an additional 15-day public comment period. BSCC staff requested approval of the final proposed regulations for visiting in local detention facilities and approval to proceed with the Administrative Procedure Act process for regulation adoption.

Ms. Ganter acknowledged BSCC Analyst Ginger Wolfe for the work done on this.

Judge Garrett inquired about the change in date of those facilities who are being “grandfathered” in.

Director Howard responded that the Governor and Legislature made a statutory change to move the date back to January 1, 2017, so the date in the regulation is being changed to conform with the date now in statute.

Counsel Maguire explained that the Legislature had more latitude to choose a date based on knowledge from counties regarding the date of “grandfathering.”

Judge Garrett asked about the term “initial planning stage” and “initial architectural planning.”

Counsel Maguire explained that the letter of intent correlates to the initial architectural planning as it states in Title 24 regulations and that the letter of intent is the initial architectural planning.

Ms. Ganter referenced PC 6029, which requires BSCC to complete plan review for all construction of local detention facilities, and Title 24, Part 1, 13102 (c) which authorizes the letter of intent as the initial architectural planning and the basis for the grandfathering clause. Any future nonfunded projects will require space for in-person visitation.

Counsel Maguire said that counties that have receive conditional award in the future, now that AB 103, will be required to build in-person visitation.

Mr. Steinhart said that the Legislature has conformed the visitation statute with AB 103.

Chair Penner agreed that this regulation will conform to the intent of the Legislature in AB 103.

#### **Public Comment was heard for Agenda Item D:**

**Brian Goldstein (Center on Juvenile Justice and Criminal Justice):** Said that he has concerns on the letter of intent as being the case for grandfathering and it contradicts the legislation of AB 103. He asked the Board to consider changing language that an incarcerated person should not have to request in-person visitation. Stated that the term “video visits” are not visitation but are calls.

*~ End of Public Comment For Agenda Item B ~*

Mr. Steinhart asked if there is a methodology for those incarcerated to be made aware of the availability of video and in-person visitation.

Ms. Ganter said that the rights for an inmate to visitation options are visibly posted and available in the facility handbook for all inmates.

Chair Penner asked the Board to adopt the new regulations, which have conformed with AB 103.

Mr. Steinhart stated that the grandfather provision goes too far and disagreed with this clause. Mr. Steinhart recognized that the Board has debated on this topic extensively and now should move forward with approving the regulations as they are now written and he would abstain from the voting.

Mr. Dean moved approval. Mr. Bejarano seconded. Mr. Steinhart, Judge Garrett, and Mr. Budnick abstained. The motion carried.

**E. Board of State and Community Corrections' 2017-2020 Strategic Plan: Requesting Approval**

Executive Director Kathleen Howard presented this agenda item: This agenda item requested approval of the revised BSCC Strategic Plan that covers the three-year period that begins with approval and ends December 30, 2020. The plan initially was presented at the September 2017 Board meeting, where Board members approved the plan in concept but asked for minor revisions of the plan. Those requested changes have been made, and the plan is being presented for final approval.

Howard presented the changes in the goals and the next steps for the Strategic Plan which includes the following:

The Board did not make changes to Goal 1: Decision Making, Goal 2: Programs, Training, and Technical Assistance.

For Goal 3: Facilities and Alternatives to Incarceration was changed at the request of the Board. The objective was broadened so that it is now inclusive of medical health treatment and other effective programs and practices. Per direction from the Board the term "best practices" was removed to provide broader and more inclusive information.

For Goal 4: Data Collection and Reporting: The first objective was modified to add data collection to the research planning efforts.

Howard reported that the next steps for the BSCC Strategic planning process would be to develop teams then implement workplans that will include specific milestones and timelines that can be reasonably implemented. Howard will report annually on the progress toward meeting the goals.

Judge Garrett moved approval. Mr. Budnick seconded. The motion carried.

Mr. Dean commended Director Howard and staff for the work that is being done at the BSCC.

**V. Public Comment**

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There were no further public comments.

**VI. Closed Session - (Gov. Code, § 11126, subd. (e)(2)(B) & (C).)**

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- State of California v. Sessions, Case No. 17-cv-4701 (Byrne/JAG Litigation)

The Board met in closed session. The Board took no action on this item.

The meeting adjourned at: 12:12 PM

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**Next meeting:**

- ❖ BSCC Board Meeting: Thursday, February 8, 2018 (Sacramento County)

## **ROSTER OF PERSONS IN ATTENDANCE**

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### **BSCC Board Members**

Chair Penner, Chair, Board of State and Community Corrections  
Mr. Growdon, Sheriff, Lassen County Sheriff's Department  
Mr. Ertola, Chief Probation Officer, Nevada County Probation  
Mr. Bejarano, Retired Chief of Police, City of Chula Vista Police Department  
Mr. Dean Sheriff, Ventura County Sheriff's Department  
Mr. Budnick, Film Producer and Founder of The Anti-Recidivism Coalition  
Mr. Steinhart, Director, Commonweal Juvenile Justice Program  
Judge Garrett, Retired Judge, Solano County  
Ms. Tournour, Director, City of Sacramento Office of Public Safety Accountability

### **BSCC Staff**

Kathleen Howard, Executive Director  
Tracie Cone, Communications Director  
Aaron Maguire, General Counsel  
Mary Jolls, Deputy Director, Corrections Planning and Grant Programs  
John W. Prince, Deputy Director, County Facilities Construction  
Allison Ganter, Deputy Director, Facilities Standards and Operations  
Evonne Garner, Deputy Director, Standards and Training for Corrections  
Colleen Curtin, Field Representative, Corrections, Planning, Grants and Programs  
Adam Lwin, Special Assistant to the Chair and Executive Director  
Maria Rodriguez-Rieger, Executive Assistant