

MEETING DATE: September 6, 2018 **AGENDA ITEM:** E

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, allison.ganter@bscc.ca.gov

SUBJECT: Juvenile Titles 15 & 24 Regulation Revisions, Final Approval, and Permission to Submit to Office of Administrative Law: **Requesting Approval**

Summary

The Board of State and Community Corrections is authorized to develop regulations for the operation and design of local juvenile detention facilities under Welfare and Institutions Code sections 210 and 885.

At its February 2018 meeting, the BSCC Board approved proposed regulation revisions and directed BSCC staff to complete a 45-day public comment period in accordance with the Administrative Procedures Act (APA).

BSCC staff has complied with the APA requirements and seeks approval to submit the final Title 15 rulemaking documents to the Office of Administrative Law for adoption.

Background

At its November 2016 meeting, the BSCC Board directed staff to begin the Juvenile Title 15 and Title 24 regulation revision process and appointed Board Members Michelle Brown and David Steinhart as co-chairs of the Juvenile Regulations Revision Executive Steering Committee (ESC).

From March through November 2017, the ESC and eight subject-matter workgroups convened and developed revisions to the Title 15 and Title 24 juvenile detention facility regulations. The ESC and workgroup membership was balanced with personal and professional expertise, lived experiences, subject-matter expertise and geographic representation. The ESC and workgroup considered extensive public comment that BSCC staff sought and received to ensure that minimum standards reflected best practices, research, and statutes governing juvenile detention.

Highlights of the revisions include: revised definitions to reflect current practices; changes to regulations requiring more detailed reporting of use-of-force incidents; assuring that chemical agents will be employed only after sufficient attempts at de-escalation of potentially violent situations; use of trauma-informed care considerations, where appropriate; ensuring transition and aftercare plans; adding standards for room confinement that reflect current law; and ensuring that youth will be allowed to have their own underwear throughout their stay.

Following the approval of proposed regulations at the February 2018 BSCC Board meeting, staff conducted a 45-day public comment period and held two public hearings. Comments

from the public focused mainly on chemical spray, restraints, and staffing ratios. Staff provides a summary and response to comments in the Final Statement of Reasons.

BSCC staff is requesting that the Board approve the final rulemaking package and direct staff to proceed with final rulemaking activities, with an anticipated effective date of January 1, 2019, for the Title 15 regulations. Title 24 regulations must proceed through a separate process with the Building Standards Commission; staff will keep the Board apprised of progress.

Recommendation/Action Needed

1. Approve the final proposed regulations and the Final Statement of Reasons.
2. Direct staff to submit the final rulemaking documents according to the APA.

Attachments

E-1: Final Proposed Regulations, in ~~strikeout~~ and underline
E-2: Final Statement of Reasons