

DATE: November 17, 2016 **AGENDA ITEM:** L

TO: BSCC Chair and Members

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

SUBJECT: Minimum Standards for Local Detention Facilities, Title 15, Approval of Rulemaking Package and Submittal to Office of Administrative Law:
Requesting Approval

Summary

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.

BSCC staff is requesting approval of the final rulemaking package, including the previously approved final regulation revisions, for the Minimum Standards for Local Detention Facilities, Title 15, California Code of Regulations. Board staff is also seeking approval to proceed with the Administrative Procedure Act process for regulation adoption.

Background

The Board is authorized to develop regulations for the operation of local detention facilities pursuant to Penal Code Section 6030. From August 2015 through March 2016, an Executive Steering Committee and eight workgroups comprised of practitioners and subject matter experts convened and developed revisions to the Title 15 regulations.

The Board approved the final revisions to the Minimum Standards for Local Detention Facilities, Title 15, California Code of Regulations at the June 9, 2016 meeting, and directed staff to proceed with rulemaking activities, including a 45-day public comment period. The rulemaking package was published by the Office of Administrative Law in the California Notice Register on July 29, 2016. Public comment was received between July 29, 2016 and September 12, 2016 and three public hearings were held the week of September 12 in Visalia, San Diego, and Sacramento. The public comments received were focused on the lack of incorporation of the federal Prison Rape Elimination Act (PREA) into the revisions. At the September board meeting, the Board directed staff to create a workgroup to examine PREA and provide recommendations to the Board as to what additional standards may be incorporated in Title 15 to address sexual assault in local detention facilities. At this time, there are no modifications to the text of the proposed regulations approved by the Board on June 9, 2016.

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 April 1, 2017 for these regulations.

Recommendation/Action Needed

Staff recommends:

1. The Board approve the final rulemaking package for the Adult Title 15 Regulations.
2. The Board direct staff to proceed with rulemaking activities pursuant to the Administrative Procedures Act.

Attachments

- L-1: Adult Titles 15, Proposed Revisions in Strike Out and Underline
- L-2: Public Comments received
- L-3: Adult Titles 15 Final Statement of Reasons