

NOTICE OF PROPOSED AMENDMENT TO TITLE 15, MINIMUM STANDARDS FOR JUVENILE FACILITIES, CALIFORNIA CODE OF REGULATIONS, BY THE BOARD OF STATE AND COMMUNITY CORRECTIONS

**TITLE 15. BOARD OF STATE AND COMMUNITY CORRECTIONS**

Pursuant to Welfare and Institutions Code Sections 210 and 885, the Board of State and Community Corrections (BSCC) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the BSCC to amend and adopt the regulations contained in Title 15, Division 1, Subchapter 5, California Code of Regulations (known as the Minimum Standards for Juvenile Facilities), after considering all comments, objections, and recommendations regarding these regulations.

PUBLIC HEARING

The BSCC will hold the following public hearings:

**Wednesday, December 5, 2012**

**1:00 pm**

San Diego County Probation Department  
9444 Balboa Ave Suite 500  
San Diego, CA 92123

**Wednesday, December 19, 2012**

**10:00 am**

Board of State and Community Corrections  
660 Bercut Drive  
Sacramento CA 95811

Both locations are wheelchair accessible. At the hearings, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The BSCC requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The hearing will remain open only as long as persons in attendance are presenting testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the BSCC. The written comment period closes at **5:00 pm on December 17, 2012**. The BSCC will consider only comments received at BSCC offices by that time. Submit comments to:

Allison Ganter, Field Representative  
600 Bercut Drive  
Sacramento CA 95811  
(916) 445-5073  
[allison.ganter@bscc.ca.gov](mailto:allison.ganter@bscc.ca.gov)

## AUTHORITY AND REFERENCE

Welfare and Institutions Code Sections 210 and 885 authorizes the CSA to adopt and amend the proposed regulations, which would implement, interpret, or make specific Sections 210 and 885 of the Welfare and Institutions Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

### **Summary of Existing Laws**

Welfare and Institutions Code Sections 210 and 885 authorize the BSCC to establish standards for local juvenile detention facilities.

### **Summary of Existing Regulations**

Existing standards which prescribe requirements for the operation local juvenile detention facilities are contained in Title 15 – Crime Prevention and Corrections, Division 1, Chapter 1, Subchapter 5 of the California Code of Regulations (CCR).

### **Summary of Effects**

The proposed action would update Title 15, Division 1, Chapter 1, Subchapter 5 CCR and replace “Corrections Standards Authority” with “Board of State and Community Corrections,” reflecting legislative change. Nonsubstantive grammatical corrections are made throughout, and definitions have been added, deleted or modified to provide clarity and consistency.

Several terms throughout the regulations have been replaced or deleted to reflect current and more appropriate language. For instance, the terms “minor” and “child” have been replaced with “youth.” Proposed revisions will also require that policy and procedure is “implemented” in addition to developed by facility administrators and will also require site-specific policies for several regulations when there are multiple facilities in one system.

Other revisions include aligning regulation with current statutory requirements and updating regulations to reflect evidence-based and best juvenile detention and juvenile justice practices.

### **Comparable Federal Statute or Regulations**

There are no comparable federal regulations or statutes.

### **Policy Statement Overview**

The broad objective of the proposed action is to maintain regulations for local juvenile detention facilities in conformance with sound correctional practices and to ensure the safe and secure detention of youth.

Proposed revisions reflect current best practices in juvenile justice and detention and are intended to enhance the quality of juvenile detention facilities throughout the state. Specific benefits include clear and detailed regulations that will provide facility administrators with guidance to protect the health and safety of residents and staff of such facilities. Proposed

revisions will continue to provide improvements to local juvenile detention systems, ultimately ensuring the public's health and safety.

The proposed regulation revisions are not inconsistent or incompatible with existing state regulations.

## DISCLOSURES REGARDING THE PROPOSED ACTION

*The BSCC has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None

Other nondiscretionary costs or savings imposed on local agencies: None

Costs or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

## RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The BSCC concludes that it is unlikely that adoption of these regulations will (1) create or eliminate jobs within California, (2) create new businesses, (3) eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action:

These regulations will benefit the residents and staff of juvenile detention facilities, by providing clear guidance related to the safe and secure operation of such facilities. Proposed revisions reflect current best practices intended to improve operations. Ensuring safe, secure and humane juvenile detention facilities will continue to benefit the health, safety and welfare of California's residents.

Cost impacts on a representative private person or businesses: The BSCC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business report: These regulations do not require a report to be made; they do not apply to businesses.

*Small Business Determination:*

The BSCC has determined that the proposed regulations will have no effect on small businesses. These proposed regulations affect the operations and programs for Juvenile Detention Facilities.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the BSCC must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more-cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The BSCC invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearings or during the written comment period.

## CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Allison E. Ganter, Field Representative  
600 Bercut Drive  
Sacramento, CA 95814  
(916) 445-5073  
[allison.ganter@bscc.ca.gov](mailto:allison.ganter@bscc.ca.gov)

Toni Gardner  
600 Bercut Drive  
Sacramento, CA 95814  
(916) 445-5073  
[toni.gardner@bscc.ca.gov](mailto:toni.gardner@bscc.ca.gov)

Questions on the substance of the proposed regulation may be directed to Ms. Ganter or Ms. Gardner.

Please direct requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which this rulemaking is based to Allison Ganter at the above address.

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Rulemaking File, which includes all the information on which this proposal is based, is available for viewing at the BSCC's office at the above address.

#### AVAILABILITY OF MODIFIED TEXT

If the BSCC makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the BSCC adopts the regulations as revised.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be accessed through the BSCC website at: <http://www.bscc.ca.gov/programs-and-services/fso/services>. Those persons who do not have access to the Internet may submit a written request to Allison Ganter at the above address.

#### AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in ~~strikeout~~ and underline can be accessed through our website at: <http://www.bscc.ca.gov/programs-and-services/fso/services>. Those persons who do not have access to the Internet may submit a written request to Allison Ganter at the above address.