

A photograph of the California State Capitol dome, featuring a large, ornate, light-colored dome with a dark, ribbed top. The dome is surrounded by a colonnade of white columns. The sky is a clear, vibrant blue with a few wispy white clouds. The image is framed by a white, curved border that sweeps across the top of the page.

# **MEDICAL AND MENTAL HEALTH WORKGROUP**

## **Briefing Materials**

**JUVENILE TITLES 15 & 24 REGULATIONS REVISION**

**April 23, 2024**

**April 30, 2024**



Board of State and Community Corrections

2590 Venture Oaks Way, Suite 200

Sacramento CA 95833

[www.bscc.ca.gov](http://www.bscc.ca.gov)

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## Board of State and Community Corrections Members

Chair, Board of State and Community Corrections ..... **Linda M. Penner**

Secretary, Department of Corrections and Rehabilitation ..... **Jeffrey Macomber**

Director, Division of Adult Parole Operations ..... **Jason Johnson**  
Department of Corrections and Rehabilitation

County Sheriff in charge of a local detention facility ..... **Eric Taylor**  
with a jail rated capacity of 200 or less inmates San Benito County

County Sheriff in charge of a local detention facility ..... **Shannon D. Dicus**  
with a jail rated capacity of over 200 inmates San Bernardino County

County Supervisor or County Administrative Officer ..... **Cindy Chavez**  
Santa Clara County

Chief Probation Officer from a county ..... **Kirk Haynes**  
with a population over 200,000 Fresno County

Chief Probation Officer from a county ..... **Brian Richart**  
with a population under 200,000 El Dorado County

Retired Judge, ..... **Janet Gaard**  
A judge appointed by the Judicial Council of California Yolo County

Chief of Police ..... **Andrew Mills**  
City of Palm Springs

Community provider of rehabilitative treatment ..... **Scott Budnick**  
or services for adult offenders Anti-Recidivism Coalition

Community provider or advocate with expertise ..... **Angeles D. Zaragoza**  
in effective programs, policies, and treatment Los Angeles County Alternate  
of at-risk youth and juvenile offenders Public Defender's Office

Public Member ..... **Norma Cumpian**  
Anti-Recidivism Coalition

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**Board of State and Community Corrections**  
**Juvenile Titles 15 and 24 Regulations Revision**  
**Executive Steering Committee Members**

**Kirk Haynes, Co-Chair**  
**BSCC Board Member & Chief**  
**Probation Officer**  
Fresno County Probation Department

**Roberto Luca, Co-Chair**  
**Program Director**  
Mass Liberation

**Katherine Aaron, Assistant**  
**Superintendent**  
San Luis Obispo County Office of  
Education

**Marguerite Harris, Chief Deputy**  
**Probation Officer**  
San Luis Obispo County Probation  
Department

**Esa Ehmen-Krause, Chief Probation**  
**Officer**  
Contra Costa County Probation

**Heile Gantan, Senior Program**  
**Associate**  
Food in Prison Project  
Impact Justice

**Jane Halladay Goldman, PhD, Director**  
Santa Monica-UCLA Rape Treatment  
Center

**Meredith Desautels, Esq., Directing**  
**Attorney**  
Youth Law Center

**Danny King, Esq., Senior Youth Policy**  
**Counsel**  
National Center for Lesbian Rights

**Katherine Lucero, Director**  
Office of Youth and Community  
Restoration

**Brian Richart, BSCC Board Member &**  
**Chief Probation Officer**  
El Dorado County Probation

**Kalisa Rochester, Chief Probation**  
**Officer**  
Merced County Probation

**Kristen Vela, Health Program Manager**  
Sonoma County Public Health,  
Special Clinical Services

**Luis Venegas, Life Coach**  
Ventura Training Facility  
Anti-Recidivism Coalition

**Amanda Yoacham, Chief Mental Health**  
**Clinician**  
San Joaquin Behavioral Health Services

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**Board of State and Community Corrections**  
**Juvenile Titles 15 and 24 Regulations Revision**  
**Medical and Mental Health Workgroup Members**

**Kristen Vela, Chair**  
**Health Program Manager**  
Special Clinical Services, Sonoma  
County Public Health

**Amanda Yoacham**  
**Chief Mental Health Clinician**  
San Joaquin Behavioral Health Services

**Dr. Juan Argüello, DO**  
**Chief Health Policy Officer**  
Office of Youth and Community  
Restoration

**Dr. Erika Bath, MD**  
**Professor and Vice Chair**  
Justice, Equity, Diversity and Inclusion  
UCLA Department of Psychiatry

**Dr. Elizabeth Barnert, MD, MPH, MS**  
**Pediatrician and Professor**  
Pediatrics, UCLA

**Joni Spears**  
**Deputy Public Defender**  
Contra Costa Public Defender's Office

**Kilee Willson**  
**Probation Division Director**  
Juvenile Hall, Sonoma County Probation  
Department

**Nallely Navarro**  
**Youth Policy Fellow**  
Fresh Lifelines for Youth

**Carlos Fernandez**  
**Community Organizer and Credible  
Messenger**  
Safe Return Project

**Melinda Bird, Esq.**  
**Senior Litigation Counsel**  
Legal Advocacy Unit, Disability Rights  
California

**Meredith Desautels, Esq.**  
**Directing Attorney**  
Youth Law Center

**Faride Perez Aucar, Esq.**  
**Staff Attorney**  
Gender, Sexuality and Reproductive  
Justice, ACLU Foundation of Northern  
California

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Board of State and Community Corrections  
Juvenile Titles 15 and 24 Regulations Revision  
Medical and Mental Health Workgroup Meeting Agenda

**April 23 and 30, 2024**

**9:00 AM – 4:00 PM**

*Break for lunch from 12:00 PM to 1:00 PM.*

**Meeting # 1 - April 23, 2024**

Join Zoom from a PC, Mac, iPad, iPhone  
or Android device:

<https://us02web.zoom.us/j/86164642983>

Or join by phone: (669) 900-9128  
Meeting ID: 861 6464 2983

**Meeting # 2 - April 30, 2024**

Join Zoom from a PC, Mac, iPad, iPhone  
or Android device:

<https://us02web.zoom.us/j/82895952620>

Or join by phone: (669) 900-9128  
Meeting ID: 828 9595 2620

*Physical Location*

Board of State and Community Corrections Board Room<sup>1</sup>  
2590 Venture Oaks Way, Sacramento, CA 95833

1. Welcome and Introductions
2. Overview of:
  - a. Purpose of Subject Matter Expert Workgroup
  - b. Regulation Revision Process
  - c. Medical and Mental Health Workgroup Briefing Materials Booklet
3. Public Comment
4. Regulation Review, Discussion, and Revision Proposal
  - a. [Article 8. Health Services](#)
  - b. Regulations with reference to Medical and Mental Health
5. Public Comment
6. Summary and Next Steps
7. Adjourn

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<sup>1</sup> The following workgroup members will be participating remotely (Gov. Code, § 11123.5, subd. (c)): Kristen Vela, Amanda Yoacham, Juan Arguello, Erika Bath, Elizabeth Barnert, Joni Spears, Kilee Willson, Nallely Navarro, Carlos Fernandez, Melinda Bird, Meredith Desautels, and Faride Perez Aucar.

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## Regulations Revision Process

The Executive Steering Committee (ESC) considers recommended regulation revisions, discusses issues relevant to the operation and design of juvenile facilities, and provides direction to BSCC staff during the revision process. The ESC will review feedback received from public input processes and staff analysis of that feedback, develop draft revisions, or direct staff to develop revisions based on their direction. The ESC may accept, deny, or modify revisions that are presented. The ESC Chair will ultimately present the proposed regulations revisions to the BSCC Board for approval. BSCC staff serve as a resource to the ESC and complete all the necessary actions and documents for the Office of Administrative Law (OAL) processes.

On February 10, 2022, the BSCC Board directed staff to launch the Juvenile Regulations Revision process, including working with the ESC Chairs to select ESC members that represent experience and subject-matter expertise in a variety of areas, including lived experience, impact on community, facility management, advocacy, adolescent health care, adolescent behavioral health care, trauma-informed care, nutrition, and education.

On April 8, 2022, BSCC staff began a public input period that included several opportunities for feedback, including:

- A 90-day public input survey (April 8, 2022, to July 7, 2022)
- Four (4) subject matter-specific public listening sessions:
  - May 10, 2022 – Title 15 Administrative, Food and Diet, Facility Operations and Training
  - May 24, 2022 – Title 15 Classification, Separation, and Youth Discipline, Confinement, Use of Force and Restraining Devices
  - June 7, 2022 – Title 15 Suicide Prevention, Medical, Mental, and Behavioral Health Care Services
  - June 21, 2022 – Title 15 Hygiene and Sanitation, Programs; Title 24 Programs, Design and Planning, Physical Spaces, Furnishings, and Equipment
- A Request for Offer (RFO) for public comment services in which three (3) local community nonprofit, nongovernmental organizations (*Anti-Recidivism Coalition (ARC)*, *Focus Forward*, and *Fresh Lifelines for Youth (FLY)*) were awarded up to \$10,000 to:
  - Hold a minimum of three (3) community meetings or listening sessions.
  - Conduct a survey of youth and families affected by juvenile detention.
  - Identify areas for revision and justify priority issues.
  - Provide input from youth and families who are, or have been, impacted by local juvenile detention facilities in California.

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A voluminous amount of feedback was received through these opportunities. BSCC staff also gathered feedback from the current biennial inspection cycle and received input from other organizations, detention facility administrators, and managers.

All feedback received by the BSCC is contained in Attachments A through F and Attachments L through U, available [here](#). Feedback relevant to Article 8 is listed on page 11 of this briefing material booklet and available [here](#).

BSCC staff carefully considered each piece of feedback received and conducted a thorough analysis of all input to determine how the information could inform a proposed regulation revision. Included in the analysis was a consideration of related best practices, recent legislation, people's experiences, subject matter expertise, and operational and fiscal impact.

On August 31, 2023, the ESC agreed to convene Subject Matter Expertise (SME) workgroups to review specific regulations and recommend revisions for the ESC's consideration. The four (4) SME workgroups are:

1. Education (§ 1370)
2. Medical and Mental Health (Article 8)
3. Nutrition (Article 9)
4. Environmental Health (Article 10, 11 and 12)

After the four workgroups have met, BSCC staff will present the recommended regulation revisions to the ESC for approval.

Following the ESC process and approval of initial proposed revisions, the BSCC Board will review and approve proposed revisions that will proceed through the Administrative Procedure Act (APA) for adoption in the California Code of Regulations, as outlined in Government Code 11340, et seq. During the APA, OAL attorneys will ensure that proposed revisions meet required clarity, consistency, nonduplication, necessity, and format standards. This process includes an additional public comment period and opportunities for public input at BSCC Board meetings.

The BSCC Board will review and approve the final proposed revisions once again before the regulations are adopted by OAL.

All milestones, timelines, activities, and documents for this regulation revision process will be updated regularly on the BSCC website: <https://www.bscc.ca.gov/juvenile-titles-15-and-24-regulations-revision/>

An overview of the OAL's rulemaking process is found on the OAL website: [https://oal.ca.gov/rulemaking\\_participation/](https://oal.ca.gov/rulemaking_participation/)



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## Statutes v. Regulations

### Statutes

Statutes are laws adopted by a legislative body and established in a formal document, such as the California Penal Code. Requirements in statute are mandatory, enforceable, and may only be amended by the state legislature. The BSCC does not inspect local detention facilities for compliance with statute.

### Regulations

Regulations are administratively established by state agencies through the APA to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure (Government Code Section 11342.600). Welfare and Institutions Codes 210 and 885, for example, require the Board of State and Community Corrections to establish minimum standards for juvenile facilities.

There are two basic types of regulations:

Prescriptive Standards	Performance Standards
<p>Specifies the sole means of compliance with a standard by specific actions, measurements, or other quantifiable means (Government Code, Section 11342.590).</p> <p>An example is Title 24, Section 1230.1.2, Locked Holding Room, which requires a locked holding room to provide a minimum of 45 square feet of floor space and have a clear ceiling height of 8 feet.</p>	<p>Describes an objective with the criteria stated for achieving the objective (Government Code, Section 11342.570).</p> <p>Performance Standards indicate what is required without directing how the standards should be implemented. These standards allow greater flexibility in addressing the objective.</p> <p>An example is Title 15, Section 1362, Reporting of Incidents, which requires that a written report of specific incidents be maintained but does not prescribe how reports are to be maintained, a schedule of maintenance, or what is to be included in such reports.</p>

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## How to Use the Briefing Material

► **Title 15 Regulations Revision Text - Article 8** contains current regulations in Article 8 of the Title 15 minimum standards for juvenile detention facilities and will be used as a guide throughout the meeting. The document has been provided in both .pdf and .docx format.

- The **revision recommendations** to the current regulation appear in ~~strike-out~~ if the text is proposed for deletion or underline if it is proposed for addition.
- Each section also contains three to four components to guide discussion:
  - **ESC Recommendations** indicates if draft revisions shown in strikeout and underline are based on ESC discussion that occurred at the November 2-3, 2022, March 23, 2023, or August 31, 2023 ESC meeting.
  - **SYTF Subcommittee Recommendations** summarizes recommendations received during the Secure Youth Treatment Facility (SYTF) Subcommittee Meetings on March 10 and July 28, 2023.
  - **Public Comment** contains a reference to applicable **Attachments** containing the public comment.
  - **Impact and Justification** contains a series of questions to analyze proposed recommendations.

► **Title 15 Regulations Revision Text - Article 8 Definitions** contains terms and definitions used in Article 8. The document has been provided in both .pdf and .docx format.

► The **Attachments** listed on the following page contain the feedback referenced in the Title 15 Regulations Revision Text - Article 8 document.

We recommend that workgroup members review the briefing material in advance of the meeting, cross-referencing between the regulation text and the applicable attachments. We encourage workgroup members to take notes prior to the meeting. Workgroup members may contact BSCC staff for questions at any time.

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## Attachments

Title 15 Regulations Revision Text - Article 8

Title 15 Regulations Revision Text - Article 8 Definitions

Attachment A – Public Input for Title 15 and 24 Juvenile Regulations Revisions

Attachment B – YLC Proposed Revisions to Title 15

Attachment C – CJCJ et al., Proposed Revisions to Title 15

Attachment D – PJDC Proposed Revisions to Title 15

Attachment E – ARC Report-Survey Findings

Attachment E.1 – ARC Proposed Revisions to Title 15

Attachment F – FLY Minimum Standards Report

Attachment F.1 – FLY Proposed Revisions to Title 15

Attachment G – AB 2321 Juveniles Room Confinement

Attachment H – AB 2417 Juveniles Youth Bill of Rights

Attachment L – Juvenile Facility Managers' Summary

Attachment M – Focus Forward Survey

Attachment N – DRC Proposed Revisions to Title 15 and Title 24

Attachment O – Children's Defense Fund-California et. al. Proposed Revisions to Title 15 and Title 24

Attachment P – California Alliance for Youth & Community Justice (SYTF)

Attachment S – SCOPO Title 15 Pepper Spray Regulations (April 2023)

Attachment T – SCOPO Title 15 Pepper Spray Regulations (August 2023)

Attachment U – Coalition Title 15 Advocacy Letter for Education

[Hyperlink to Attachments](#)