

§ 1315. Corrective Action Plan for Noncompliance

The Board shall conduct, at a minimum, a biennial inspection of each juvenile facility used for confinement of any juvenile for more than 24 hours during the preceding calendar year to determine compliance with the minimum standards for juvenile facilities set forth in Title 15 and Title 24 of the California Code of Regulations.

(a) Notice of Noncompliance.

- (1) If a juvenile facility is found to be out of compliance with any of the minimum standards for juvenile facilities, the Board shall issue a notice of noncompliance. The notice of noncompliance shall be provided electronically to the Chief Probation Officer on the final day of the inspection.
- (2) The notice of noncompliance shall include:
 - (A) The date on which the notice of noncompliance is provided to the Chief Probation Officer;
 - (B) A description of each item of noncompliance, including the applicable regulation section and observed conditions; and,
 - (C) Information on the required corrective action plan, including but not limited to:
 - (1) The due date for submission of an approved corrective action plan to the Board, which is 60 calendar days from the date on which the notice of noncompliance was provided to the Chief Probation Officer.
 - (2) The maximum statutory resolution date, which is 90 calendar days from the due date for submission of an approved corrective action plan.

(b) Corrective Action Plan Submission Process.

- (1) The Chief Probation Officer or designee shall submit a corrective action plan for approval no later than 12:00 PM on the 60th calendar day following the notice of noncompliance. If the 60th calendar day for submitting a corrective action plan falls on a weekend or a state-recognized holiday, the deadline shall be extended to 12:00 PM on the next business day.
- (2) The corrective action plan shall include:
 - (A) A description of corrective action to be taken for each item of noncompliance.
 - (B) A timeline for resolution that includes a reasonable proposed resolution date that does not exceed the maximum statutory resolution date, which is 90 days from the due date for an approved corrective action plan. If the corrective action plan will be submitted earlier than the 60-day due date, the proposed resolution date shall not exceed 90 days from the approval date.

- (C) Documentation of any items remedied prior to submission.
 - (3) Prior to submitting the corrective action plan, the Chief Probation Officer or designee may request technical assistance in developing the corrective action plan, including, but not limited to, submitting draft corrective action plans for review.
- (c) Review and Approval.
- (1) The Board, or its designee, shall approve or deny the corrective action plan within 60 calendar days of the notice of noncompliance. Approval or denial shall be provided in writing.
 - (2) Criteria for approval include:
 - (A) The corrective action plan adequately describes how the item of noncompliance will be remedied and provides a reasonable timeframe for resolution that does not exceed 90 days from the date the CAP will be submitted for approval or the maximum statutory resolution date.
 - (B) The following factors will be used when considering the reasonableness of the proposed resolution timeframe:
 - (1) Immediate risk to the safety or health of juveniles.
 - (2) Likelihood of continued risk or harm to juveniles if the item of noncompliance is not addressed within the timeframe specified in the plan.
 - (3) Rights of the juveniles.
 - (4) Feasibility of resolution within 90 days;
 - (5) Resources required to remedy each item of noncompliance.
 - (3) If an approved corrective action plan indicates a resolution date that is earlier than the maximum statutory resolution date and the Chief Probation Officer or designee later determines cannot be met, an extension may be requested but shall not exceed the maximum statutory resolution date. The Chief Probation Officer or designee shall submit a written request to the Deputy Director of the Facilities Standards and Operations (FSO) Division to request a change to the resolution date and include a justification for the extension.
- (d) Failure to Submit Approved Corrective Action Plan – Notice of Unsuitability.
- (1) If the Chief Probation Officer or designee fails to submit an approved corrective action plan, pursuant to the process established in Section 1315(b) following the notice of noncompliance, the facility shall be deemed unsuitable for the confinement of juveniles.
 - (2) The Board shall issue a notice of unsuitability to the Chief Probation Officer within one business day of failing to submit an approved corrective action plan. The notice of unsuitability shall provide that commencing 60 days following the notice, the facility shall not be used for the confinement of

juveniles until the Board finds, after reinspection of the facility, that the conditions that rendered the facility unsuitable have been remedied.

(e) Board Ratification Process.

The Board shall ratify the approval or denial of a corrective action plan as follows:

- (1) If the plan is approved or denied more than 15 days before the Board's next regularly scheduled meeting, the Board shall either ratify or overrule the delegee's decision at that meeting.
- (2) If the plan is approved or denied 15 days or fewer prior to the next board meeting, ratification shall occur at the following meeting.
- (3) The Board's ratification or overruling of the corrective action plan shall not alter the effective date of the delegee's initial determination to approve or deny the corrective action plan or extend any time period for compliance.
- (4) Denial of the corrective action plan is subject to ratification as described in subdivision (e) and shall not be subject to appeal pursuant to Section 1314.

(f) Verification of Compliance.

- (1) On or before the resolution date indicated in an approved corrective action plan, the Chief Probation Officer shall submit written verification to the Board that each item has been remedied.
- (2) The Board shall verify compliance through follow-up inspection and documentation after the resolution date specified in the approved corrective action plan.
- (3) Upon verification, the Board shall issue written confirmation of compliance.

(g) Notice of Determination of Suitability Following Continued Noncompliance.

- (1) If all items of noncompliance are not remedied by the resolution date specified in the approved corrective action plan, the Board shall issue a notice of determination of suitability.
- (2) The notice of determination of suitability shall contain the following:
 - (A) The date, time, and location of the next scheduled Board meeting where the determination of suitability shall occur.
 - (B) A description of the items of noncompliance that remain unresolved;
- (3) The Chief Probation Officer or designee may submit information to the Board for suitability determination within seven (7) days after the notice of determination of suitability is issued, but in any event, no later than five (5) days before the next scheduled board meeting.