



EXECUTIVE STEERING COMMITTEE

Briefing Materials

JUVENILE TITLES 15 & 24 REGULATIONS REVISION

November 2 & 3, 2022 Meeting



Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento CA 95833

www.bscc.ca.gov

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Attachments

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Title 15 Regulations Revision Matrix	
Title 24 Regulations Revision Text	
Title 24 Regulations Revision Matrix	
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 E.2: ARC Proposed Revisions to Title 24	
Attachment F: FLY Minimum Standards Report	
Attachment F.1: FLY Proposed Revisions to Title 15	
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Attachment G: AB 2321 Juvenile Room Confinement	
Attachment H: AB 2417 Youth Bill of Rights	
Attachment I: SB 1008 Corrections Communications	
Attachment J: SB 92 Juvenile Justice (STYF)	
Attachment K: SB 823 Juvenile Justice Realignment (OYCR)	
Attachment L: Juvenile Facility Managers' Summary	
Attachment M: FF Survey Report	

Board of State and Community Corrections Members

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

Secretary, Department of Corrections and Rehabilitation **Kathleen Allison**

Director, Division of Adult Parole Operations **Guillermo Viera Rosa**
Department of Corrections and Rehabilitation

County Sheriff in charge of a local detention facility **Dean Growdon**
with a jail rated capacity of 200 or less inmates Lassen 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 with a population **Kirk Haynes**
over 200,000 Fresno County

Chief Probation Officer from a county with a population **Kelly M. Vernon**
under 200,000 Kings County

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

Chief of Police **Andrew Mills**
Palm Springs Police Department

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

Community provider or advocate with expertise in effective **Miguel Garcia**
programs, policies, and treatment Specialist, Office of Youth and Community Restoration
of at-risk youth and juvenile offenders

Public Member **Norma Cumpian**
Women's and Non-Binary Services, Associate Director, Anti-Recidivism Coalition

Juvenile Titles 15 and 24 Regulations Revision

Executive Steering Committee Members

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

Israel Villa, Deputy Director
California Alliance for Youth and Community Justice

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

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

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

Jane Halladay, Director of System Services
National Center for Child Traumatic Stress

DJ Pittenger, Assistant Superintendent Juvenile Justice Commissioner
San Luis Obispo County Department of Education
San Luis Obispo Juvenile Justice Commission

Katherine Lucero, Director
Office of Youth and Community Restoration

Brian Richart, Chief Probation Officer
El Dorado County Probation

Kalisa Rochester¹, Chief Probation Officer
Merced County Probation

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

Meredith Desautels, Esq., Staff Attorney
Youth Law Center

Heile Gantan, Research Fellow, Food in Prison Project
Impact Justice

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

¹ December 14, 2022 – The list of ESC Members has been updated to replace Riverside County Chief Probation Officer, Ron Miller, with Merced County Chief Probation Officer, Kalisa Rochester.

Agenda

Juvenile Regulations Revision Executive Steering Committee

November 2 and 3, 2022

Board of State and Community Corrections Board Room

2590 Venture Oaks Way

Sacramento CA 95833

9:00 AM – 5:00 PM*

This agenda applies to both days, the meeting will continue in order of agenda items

**Meeting may end prior to 5pm on November 3, 2022, if all agenda items are covered*

**There will be a 30-minute break for lunch on each day*

1. Welcome and Introductions
 2. Overview of Regulation Revision Process and Goals
 - a. Public Input Process during the ESC Meeting
 - b. Goals for ESC Meeting
 3. Describe Regulation Revision Process and Briefing Material
 4. Regulation Discussion, Review, and Revision Proposal*
 - a. Secure Youth Treatment Facility Regulations
 - b. [Title 15, Minimum Standards for Juvenile Facilities](#)
 - i. [Article 1. General Instructions](#)

Note: Section 1302, Definitions will be reviewed after all other revisions of Title 15 have been discussed.
 - ii. [Article 2. Application of Standards and Inspections](#)
 - iii. [Article 3. Training, Personnel, and Management](#)
 - iv. [Article 4. Records and Public Information](#)
 - v. [Article 5. Classification and Segregation](#)
 - vi. [Article 6. Programs and Activities](#)
 - vii. [Article 7. Discipline](#)
 - viii. [Article 8. Health Services](#)
 - ix. [Article 9. Food](#)
 - x. [Article 10. Clothing and Personal Hygiene](#)
 - xi. [Article 11. Bedding and Linens](#)
 - xii. [Article 12. Facility Sanitation and Safety](#)
 - c. [Title 24, Physical Plant Regulations](#)
 - d. [Article 1, Section 1302, Definitions](#)
 - i. Definitions will be discussed throughout the meeting and reviewed at the close of regulation discussion
- *Public Comment will be heard after each article.*
5. Summary and Next Steps
 6. Public Comment
 7. Closing

Regulations Revision Process and Public Input

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.

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 Attachment L.

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.

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/

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>

How to Use the Briefing Material

The **Regulations Revision Text** and the **Regulations Revision Matrix** will be used as a guide throughout the meeting. **Attachments A – L** contain the material referenced in the text and matrix.

► The **Regulations Revision Text** contains all current Title 15 and Title 24 minimum standards for juvenile detention facilities.

- Proposed revisions are indicated by grey highlighted text that contains **revision recommendations** to the current regulation.
- The **revision recommendations** appear in ~~strike-out~~ if the text is proposed for deletion or underline if it is proposed for addition.
 - Each **revision recommendation** is numbered; these numbers correspond with a summary of feedback and analysis on the **Regulations Revision Matrix**.
- Under the **revision recommendations** is a blue box that contains two columns:
 - **BSCC Suggested Action**
 - Contains BSCC staff suggestion for ESC action, including:
 - approve the proposed revisions
 - consider additional information
 - requires ESC discussion
 - **Reference(s)**
 - Contains the location of reference materials relevant to the proposed revisions, including the **Regulations Revision Matrix** and applicable feedback received by the BSCC.

► The **Regulations Revision Matrix** contains a summary of the feedback received, where analysis indicated a proposed revision was necessary. For each proposed revision, there is:

- Summary of Preliminary Input
- Initial Analysis
- Additional information or best practices (where applicable)
- ESC Feedback.
 - This column contains a guide for ESC proposed actions and can be used for ESC member's notes:
 - no decision – next meeting

-
- denied
 - approve as recommended
 - approve with changes

We recommend that ESC members review the briefing material in advance of the meeting, cross-referencing between documents and the applicable attachments. ESC members are encouraged to take notes prior to the meeting.

ESC Members may contact BSCC staff for questions at any time.