

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 the authority granted by Penal Code Section 6035 and 6036, proposes to amend Title 15, California Code of Regulations, Division 1, Chapter 1 Subchapter 1, concerning Standards and Training for Local Corrections and Probation Officers after considering all comments, objections, and recommendations regarding these regulations.

PUBLIC HEARING

The BSCC will hold the following public hearing:

Tuesday, July 1, 2014

10:00 pm

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

This location is wheelchair accessible. At the hearing, 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 June 30, 2014**. The BSCC will consider only comments received at BSCC offices by that time. Submit comments to:

Barbara Fenton, Field Representative
600 Bercut Drive
Sacramento CA 95811
(916) 445-5073
barbara.fenton@bscc.ca.gov

Sukie Dhillon, Field Representative
600 Bercut Drive
Sacramento CA 95811
(916) 445-5073
sukie.dhillon@bscc.ca.gov

AUTHORITY AND REFERENCE

Penal Code Section 6035 and 6036 authorizes the BSCC to adopt and amend the proposed regulations, which would implement, interpret, or make specific Sections 6035 and 6036 of the Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

Penal Code Sections 6035 and 6036 authorize the BSCC to establish minimum standards for local corrections and probation officers.

Summary of Existing Regulations

Existing standards which prescribe requirements for the selection and training of local corrections and probation officers are contained in Title 15 – Crime Prevention and Corrections, Division 1, Chapter 1, Subchapter 1 of the California Code of Regulations (CCR).

Summary of Effects

The proposed action would update Title 15, Division 1, Chapter 1, Subchapter 1 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 “Juvenile Counselor” have been replaced with “Juvenile Corrections Officer.”

Other revisions include aligning regulation with current statutory requirements and updating regulations to reflect evidence-based and best 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 selection and training regulations for local corrections and probation officers in conformance with sound correctional practices.

Proposed revisions reflect current best practices in selection and training and are intended to enhance the professionalism of local corrections and probation officers throughout the state. Specific benefits include clear and detailed regulations that will provide local administrators with guidance to raise the level of competence of local corrections and probation officers. Proposed revisions will continue to provide improvements to local corrections systems, ultimately ensuring the public’s health and safety.

During the process of developing these regulations and amendments, BSCC has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor 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 local corrections and probation, by providing clear guidance related to the staff competencies and appropriate selection and training standards. Proposed revisions reflect current best practices intended to improve operations. Ensuring adherence to standardized course development and delivery along with selection standards 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 selection and training of local corrections and probation officers.

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:

Barbara Fenton, Field Representative
600 Bercut Drive
Sacramento, CA 95814
(916) 445-5073
Barbara.fenton@bscc.ca.gov

The back-up contact person is:

Sukie Dhillon, Field Representative
600 Bercut Drive
Sacramento CA 95811
(916) 445-5073
sukie.dhillon@bscc.ca.gov

Questions on the substance of the proposed regulation may be directed to Mrs. Fenton.

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 Barbara Fenton 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> . Those persons who do not have access to the Internet may submit a written request to Barbara Fenton 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>. Those persons who do not have access to the Internet may submit a written request to Barbara Fenton at the above address.