

**BOARD OF STATE AND COMMUNITY CORRECTIONS  
TITLE 15, DIVISION 1, CHAPTER 1, SUBCHAPTER 4  
MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES**

**INITIAL STATEMENT OF REASONS**

California Penal Code section 6030 establishes the minimum standards for local correctional facilities. It also authorizes the Board of State and Community Corrections (BSCC) to review those standards biennially and make any appropriate revisions.

**ARTICLE 4. RECORDS AND PUBLIC INFORMATION**

**§ 1046 Death in Custody.**

Section 1046 outlines requirements for facility administrators to develop written policies and procedures for the initial review of every in-custody death.

On October 4, 2023, Governor Newsom signed Senate Bill (SB) 519 (Chapter 306, Statutes of 2023), which establishes the Director of In-Custody Death Review (Director) within the BSCC and, beginning July 1, 2024, requires the Director to “review investigations of any death incident... occurring within a local detention facility.” Following these reviews, the Director shall “make specific and customized recommendations to the sheriff or administrator of the local detention facility who operates the local detention facility regarding those incidents, including changes to policies, procedures, and practices, facility upgrades, staffing considerations, the delivery of medical and behavioral health services within local detention facilities, and operational and capital funding requirements to address the director’s recommendations.” (Pen. Code, § 6034, subd. (b).)

Government Code section 12525 requires correctional and law enforcement agencies to report in writing to the Attorney General within ten days following any death that occurs while in the agency’s custody. Existing section 1046 of Title 15 of the California Code of Regulations requires each facility administrator to conduct an initial review of each in-custody death within 30 days. The regulation also requires that if a minor housed in an adult facility dies while in custody, a copy of the report submitted to the Attorney General pursuant to Government Code section 12525 is submitted to the BSCC within ten calendar days of the death.

This section has been amended to require the development of policies and procedures, in addition to existing requirements, that facility administrators submit in-custody death reports completed pursuant to Government Code section 12525 to the BSCC, provide clarification that the required initial review is not only conducted but also documented in a written report that is then submitted to BSCC within 60-days of the death occurrence, and contains relevant demographic, facility, and circumstantial information. These amendments are necessary to ensure that existing requirements are clearly understood and that additional reporting requirements are sufficient to facilitate the Director’s review

of investigations of death incidents. Amendments to this section are proposed to become effective on July 1, 2024, to align with the effective date of the legislation.

There are no anticipated fiscal impacts due to these changes; operationally, facilities will need to update their policy and procedures manuals and submit in-custody death reports containing specified information to BSCC within the required time frames.

## **PURPOSE**

These revisions were made to enhance transparency of in-custody death incidents in local detention facilities and facilitate the responsibilities of the Director as outlined in SB 519. The amendments make section 1046 consistent with statute and ensure the BSCC is provided with sufficient reports and information to carry out its duty to review investigations of in-custody deaths, make specific recommendations to the sheriff or administrator of the local detention facility, and inspect facilities for compliance with minimum standards.

## **PROBLEMS THIS PROPOSED REGULATION SEEKS TO ADDRESS**

There are no specific problems that the revisions address, they reflect relevant changes in applicable statute.

## **BENEFITS ANTICIPATED FROM THE PROPOSED REGULATIONS**

The BSCC anticipates several benefits from the proposed regulation amendment. In addition to those benefits outlined in the Notice of Proposed Action, BSCC anticipates improved protection of the safety, security, and health of incarcerated persons and staff.

## **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS**

The BSCC did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of these regulations.

## **REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES**

No other reasonable alternatives were presented to or considered by the BSCC.

## **REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

The BSCC has not identified any alternatives that would lessen any adverse impact on small businesses.

## **EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES**

The BSCC has determined that the proposed regulations would not have a significant statewide adverse economic impact directly affecting business based on the Economic Impact Assessment, as discussed below.

## **LOCAL MANDATE DETERMINATION**

As required by Government Code section 11346.9(a)(2), the BSCC has determined that there will be no mandates imposed on local agencies or school districts as a result of the adoption of the Title 15 regulation amendments.

## **ECONOMIC IMPACT ASSESSMENT**

### **PURPOSE**

The BSCC is required by Penal Code 6030 to biennially review facility standards and make appropriate revisions. The proposed revisions were made to incorporate necessary requirements for the operation of local detention facilities.

### **THE CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA**

The proposed amendments will not create or eliminate jobs within the state of California.

### **THE CREATION OF NEW BUSINESSES OR THE ELIMINATION OF EXISTING BUSINESSES WITHIN THE STATE OF CALIFORNIA**

The proposed amendments will not create new businesses or eliminate existing businesses within the state of California.

### **THE EXPANSION OF BUSINESSES CURRENTLY DOING BUSINESS WITHIN THE STATE OF CALIFORNIA**

The proposed amendments will not expand businesses currently doing business within the state of California.

### **BENEFITS OF THE REGULATIONS TO THE HEALTH AND WELFARE OF CALIFORNIA RESIDENTS, WORKER SAFETY, AND THE STATE'S ENVIRONMENT**

The anticipated benefits from the proposed regulation amendments include the expansion of facility policies and procedures on in-custody death, improved investigative accountability and transparency in reporting, and the necessary data and reporting to support the enhanced mission of the BSCC to review, inspect, and promote legal and safe conditions in local detention facilities. Additional benefits of the amended regulations are the advancement of minimum standards for local detention facilities that improve the overall safety, security, and welfare of incarcerated people and staff in local detention facilities.

The BSCC has determined that the state's environment will not be affected by the adoption of these regulations because the regulations pertain to the minimum standards for local detention facilities. Requirements of these regulations do not address any factors that would cause a positive or negative effect on the environment.