

Welcome to the Regulations and Revision Process Overview

The meeting will begin at 5:30 PM



Regulations and Revision Process Overview

Board of State and Community Corrections
Facilities Standards and Operations

What is a Regulation?

- Is a rule that is developed by a state agency (BSCC) that applies to a specific group (local detention facilities)
- Can be performance-based or prescriptive
- Cannot contradict, conflict, or go beyond statute
 - *Regulations are intended to implement or interpret statute*

Where to find BSCC Title 15 regulations:

- [https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I9E840C8080EF11E3919DFDAA2C695CEE&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I9E840C8080EF11E3919DFDAA2C695CEE&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

Title 24 Regulations are located on the CA Building Standards Commission website:

<https://www.dgs.ca.gov/BSC/Codes>

How do BSCC's Regulations Apply to Local Detention Facilities?

- BSCC's regulations are minimum standards.
- All facilities across the state must meet them, even if resources differ.
- Agencies may EXCEED minimum standards.

Example Regulation:
Requirement:

Title 15, Section 1027.5, Safety Checks.

Safety checks shall be conducted at least hourly through direct visual observation of all inmates. There shall be no more than a 60 minute lapse between safety checks. There shall be a written plan that includes the documentation of routine safety checks.

Nothing prevents a facility administrator from writing a policy and procedure that allows for safety checks conducted more frequently than 60 minutes.

- BSCC cannot find noncompliance for something not specified in regulation.

How do BSCC's Regulations Apply to Local Detention Facilities?

- Regulations are NOT policy and procedure.
- The agency develops the policy and procedure using regulations as a framework.
- For safety checks, policy must include:
 - Hourly safety checks
 - A procedure for HOW they are completed and documented

Examples:

- *In a logbook, signed in blue pen*
- *Using an electronic device to record*

How Are Regulations Revised?

BSCC initiates Regulation Revisions when:

- (1) the Legislature adopts a statute that conflicts with existing regulation
- (2) when new statutes require BSCC to adopt new regulations, and
- (3) on a biennial schedule according to the requirement of Penal Code 6030(a).

State agencies with authority to adopt regulations have discretion on how changes to the regulations are proposed. State agencies may allow staff to propose changes, or like the BSCC, may seek input from various stakeholders through Executive Steering Committees, Subject Matter Experts, Workgroups, or public input.

How Are Regulations Revised?

1. Regulation Revision

BSCC's process includes:

- An Executive Steering Committee (ESC),
- Subject Matter Workgroups,
- Surveys, and
- final approval by the BSCC Board

This process has included several opportunities for public input and participation through surveys, comment periods, and participation on the ESC/Workgroups, and publicly accessible meetings.

2. Rulemaking

Official process of adopting regulations into the California Code of Regulations (CCR).

The California Office of Administrative Law (OAL) manages the rulemaking activities and requirements according to the Administrative Procedures Act (APA).

There is a minimum of one (1) 45-day public comment period and all comments must be responded to in the final submission to OAL.

More information on the official
Rulemaking process may be found at:

<https://oal.ca.gov/>

How to Participate

- Suggestions for revisions can be based on personal experience, understanding of best practice, or based in law.
- Should be specific and describe how the revision will be beneficial to people housed in and working at the facility; how will operations be impacted and how can BSCC monitor for the change?

EXAMPLE:

“Safety checks should be conducted every 50 minutes because people would be checked on more frequently and safety will increase.”

- Survey on website up through 5/24:
<https://app.smartsheet.com/b/form/cbdab36d442d4e609b9cc5dd14511836>
- Email to: regulations@bscc.ca.gov
- Attend 5/25 ESC meeting
- Bookmark for future information: <https://www.bscc.ca.gov/adult-titles-15-and-24-regulations-revision/>

Overview of Regulation Content

A photograph of the California State Capitol building in Sacramento, California. The building is a grand, white neoclassical structure with a prominent central dome topped with a golden orb. The dome is surrounded by a circular colonnade of white columns. To the left, a tall flagpole stands with the American flag. In the foreground, several large, green palm trees partially obscure the lower part of the building. The sky is a clear, bright blue.

Open Q&A

If you would like to make a comment on our current regulation revision or ask questions, please place your first name in the Chat.

Based on participation, time for comments and questions may be limited.

THANK YOU

for being here with us and participating in this meeting.

Further questions or comments may be directed to regulations@bscc.ca.gov