

MEETING DATE: May 23, 2023

AGENDA ITEM: B

TO: BSCC Chair and Members

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SUBJECT: Development of Process for Submittal of 60-Day Corrective Action Plans: **Requesting Approval**

Summary

This item requests that the BSCC Board direct staff to develop written policies and procedures for the submission and approval of county Corrective Action Plans (CAP) under Welfare and Institutions Code section 209.

Background

The Board of State and Community Corrections (BSCC) establishes the minimum standards for juvenile halls, camps, and secure youth treatment facilities (SYTF) and conducts inspections of those facilities. (Welf. & Inst. Code, §§ 209, 210, 875, & 885.)

Welfare and Institutions Code section 209, subdivision (d), provides:

Except as provided in subdivision (e), a juvenile hall, special purpose juvenile hall, law enforcement facility, or jail shall be unsuitable for the confinement of minors if it is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210 or 210.2, and if, within 60 days of having received notice of noncompliance from the board or the judge of the juvenile court, the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail has failed to file an approved corrective action plan with the Board of State and Community Corrections to correct the condition or conditions of noncompliance of which it has been notified. The corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the board shall either approve or deny. In the event the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail fails to meet its commitment to resolve noncompliance issues outlined in its corrective action plan, the board shall make a determination of suitability at its next scheduled meeting. (Emphasis added.)

In the Board's recent consideration of the suitability of the Los Angeles County juvenile halls, BSCC staff determined that the corrective action plan submitted by the county was insufficient and did not approve it. However, because the plan was submitted on the 60th day, there was also no opportunity for the county to make corrections. The county also submitted a supplemental corrective action plan (SCAP) after the 60-day period had passed. BSCC staff enumerated concerns about the deficiencies of both the CAP and SCAP at the April 2023 Board meeting and the Board did not approve either plan at the April 2023 meeting.

Going forward, it is recommended that the Board establish guidelines and/or promulgate appropriate regulations to address the CAP approval process. Considerations for this process should include, but not be limited to, the following:

- a. Whether the BSCC staff should be delegated with authority to approve or deny CAPs.
- b. Whether counties should be required to submit their CAP in advance of the 60-day deadline so that BSCC staff may provide technical assistance in the case of a deficient CAP. If so, how soon after notice of noncompliance should a CAP be submitted?
- c. A timeframe for when reinspection for compliance should occur within the 90-day corrective action timeframe

Recommendation/Action Needed

1. Approve the recommendation to direct BSCC staff to develop a written process and timeline for the consideration and approval of county Corrective Action Plans under Welfare and Institutions Code section 209 (d).
2. Until new policies and procedure are adopted, formally delegate authority to staff under Penal Code section 6025.6¹ to approve CAPs.

¹ "The [BSCC] may delegate any ministerial authority or duty conferred or imposed upon the board to a subordinate officer subject to those conditions as it may choose to impose."