

MEETING DATE: April 11, 2019 **AGENDA ITEM:** E

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, allison.ganter@bscc.ca.gov

SUBJECT: Titles 15 and 24 Minimum Standards for Local Detention Facilities Regulation Revision - **Requesting Approval**

Summary

The Board of State and Community Corrections is required to biennially review minimum standards for adult local detention facilities and make appropriate revisions pursuant to Penal Code section 6030, subdivision (a).

BSCC staff is requesting approval to begin the Adult Titles 15 and 24 Regulations Revision Process, create an Executive Steering Committee, and appoint an ESC Chair.

Upon approval, staff will begin regulation revision activities, which involves soliciting participation and feedback from subject-matter experts, local detention facility stakeholders and community and criminal justice partners. The Board will approve any proposed regulation revisions before BSCC staff begins the Administrative Procedures Act (APA) process.

Background

The most recent biennial revisions of minimum standards for local detention facilities, California Code of Regulations, Titles 15 (Operational) and 24 (Design and Construction) became effective in 2017 and 2018 respectively. Pursuant to Penal Code Section 6030(a), the BSCC is required to biennially review, and make changes if necessary, to these minimum standards.

The BSCC has a longstanding practice of developing regulations and recommending revisions in partnership with stakeholders. This method of regulation development results in meaningful and attainable minimum standards and ensures regulations are rooted in evidence-based and best practices.

Upon Board approval of this item, staff will meet with the ESC Chair to identify potential ESC members, develop a strategy for the revision process, and propose a timeline. Upon the Board's approval of this agenda item, staff will post information about this ESC on the BSCC's website and request statements from stakeholders and subject matter experts who are interested in being considered as members of the Title 15 and 24 Minimum Standards for Local Detention Facilities Regulations Revision ESC.

Staff anticipates that the ESC will convene in fall 2019. The ESC will identify critical issues for the regulation revision, solicit feedback from local detention facility partners and begin drafting revisions. Based upon strategies identified by the ESC, one or more workgroups may be convened to research critical issues and develop meaningful proposed regulations for review and approval by the ESC.

Once the ESC has developed final regulation revisions, BSCC staff will present them to the Board for approval before beginning public review in accordance with the APA. After the comprehensive public review process, the BSCC staff will submit for adoption the Title 15 Regulations to the Office of Administrative Law and the Title 24 Regulations to the Building Standards Commission.

Recommendation/Action Needed

Staff recommends:

1. The Board appoint an ESC Chair.
2. The Board empower the Chair of the ESC to develop a list of recommended ESC members and a proposed timeline.
3. The Board direct staff to begin the local adult detention facilities regulation review and revision process.