

MEETING DATE: July 12, 2018 **AGENDA ITEM:** C

TO: BSCC Chair and Members

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

SUBJECT: Working Group on Sexual Assault Final Regulations: **Requesting Approval**

Summary

The Board of State and Community Corrections is required to biennially review, and revise if necessary, the Minimum Standards for Local Detention Facilities, which are codified as Titles 15 and 24 of the California Code of Regulations. (Pen. Code, § 6030).

The proposed revisions in this report, approved by the Board in June 2017, have proceeded through the Administrative Procedures Act process, including two public comment periods. BSCC staff is requesting approval of the final proposed regulation revisions that would expand and enhance existing statewide minimum standards for local detention facilities to prevent, detect and respond to incidents of in-custody sexual assault and sexual harassment.

Background

The Board is authorized to develop regulations for the operation of local detention facilities pursuant to Penal Code section 6030.

At its September 22, 2016 meeting, the Board directed staff to convene a working group of subject-matter experts to consider each standard of the federal Prison Rape Elimination Act of 2002 (PREA) and its relationship to existing regulations for local adult detention facilities.

The product of that workgroup was presented as an informational item at the April 20, 2017 Board meeting.

The workgroup convened and examined each PREA jail standard to determine if, and how, each standard could be incorporated into existing adult standards. The workgroup also suggested language changes to both Titles 15 and 24 regulations, which are included in Attachment C-1 for reference. In summary, the changes would require local detention facilities to consider protection from sexual assault and harassment in both the design and operation of local detention facilities, including classification and housing assignments. In addition, the regulations would expand reporting methods of abuse, investigation of complaints and specialized medical and mental health care.

At the June 7, 2017 meeting, the BSCC Board approved draft regulations, which proceeded through a 45-day public comment period. While there were no public comments during the original comment period, Office of Administrative Law staff recommended several technical revisions to the proposed Title 15 regulations for clarity. From June 22, 2018 to July 7, 2018,

BSCC staff noticed those revisions to the public for an additional 15-day public comment periods required by the Administrative Procedures Act.

There were no public comments received during the 15-day public comment period; BSCC staff is requesting that the Board approve the final Title 15 proposed regulation revisions and direct staff to complete the Administrative Procedure Act process for regulation adoption.

Recommendation/Action Needed

Staff recommends:

1. The Board approve the final changes to Titles 15.
2. The Board direct staff to complete rulemaking activities pursuant to the Administrative Procedures Act.

Attachments

C-1 Final Express Terms

C-2 Supplement to the Initial Statement of Reasons