

DATE: June 8, 2017 **AGENDA ITEM:** I

TO: BSCC Chair and Members

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

SUBJECT: Working Group on Sexual Assault. Draft Regulations for Board Approval:
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 conducted as Titles 15 and 24 of the California Code of Regulations. (Pen. Code, § 6030).

BSCC staff is requesting approval for proposed regulation revisions that would expand and enhance existing statewide minimum standards for local detention facilities in order to prevent, detect and respond to incidents of in-custody sexual assault and sexual harassment.

Board staff is also seeking approval to proceed with the Administrative Procedure Act process for regulation adoption.

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 located in Attachment A for reference. In summary, the changes would require local detention facilities to consider inmate's safety 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. The potential fiscal impact of these new regulations has not yet been determined.

BSCC staff is requesting that the Board approve the draft proposed regulation revisions and direct staff to proceed with the Administrative Procedure Act process for regulation adoption.

Recommendation/Action Needed

Staff recommends:

1. The Board approve the proposed changes to Titles 15 and 24.
2. The Board direct staff to proceed with rulemaking activities pursuant to the Administrative Procedures Act.

Attachments

I-1: Summary of Changes Proposed