

**NOTICE OF PROPOSED ACTION  
AMENDMENT OF REGULATIONS OF THE  
BOARD OF STATE AND COMMUNITY CORRECTIONS**

**MINIMUM STANDARDS FOR JUVENILE FACILITIES  
TITLE 15, DIVISION 1, CHAPTER 1, SUBCHAPTER 5**

Pursuant to Welfare and Institutions Code Sections 210 and 885, the Board of State and Community Corrections (BSCC) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the BSCC to amend regulations contained in Title 15, Division 1, Chapter 1, Subchapter 5, California Code of Regulations, which is commonly known as the Minimum Standards for Juvenile Facilities, after considering all comments, objections, and recommendations regarding these regulations.

**PUBLIC HEARING**

BSCC has not yet scheduled a public hearing on this proposed action. However, the BSCC will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15-days before the close of the written comment period.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the BSCC. The written comment period closes at **5:00 pm on May 21, 2018**. The BSCC will consider only comments received at BSCC offices by that time. Submit comments to:

Ginger Wolfe, Standards and Compliance Officer  
2590 Venture Oaks Way, Suite 200  
Sacramento, CA 95833  
(916) 445-5073  
[ginger.wolfe@bscc.ca.gov](mailto:ginger.wolfe@bscc.ca.gov)

**POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS**

Following the public comment period, the BSCC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. Any modifications made to the full text of the proposed modifications will be clearly indicated and made available to the public for at least 15 days prior to the date that the BSCC adopts, amends, or repeals the regulation(s). The BSCC will accept written comments on the modified regulation text during the 15-day period. Comments should be addressed to the primary contact person as provide above.

NOTE: To be notified of any modifications, you must submit written/oral comments at the public hearing, if a hearing is held; submit comments to the office during the written public comment period; or specifically request to be notified of any modifications.

## **AUTHORITY AND REFERENCE**

Welfare and Institutions Code Sections 210 and 885 authorize the BSCC to adopt and amend the proposed regulations, which would implement, interpret, or make specific Sections 210, and 885 of the Welfare and Institutions Code.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

### **Summary of Existing Laws**

Welfare and Institutions Code Sections 210 and 885 authorize the BSCC to establish standards for local juvenile detention facilities.

### **Summary of Existing Regulations**

The BSCC promulgates the existing standards which prescribe requirements for juvenile detention facilities. These existing standards are codified in Title 15 Crime Prevention and Corrections, Division 1, Chapter 1, Subchapter 5 of the California Code of Regulations (CCR).

### **Determination of Inconsistency/Incompatibility with Existing State Regulations**

The BSCC has determined that these proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the BSCC has concluded that these proposed regulations only address the existing minimum standards for juvenile Facilities.

### **Summary of Effect**

The proposed action will update Title 15, Division 1, Chapter 1, Subchapter 5 CCR in the following ways: adopting and revising definitions to reflect current practices; changing regulatory requirements on the reporting of use of force incidents; assuring that chemical agents will be employed only after sufficient attempts at de-escalation of potentially violent situations; use of trauma-informed care considerations, where appropriate; ensuring transition and aftercare plans; adding standards for room confinement that reflect current law; and ensuring that youth will be allowed to have their own underwear throughout their stay.

### **Comparable Federal Statute or Regulations**

There are no comparable federal regulations or statutes.

### **Policy Statement Overview**

The broad objective of the proposed action is to maintain regulations for local juvenile facilities in conformance with sound correctional practices that also ensure the safe and secure detention of minors.

### **Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment**

The BSCC has determined that there will be a positive impact on the health and welfare of California residents, youth in detention, and worker's safety. The welfare of California residents, youth in detention, and worker safety will be affected positively

by the proposed regulations which intend to provide improved communications between youth and members of the public; improved facility operations; improved education, programming, and other related services; improved safety and security of youth, facility staff and others in juvenile facilities. Increased methods of communication and other listed improvements may also positively affect morale, coordination of services with community providers, and continuum of care.

The BSCC has determined that the state's environment will not be affected by the adoption of these regulations because the regulation pertains to the minimum standards for juvenile facilities. Requirements of these regulations do not address any factors that would cause a positive or negative effect on the environment.

### **DISCLOSURE REGARDING THE PROPOSED ACTION**

The BSCC has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None

Other nondiscretionary costs or savings imposed on local agencies: None

Costs or savings in federal funding to the state: None

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The BSCC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### **RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

Adoption of these regulations will not:

- (1) Create jobs or eliminate jobs within California.
- (2) Create new businesses or eliminate existing businesses within California.
- (3) Affect the expansion of businesses currently doing business within California.

Adoption of these regulations will:

- (1) Affect the welfare of California residents, youth in detention, and worker safety.

The welfare of California residents, youth in detention, and worker safety will be affected positively by the proposed regulations which intend to provide improved communications between youth and members of the public; improved facility operations; improved education, programming, and other related services; improved safety and security of youth, facility staff and others in juvenile facilities. Increased methods of communication and other listed improvements may also positively affect morale, coordination of services with community providers, and continuum of care.

Significant effect on housing costs: None

Business Report Determination: None

Small Business Determination: The BSCC has concluded that the implementation of this action will not affect small business as these regulations only apply to juvenile detention facilities.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5, subdivision (a)(13), the BSCC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The BSCC invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

### **AVAILABILITY OF RULEMAKING DOCUMENTS**

The Rulemaking File, which includes all the information on which this proposal is based, is available for viewing at the BSCC's office at the above address and may also be accessed through the BSCC's website at <http://www.bscc.ca.gov>.

### **AVAILABILITY OF MODIFIED TEXT**

If the BSCC makes modifications that are sufficiently related to the originally proposed text, it will clearly indicate the changes and make the modified text available to the public for at least 15 days before the BSCC adopts the regulations as revised. The modified text may be accessed through the BSCC website at: <http://www.bscc.ca.gov>. Those

persons who do not have access to the Internet may submit a written request to the contact persons listed below.

**AVAILABILITY OF INITIAL STATEMENT OF REASONS AND FINAL STATEMENT OF REASONS**

The Initial and Final Statement of Reasons may be accessed through the BSCC website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to the contact persons listed below.

**AVAILABILITY OF DOCUMENTS; INTERNET ACCESS**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in strikeout and underline can be accessed through our website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to the contact persons listed below.

**CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS**

Inquiries concerning the proposed action may be directed to the primary contact person:

Ginger Wolfe, Standards and Compliance Officer  
2590 Venture Oaks Way, Suite 200  
Sacramento, CA 95833  
Phone: (916) 445-5073  
[ginger.wolfe@bscc.ca.gov](mailto:ginger.wolfe@bscc.ca.gov)  
Fax: (916) 327-3317

The auxiliary contact person is:

Eloisa Tuitama, Field Representative  
2590 Venture Oaks Way, Suite 200  
Sacramento, CA 95833  
Phone: (916) 445-5073  
[Eloisa.Tuitama@bscc.ca.gov](mailto:Eloisa.Tuitama@bscc.ca.gov)  
Fax: (916) 341-7328