

**BOARD OF STATE AND COMMUNITY CORRECTIONS
TITLE 15, DIVISION 1, CHAPTER 1, SUBCHAPTERS 1 AND 4
MINIMUM STANDARDS FOR TRAINING AND LOCAL DETENTION FACILITIES**

**NOTICE OF PROPOSED ACTION AND
AMENDMENT OF REGULATIONS**

Pursuant to the authority granted by Penal Code sections 6030, 6035, and 6036, 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, Subchapters 1 and 4, California Code of Regulations (CCR), which are commonly known as the Minimum Standards for Training and Minimum Standards for Local Detention Facilities, after considering all comments, objections, and recommendations regarding these regulations.

PUBLIC HEARING

The 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 their authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the BSCC.

A written comment period has been established commencing on May 31, 2024, and closing on July 15, 2024. The BSCC will consider only comments received at BSCC offices by the closing date. Submit comments to:

Amanda Ferreira, Associate Governmental Program Analyst
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
regulations@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 provided 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

Penal Code sections 6030, 6035, and 6036 authorize the BSCC to establish and revise the proposed regulations, which would implement, interpret, or make specific sections 6030, 6035, and 6036 of the Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action is a result of Assembly Bill (AB) 268 (Chapter 298, Statutes of 2023), which established that training of correctional officers shall include at least four hours of training on mental and behavioral health annually (Pen. Code, § 6048). In addition, AB 268 requires correctional officers to be certified in cardiopulmonary resuscitation (CPR) and, when safe and appropriate to do so, to begin CPR on a nonresponsive person without obtaining approval from supervisors or medical staff. (Pen. Code, § 6034, subd. (b).)

Summary of Existing Laws and Effect of the Proposed Action

Penal Code sections 6030, 6035, and 6036 authorize the BSCC to establish minimum standards for training and local detention facilities. The minimum standards include but are not limited to, training requirements for local corrections and probation officers, health and sanitary conditions, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined in local detention facilities, and personnel training. Penal Code sections 6030, 6035, and 6036 also requires the BSCC to review those standards and make any appropriate revisions.

The proposed amendments to section 184 of Title 15, Division 1, Chapter 1, Subchapter 1 of the CCR require at least four hours of Adult Correctional Officer annual training be dedicated to mental and behavioral health, require agencies to ensure Adult Correctional Officers are certified and maintain proof of certification in CPR, and be trained on when it is safe and appropriate to begin CPR on a nonresponsive person without obtaining approval from supervisors or medical staff.

The proposed amendments to section 1028 of Title 15, Division 1, Chapter 1, Subchapter 4 of the CCR will require local detention facility administrators to develop and implement policies and procedures consistent with Penal Code 6048(b) regarding CPR-certified correctional officers providing CPR to nonresponsive persons without approval from supervisors or medical staff.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The BSCC has determined that these proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review of any regulations that would relate to or affect this area, the BSCC concluded that these are the only regulations that concern minimum standards for training of local corrections and probation officers and local detention facilities.

Comparable Federal Statutes or Regulations

There are no comparable federal regulations or statutes.

Anticipated Benefits of the Proposed Regulation

The BSCC has determined that there may be a positive impact on the health and welfare of California residents and worker safety. The regulations have been updated to require training in mental and behavioral health, CPR, and when CPR is safe and appropriate. Other changes to the regulations, such as the requirement for CPR certifications to be maintained by agencies and for facilities to have policies and procedures, ensure improved safety for facility staff, incarcerated persons, and other people who may be working, volunteering, or visiting a facility.

The BSCC has determined that the state's environment will not be affected by the adoption of these regulations because the regulations pertaining to the minimum standards for training of local corrections or probation officers, as well as local detention facilities. The 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

The BSCC concludes that it is unlikely that these regulations will (1) create new businesses or eliminate existing businesses within California, (2) create jobs or eliminate jobs within California, (3) affect the expansion of businesses currently doing business within California; and (4) The BSCC concludes that it is likely that these regulations will benefit the health and welfare of California residents, specifically due to specific training

on the mental and behavioral health of incarcerated individuals, CPR certification, and training on and ability to perform CPR on a nonresponsive person without waiting for approval from supervisors or medical staff. As stated above under **Anticipated Benefits of the Proposed Regulations**, there will be a positive effect on worker safety, but the state's environment will not be affected.

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 businesses as these regulations only apply to local city, county, or city and county agencies and 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 during the written comment period or public hearing if one is requested.

AVAILABILITY OF RULEMAKING DOCUMENTS

The Rulemaking File, which includes all the information on which this proposal is based, is available for viewing by request at the BSCC's office 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:

Gregory Hosman, Field Representative
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
Phone: (916) 341-7313
regulations@bscc.ca.gov

The auxiliary contact person is:

Amanda Ferreira, Associate Governmental Program Analyst
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
Phone: (916) 324-2878
regulations@bscc.ca.gov