

MEETING DATE: July 11, 2024 **AGENDA ITEM:** G

TO: BSCC Chair and Members

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

SUBJECT: Suitability and Corrective Action Plan Process - Welfare and Institutions Code Section 209 (d): **Requesting Approval**

Summary

The Board of State and Community Corrections (BSCC) is required by Welfare and Institutions Code section 209, subdivision (d) to make a determination of suitability of any juvenile detention facility that is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the BSCC. Subdivision (d) also sets forth a process requiring a facility to file an “approved corrective action plan” with the BSCC within 60 days after receiving notice of noncompliance.

At the May 2023 Board Meeting, the Board directed staff to outline a process for receipt and approval of corrective action plans (CAPs) from affected probation departments, to include final review and approval by the Facilities Standards and Operations (FSO) Deputy Director. At the September 2023 Board Meeting, staff provided the Board with a draft outline of the timetable for the draft CAP review and approval process, and informed the Board that staff would continue to refine the draft and recommend a proposed CAP process at a future Board meeting. This report and attachment summarize this proposed process.

Background

Welfare and Institutions Code (WIC) section 209, subdivision (d) requires the BSCC to make a determination of suitability for a juvenile detention facility if the facility is found noncompliant with Title 15 minimum standards and fails to meet the requirements outlined in this statute.

Section 209, subdivision (d), provides:

Except as provided in subdivision (e), a juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail shall be unsuitable for the confinement of juveniles if it is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210, 210.2, 875, or 885, and if, within 60 days of having received notice of noncompliance from the board or the judge of the juvenile court, the juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail has failed to file an approved corrective action plan with the Board of State and Community Corrections to correct the condition or conditions of noncompliance of which it has been notified. The corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail plans to

correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the board shall either approve or deny. In the event the juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail fails to meet its commitment to resolve noncompliance issues outlined in its corrective action plan, the board shall make a determination of suitability at its next scheduled meeting.

Section 209(d) does not describe a process for receipt and approval of a CAP. To provide consistency in receipt and approval, the Board first delegated approval of CAPs to the FSO Deputy Director and directed staff to outline a process for receipt and approval of CAPs.

The draft process is found in Attachment G-1.

Recommendation/Action Needed

Staff recommends the Board approve the suitability and corrective action plan process as outlined.

Attachments

G-1: Welfare and Institutions Code section 209, subdivision (d) Corrective Action Plan Review and Approval Process