

DEPARTMENT OF CORRECTIONS AND REHABILITATION

DIVISION OF JUVENILE JUSTICE

Title 15, California Code of Regulations

Sections 4190, 4191, 4192.5, 4193, and 4196

Extended Confinement Time and Jurisdiction Over Dangerous Persons

FINAL STATEMENT OF REASONS

The Welfare and Institutions (W&I) Code, Section 1800 was adopted in 1963. It states, in effect, that the California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ) can request that the prosecuting attorney petition the committing court for an order to extend the confinement time of a youth if the impending discharge of the youth would pose a danger to the public because of the youth's mental or physical deficiency, disorder, or abnormality.

In November 2004, the Superior Court of California in *Farrell v. Allen* (now *Cate*), County of Alameda, Case No. RG 03079344, issued orders in a Consent Decree under which the DJJ agreed to file remedial plans in all areas of deficiency identified by experts for the Court by January 31, 2005. The DJJ agreed to develop and implement a policy related to forensic evaluations by June 1, 2007. The policy was to be consistent with the principles discussed in Section 5 of the Mental Health Remedial Plan, dated August 24, 2006.

Current DJJ regulations pertaining to forensic evaluations are incomplete; consequently, they do not sufficiently provide staff with clear guidelines.

Comments Received during the Period the Text was Available to the Public

The DJJ did not receive any comments on the proposed regulation text.

Alternatives Determination

The DJJ has determined that no reasonable alternative has been identified and brought to the attention of the agency or would be as effective as and less burdensome to affected private persons than the proposed action.

Local Mandate Determination

The proposed regulations do not impose any mandate on local agencies or school districts.

ADDENDUM

The forms in the text were in the rulemaking file, available at all times, and would have been available if anyone had asked for copies.