

**DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**DIVISION OF JUVENILE JUSTICE**

**Title 15, California Code of Regulations**

**Sections 4680, 4681, 4682, 4683, 4684, 4685**

**Youth Escape**

**NOTICE OF PROPOSED RULEMAKING**

**NOTICE IS HEREBY GIVEN** that the California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ) proposes to (adopt and amend) Sections 4680, 4681, 4682, 4683, 4684, 4685, Title 15, Division 4, Article 8, of the California Code of Regulations (CCR) pertaining to youth escape.

**PUBLIC HEARING**

The DJJ has not scheduled a public hearing on this proposed action. However, the DJJ 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**

The public comment period will close on March 8, 2010. Any interested person may submit public comments in writing (by mail, by fax, or by e-mail) relevant to this proposed regulatory action. To be considered by the DJJ, written comments must be submitted to the DJJ, Policy, Procedures, Programs, and Regulation (PPP&R) Unit, 4241 Williamsborough Drive, Suite 127, Sacramento, CA 95823; by fax at (916) 262-2608; or by e-mail at [veronica.perez3@cdcr.ca.gov](mailto:veronica.perez3@cdcr.ca.gov) before the close of the comment period.

**AUTHORITY**

Section 1712 of the Welfare and Institutions (W & I) Code assigns responsibility to the CDCR to make and enforce all rules appropriate to the proper accomplishment of the functions of the DJJ.

**REFERENCE**

This action is proposed to implement, interpret, and/or make specific Section 1004 of the W&I Code, that states the DJJ shall have charge of the persons committed to or confined in DJJ facilities and shall provide for their care, supervision, education, training, employment, discipline, and government.

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

Section 1712 of the Welfare and Institutions (W&I) Code establishes the California Department of Corrections and Rehabilitation has the responsibility to make and enforce all rules appropriate to the proper accomplishment of the functions of DJJ.

Section 1004 of the W&I Code establishes that the DJJ shall have charge of the persons committed to or confined in DJJ facilities and shall provide for their care, supervision, education, training, employment, discipline, and government.

The Division of Juvenile Justice (DJJ) regulations regarding youth escape need to be amended due to the DJJ's operational changes. The DJJ is in the process of incorporating the Office of Correctional Safety as an instrumental part of the youth escape plan. These amended regulation sections will establish employee responsibility and a revised plan of operation for reporting, pursuing, and apprehending a youth that has escaped the custody of the DJJ.

## **CONTACT PERSON**

Please direct any inquiries regarding this action to:

**Veronica Perez**  
**Policy, Procedures, Programs, and Regulations Unit**  
**Division of Juvenile Justice**  
**(916) 262-3279**

Questions regarding the substance of the proposed regulations should be directed to:

**Major Larry Miranda**  
**Office of Correctional Safety**  
**Division of Juvenile Justice**  
**(916) 323-2508**

In the event the contact persons are not available, inquiries may be directed to the following back-up contact:

**Angelina Parker**  
**Policy, Procedures, Programs, and Regulations Unit**  
**Division of Juvenile Justice**  
**(916) 262-1550**

## **LOCAL MANDATES**

This action imposes no local mandates on local agencies or school districts or a mandate which requires reimbursement pursuant to Government Code Sections 17500-17630.

## **FISCAL IMPACT STATEMENT**

- 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
- Cost or savings in federal funding to the state: None

## **EFFECT ON HOUSING COSTS**

The DJJ has made the initial determination that the proposed regulations will not have a significant effect on housing costs.

## **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

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

## **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS**

The DJJ has determined that the proposed regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

## **EFFECT ON SMALL BUSINESS**

The DJJ has determined that the proposed regulations will not affect small business due to the fact this regulations only apply to the DJJ and the youth in the custody of DJJ.

## **ASSESSMENTS REGARDING EFFECT ON JOBS/BUSINESS**

DJJ has determined that the proposed regulations will have no affect on the creation of new or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

## **ALTERNATIVES CONSIDERED**

DJJ must determine that no reasonable alternative considered by the Division, or that otherwise has been identified and brought to the attention of the Division, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, then the proposed action.

## **AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS**

DJJ has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those

items and all information on which the proposal is based is available to the public on request directed to the DJJ's contact person. The proposed text, ISOR and Notice of Proposed Action will also be made available on the California Department of Corrections and Rehabilitation, Division of Juvenile Justice website <http://www.cdcr.ca.gov>

**AVAILABILITY OF FINAL STATEMENT OF REASONS**

Once completed, the final statement of reasons will be available upon request from the agency contact person indicated within this notice and posted at the above CDCR website.

**AVAILABILITY OF CHANGES TO PROPOSED TEXT**

After considering all timely and relevant comments received, the DJJ may adopt the proposed regulations as set forth above without further notice. If the regulation text is modified by the DJJ and the changes are sufficiently related to the originally proposed action, the DJJ will make the modified text available (with the changes clearly indicated) to the public for at least 15 days prior to adopting the amended regulations. The DJJ will accept written comments pertaining to only the modified text during the 15-day period prior to adoption of the revised text. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice.