

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

APPEAL – Board of State and Community Corrections

Title 15, Section 1314

Authority:

Tracy Reece, Chief Probation Officer

Purpose: To establish guidelines regarding filing an appeal with the Board of State and Community Corrections concerning the application and enforcement of standards and regulations governing juvenile facilities.

Definitions:

Board: The California Board of State and Community Corrections provides services to the county adult and juvenile systems through inspections of county jails and juvenile detention facilities, technical assistance on local issues, promulgation of regulations, training standards for local correctional staff, and the administration of a wide range of public safety, re-entry, violence reduction, and rehabilitative grants to state and local governments and community-based organizations.

Appeal: A request based on alleged misapplication, capricious enforcement of regulations, or substantial difference of opinion concerning the proper application of regulations or procedures. There are two levels of appeal:

1. The appeal to the Executive Director.
2. The appeal to the Board.

Appeal Hearing: An administrative procedure providing an appellant with an opportunity to present facts of the appeal for the formal decision concerning matters raised pursuant to the purposes outlined in BSCC regulations. The appeal hearing procedures are intended to provide a review concerning the Board application and enforcement of standards and regulations governing juvenile facilities.

Responsibilities:

I. Probation Administration or Designee:

- A. If the county/juvenile facility is dissatisfied with an action of the Board staff:
 1. May file an initial appeal with the Executive Director within thirty (30) days of notification of the action with which the county/facility is dissatisfied.
 2. The appeal shall be in writing and state the basis for the dissatisfaction, state the action being requested of the Executive Director, and attach any correspondence or other documentation related to the cause for dissatisfaction.
 3. The procedural time requirement may be waived with the mutual consent of the appellant and the Executive Director.
- B. If the county/juvenile facility is dissatisfied with an action of the Executive Director:
 1. May file a request for an appeal hearing with the Board within 30 calendar days after receipt of the Executive Director's decision.
 2. The request shall be in writing and state the basis for the dissatisfaction, state the action being requested of the Board, and attach any correspondence related to the appeal from the Executive Director.
 3. The procedural time requirements may be waived with mutual consent of the parties involved.

4. An appellant may waive a personal hearing before the hearing panel and, under such circumstances, the hearing panel shall consider the written information submitted by the appellant and other relevant information as may be deemed appropriate.

Guidelines:

- A. Refer to Title 15, Section 1314 for the complete appeal process.
- B. The decision of the Board shall be final pursuant to Title 15, Section 1314.

Inspections:

Refer to the Policy and Procedure Inspection Matrix.


Foundation:

Minimum Standards for Juvenile Facilities, Title 15, Section 1314

References:

Welfare and Institutions Code, Section 210 & 885

Issued by:



Tracy Reece, Chief Probation Officer

Original Issue Date: November 2, 1996

Revised: August 16, 2001
Revised: June 20, 2003
Revised: February 27, 2008
Revised: August 14, 2017
Revised: September 27, 2022